

# AN UNENDING CRISIS: ESSENTIAL STEPS TO REDUCING GUN VIOLENCE AND MASS SHOOTINGS

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## HEARING BEFORE THE SUBCOMMITTEE ON CRIME, TERRORISM, AND HOMELAND SECURITY OF THE COMMITTEE ON THE JUDICIARY HOUSE OF REPRESENTATIVES ONE HUNDRED SEVENTEENTH CONGRESS FIRST SESSION

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# **AN UNENDING CRISIS: ESSENTIAL STEPS TO REDUCING GUN VIOLENCE AND MASS SHOOTINGS**

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**Thursday, May 20, 2021**

HOUSE OF REPRESENTATIVES

SUBCOMMITTEE ON CRIME, TERRORISM,  
AND HOMELAND SECURITY

COMMITTEE ON THE JUDICIARY  
*Washington, DC*

The Subcommittee met, pursuant to call, at 10:13 a.m., in Room 2141, Rayburn House Office Building, Hon. Sheila Jackson Lee [chair of the subcommittee] presiding.

*Members present:* Representatives Nadler, Jackson Lee, Demings, McBeth, Dean, Scanlon, Cicilline, Escobar, Cohen, Jordan, Biggs, Chabot, Gohmert, Steube, Tiffany, Massie, Spartz, and Owens.

*Staff present:* David Greengrass, Senior Counsel; John Doty, Senior Advisor; Moh Sharma, Member Services and Outreach Advisor; Cierra Fontenot, Chief Clerk; John Williams, Parliamentarian; Ben Hernandez-Stern, Counsel; Joe Graupensperger, Chief Counsel; Veronica Eligan, Legislative Aide/Professional Staff Member; Jason Cervenak, Minority Chief Counsel for Crime; Ken David, Minority Counsel; Andrea Woodard, Minority Professional Staff Member; and Kiley Bidelman, Minority Clerk.

Ms. JACKSON LEE. The Subcommittee will come to order. Without objection, the Chair is authorized to declare recesses of the Subcommittee at any time.

We welcome everyone to this morning's hearing, "An Unending Crisis: Essential Steps to Reducing Gun Violence and Mass Shootings."

Before we begin, I would like to remind Members that we have established an email address and distributions list dedicated to circulating exhibits, motions, or other written materials that Members might want to offer as part of our hearing today. If you would like to submit materials, please send them to the email address that has been previously distributed to your offices and we will circulate the materials to Members and staff as quickly as we can.

I would also ask all Members to mute your microphones when you are not speaking. This will help prevent feedback and other technical issues. You may unmute yourself any time you seek recognition and as well when you are speaking you may not have your mask.

I will now recognize myself for an ongoing of this hearing for an opening statement. We are here today on May 20, 2021 when throughout America, states have rates of death by guns of 12, 15, 22 percent of our population. America still remains as a battlefield of guns.

The State of Texas, the governor just signed a permitless law that anyone without the permission of that business, that church, that doctor's office, that school, at least perceived by the public, whatever fine points have been made, the public doesn't read it. They just say it is a free for all. In the backdrop of the tragedy of El Paso, 22 of our fellow Texans were killed because someone said they didn't like Mexicans.

So, today, the Subcommittee turns to the all-too-commonplace tragedy that is gun violence. The time since our Committee last held a hearing focused on gun violence, many more Americans' lives have been heartbreakingly and unnecessarily lost to gunfire. Current circumstances have exacerbated the problem. During the pandemic gun sales have surged, with more children at home with firearms that have not been properly secured.

As late or as many years back, I served on the Houston City Council. The first gun law they ever past were the requirement that parents would be responsible for securing their guns because two-year-olds were being shot by guns that they found in the home.

On top of these frightening dynamics, there have been an uptick in firearm-fueled violent crime that has left families and communities torn and afraid. Statistics are sobering. On average, 316 people are shot every day with over 100 killed and 64 dying by suicide. What about a city that lives through drive-by shootings, rage on the road? They don't wave their fists. They shoot out the window. They shoot seven-year-olds, two-year-olds, elderly persons, mothers, fathers, and families.

While official numbers have not been compiled, once they found a gun homicide, the non-suicide related shooting took approximately 19,000 lives, a 25 percent increase from 2019. Texas had over 3,000 deaths.

The same study on gun deaths estimates that likely exceeded 40,000. This grim number would mean that 2020 had the highest rate of gun deaths in the last two decades. Each one of these deaths leaves a hole in the fabric of their family and community, and particularly our children.

As with so many other tragedies, children often bear the brunt of gun violence. On a daily basis, eight children are victims of family fire due to an improperly stored or misused gun in their home.

Today, guns account for half of all suicide deaths. That should appall us so much. In the majority of children's gun suicides, the guns were stored in the child's place of residence or the residence of a relative or friend. Yes, child suicides were done.

We cannot allow this to continue in our country. That is why safe storage of guns is critical to our public safety and why I introduced the Kimberly Vaughan Firearm Safe Storage Act. My bill would regulate the proper storage of firearms and ammunition for residences with children under the age of 18 or a residence with a person who is ineligible to own a firearm. I hope Members will join

me and cosponsor this live-saving legislation, and I hope Members from both sides of the aisle.

I also hope that Members of this Committee will answer President Biden's call to address community violence through intervention and help infrastructure investment. We are delighted that this Congress voted to allow the Centers for Disease Control to establish gun violence as a national health issue.

We must pursue creative solutions to the problem of gun violence on our streets and in our neighborhoods and in every part of this country in all too frequent basis. Another threat to our communities that we will discuss today is ghost guns. Ghost guns are firearms constructed with component parts that can be obtained anonymously without a background check and lack serial numbers. Ghost guns are essentially untraceable. The absence of a manufacturing record, serial number, or background check is essentially exactly what makes them the perfect guns to commit crimes. These weapons, ghost guns, pose a new and growing threat to the safety of our brave men and women of law enforcement.

I didn't State earlier that the Texas law enforcement were against permitless guns. I think if you are for law enforcement, you have to be for law enforcement.

Increasingly gangs, drug dealers, and other nefarious individuals are assembling their own untraceable firearms for their illicit activity. In 2020 alone, the Los Angeles Police Department recovered more than 600 ghost guns, at least 231 of which were used in serious or violent crimes such as murder, attempted murder, and kidnapping, and 145 of which were recovered from felons who are prohibited from owning or possessing guns. Ghost guns are a clear and present threat to public safety, and it is imperative that we take action now. We cannot continue to live in a society where you could be a victim to gun violence just by going to the school, the movies, the musical festivals, and even grocery shopping.

I am committed to ending the scourge of gun violence in this country and for many who are in this room, some of us were here as Columbine hit the Nation and the commitment then was to stop gun violence. We must do more to address what is an issue of life and death for far too many Americans. We must complete this work and we have started on legislation that we know will work.

Therefore, I call on the Senate to now pass the bipartisan background check and Charleston loophole bills, passed out of this House under the leadership of Chair Nadler. I urge the Senate to pass the Violence Against Women Act, which contains a provision that would bar the use of a firearm for those who are convicted of a misdemeanor stalking. I am glad to co-lead that bill as it came out of this committee.

At the same time, we in the House must consider additional legislation to provide commonsense solutions to the scourge of gun violence and suicides. That is why our discussion will be so important today. This discussion, Members, and I thank you for your presence here, should be a call to action and a call to do. We must do and we have to do it now.

I look forward to hearing from our witnesses on these critical issues and it certainly is my pleasure now to recognize the Ranking

Member's opening statement. Mr. Biggs, you are recognized for your time.

Mr. BIGGS. Thank you, Madam Chair.

Ms. JACKSON LEE. Good morning.

Mr. BIGGS. Good morning to you. Thank you very much. I express my sincerest condolences to those present who have lost a loved one to a senseless act of violence.

I hope today we can have an open and honest dialogue about the firearms my colleagues wish to prohibit law-abiding Americans from possessing. I hope we can avoid any inaccuracy, mischaracterization, and outright falsehoods that have plagued this dialogue for decades actually.

Unfortunately, many in the American public, the media, and shockingly, this very body, regularly engage in the peddling of inaccuracies. Earlier this year, one member of this Committee who is the lead sponsor of the so-called assault weapon ban conflated the terms of assault rifle and assault weapon multiple times in the Dear Colleague letter seeking support for the bill.

Assault rifles are rapid magazine-fed rifles designed for military use. They are shoulder-fired weapons that allow the shooter to select between settings semi-automatic and fully automatic which allows the operator to hold the trigger as the gun fires continuously or in three-shot bursts. Assault rifles are subject to regulation under the National Firearms Act and as such, they are functionally illegal and rarely used in crimes. Assault weapons, on the other hand, have been defined in statute and legislation as semi-automatic firearms.

A year ago, a member of this Committee said just outside this hearing room that "I have held an AR-15 in my hand. I wish I hadn't. It is as heavy as ten boxes that you might be moving and the bullet that is utilized, a .50 caliber, these kinds of bullets need to be licensed and do not need to be on the street." An AR-15 weighs between 6 and 7 pounds and fires a .223 or a 9-millimeter round of ammunition. It does not fire a .50 caliber ammunition.

I would hope that these inaccuracies are just a case of Members not taking the time to educate themselves on these issues. I would note, however, the push to ban so-called assault weapons was borne of the idea to mislead Americans. In 1988, the Violence Policy Center released a study entitled "Assault Weapons and Accessories in America." In it, they state, "Assault weapons, just like armor-piercing bullets, machine guns, and plastic firearms are a new topic. The weapon's menacing looks, coupled with the public's confusion over fully automatic machine guns versus semi-automatic assault weapons, anything that looks like a machine gun is assumed to be a machine gun can only increase the chance of public support for restrictions on these weapons."

Let's look at the statistics. In 2019, according to the FBI, there were 364 murders committed with all rifles, not just those deemed to be some assault weapons. By comparison, knives or other cutting instruments were used in 1,476 murders. Blunt objects such as clubs, hammers, and bats were used in 397 murders. Hands and feet were used in 600 murders.

The fact is that so-called assault weapons and high-capacity magazines have been used often in self-defense situations. The Su-

preme Court of the United States has recognized the right to self-defense. In the *District of Columbia v. Heller*, the court ruled that the inherent right of self-defense has been central to the Second amendment right which is the individualized right to possess and carry weapons in case of confrontation, including all instruments that constitute bearable arms.

Steven Willeford and his AR-15 helped stop the deadliest mass shooting in Texas history in 2017. Mr. Willeford was able to confront and shoot Devin Kelley who had just fatally shot 26 people in the First Baptist Church in Sutherland Springs, Texas. After Mr. Willeford pursued and shot Kelley, Kelley ended up taking his own life. Mr. Willeford likely prevented further casualties and was hailed a hero by local law enforcement.

Similarly, high-capacity magazines have played a role in self-defense. On April 15, 2018, a Glen St. Mary, Florida resident awoke at 4 a.m. to a home invasion that was motivated by an apparent Facebook dispute. Seven masked and armed individuals forced their way into a mobile home where one of the residents was armed with an AR-15. According to reports, the resident fired more than 30 rounds during the event which resulted in one home invader being killed, and others being wounded. These are just two of many examples of Americans exercising their constitutional rights to self-defense with assault weapons and high-capacity magazines.

Further, the Violent Crime Control and Law Enforcement Act, Congress required the Justice Department to examine the effects of the assault weapons ban. The mandated study of the federal assault weapon and high-capacity ban concluded that “the banned guns were never used in more than a modest fraction of all guns murders” before the ban. The ban’s ten round limit on new magazines was not a factor in multiple-victim or multiple-wound crimes.

A follow-up study in 2004 concluded that so-called assault weapons and high-capacity magazines were used in only a minority of gun crimes prior to the 1994 federal ban. Relatively few attacks involved more than ten shots fired and the ban’s effects on gun violence are likely to be small at best and perhaps too small for a reliable measurement.

Democrats would also like to implement red flags in the laws, known as extreme risk protection orders which allow law enforcement, family Members, or others with close relationships to the individual to petition a State court to temporarily remove firearms from the individual who they believe to present a danger to themselves or others. These laws trample on an individual’s due process and Second amendment rights because they permit the seizure of an individual’s firearm or ammunition before the individual is given an opportunity to be heard in court.

Typically, to deny a fundamental constitutional right, an individual must be afforded notice and an opportunity to be heard and present evidence. What other constitutional rights are my Democrat colleagues willing to take away without due process? I urge my colleagues to learn more about the rights they are seeking to abridge.

Finally, let’s look at the Biden’s Administration nominee to lead the Bureau of Alcohol, Tobacco, Firearms, and Explosives, David

Chipman. Since Mr. Chipman left ATF in 2012, he has made his money lobbying for failed gun control policies, first for Michael Bloomberg, and then for the Giffords Law Center. While at ATF, then Agent Chipman was the case agent for the Branch Davidian trial according to his biography that he submitted to this Committee last Congress.

As I am sure everyone knows, 76 men, women, and children were killed in that botched raid. Years later, while pushing for more gun control, Mr. Chipman allegedly claimed, falsely claimed that Branch Davidian shot down two Texas Air National Guard helicopters with .50 caliber rounds during the 51-day siege. In two reports, one issued jointly by this Committee and the Committee on Government Reform and Oversight, and one issued solely by the Committee on Government Reform and Oversight, there is no mention of a single helicopter being downed.

In the report to the Deputy Attorney General on the events at Waco, Texas, there is no mention of a helicopter being downed by any gunfire. It appears Mr. Chipman pulled this story out of thin air to justify gun control. The job of the ATF director is to enforce the laws Congress passes, this body passes, not from failed gun policies.

Madam Chair, I do have a number of articles that I will submit into the record, but I don't want to further delay the start of this, so I am going to wait until the end, if that is all right with you, and I think it would be more convenient.

With all due respect to you and your position as Chair of this Subcommittee and understanding that you are given wide latitude and I respect that latitude in our rules, I regret, however, to report that I have noticed a startling propensity for the Chair to take time after many of my Republican colleagues, a period of questioning and occasionally after the witnesses as well. I realize that you do have that great latitude that are given in the rules, but out of fairness, I request that if you do take that privilege that perhaps you would grant the member equal time for rebuttal or clarification related to the comments you make, or grant me time to comment on the statements and questions that are made by Democrats as well.

With that, I do look forward to hearing from our witnesses today, a robust debate, and with that Madam Chair, I yield back.

Ms. JACKSON LEE. Will the gentleman yield?

Mr. BIGGS. Yes, I will yield to you, Madam Chair.

Ms. JACKSON LEE. I thank the gentleman for his inquiry and his comment. It is the prerogative of the Chair which I will continue with discretion to utilize, but as you recall in the last hearing we allowed you to have a response and I will continue to do so. Absolute inaccuracies sometimes require for a correction of the record, but the ranking will have an opportunity appropriately if that occurs to make a clarification as well. I thank you so very much for your generosity and your interest in this hearing and this topic.

Mr. BIGGS. Yield back.

Ms. JACKSON LEE. Thank you so very much. It is now my pleasure to recognize the Chair of the Judiciary Committee, Mr. Nadler, for his opening statement.

Chair NADLER. Thank you very much. I thank Chair Jackson Lee for convening this hearing. I thank the witnesses for being here to

inform this Committee on how we can develop additional solutions to promote firearm safety.

For well over a year now, America has grappled with two public health crises, the COVID-19 pandemic, and an epidemic of gun violence. No place is immune from the effects of gun violence including our homes, streets, schools, and even our places of worship. The uncertainty of the pandemic has driven thousands of Americans to gun stores with record numbers of first-time buyers bringing firearms into their homes.

The FBI background check system has been overwhelmed by the demand, delaying investigations, and resulting in potentially hundreds of thousands of people buying firearms without a completed background check. While every Nation has struggled with the effects of the pandemic, only one, United States, has had such an accompanying surge of gun violence.

Even before COVID-19, a country-to-country comparison of gun violence was shocking. A recent study in the American Journal of Medicine found that compared to 29 other high-income countries, the gun related murder rate in the United States is 25 times higher. Even when you adjust for population differences, Americans are disproportionately killed by gun violence.

One of the critical differences, of course, is that other countries have stronger gun safety laws. The House has already passed two sensible firearm measures: Congressman Mike Thompson's bipartisan background check bill, and Majority Whip Clyburn's bill to help close the Charleston loophole. The House has done its part. Now, it's time for Senate Republicans to allow these bills to pass so that they may become law.

Today, I hope this panel will examine another reasonable measure to prevent gun violence, extreme risk protection orders, or ERPOs. These laws allow law enforcement and depending on the jurisdiction, family Members, health professionals, and school administrators, to ask the court to prevent the person who is at risk of violence to self or to others from purchasing or possessing firearms. In ERPO hearings, law enforcement and family Members provide evidence in an ex parte proceeding during which a neutral federal judge weighs on whether a threat is imminent. Only if a finding of danger is made is a firearm owner temporarily deprived of their firearm.

In California, one study found that extreme risk protection orders were issued in 21 instances where there is concern of a mass casualty event. These orders may have saved many lives.

After Connecticut enacted an extreme risk protection order law, the State saw a 14 percent reduction in its firearm suicide rate. Indiana saw a seven and a half percent reduction in suicides in the ten years after it enacted its ERPO law. The data supports the expansion of ERPOs. We must take up legislation on the federal level and pass it now.

Another item I hope the witnesses will discuss is ghost guns. These weapons are kits that are up to 80 percent complete, that can be finished at home. Sold as a do-it-yourself project, ghost guns do not currently have serial numbers or require a background check. Over the last three years, ghost guns have flooded the streets and now they are the plurality of guns involving crimes in

some jurisdictions. Because ghost guns do not have serial numbers, they are difficult to trace and make solving crime extremely challenging.

The legislature in my home State of New York is in the midst of taking affirmative steps to address the proliferation of ghost guns. Just this week, the New York legislature is considering the Scott J. Beigel Unfinished Receiver Act which would make it a felony to own or possess unfinished receivers or ghost guns. This legislation has already passed the State Senate and the governor is expected to sign it. I support this effort and I hope that Congress can quickly move to address on a federal level the dangers that ghost guns present.

Another urgent issue that we must address is the deadly toll of assault-style weapons. These firearms are designed specifically for offensive operations, killing the most people in the shortest period of time possible, which is why they are the weapon of choice for those perpetrating the highest casualty mass shootings. The list goes on and on: Sandy Hook, Las Vegas, El Paso, Dayton, Sutherland Springs, Aurora, Orlando, Parkland, and most recently, Boulder. Hundreds of lives ended by individual shooters with assault weapons with friends and family left to grieve and pick up the pieces. Victims of mass shootings and everyday gun violence alike have tried and failed to hold gun makers and distributors accountable in court.

The Protection of Lawful Commerce in Arms Act, the PLCAA, which was the top legislative priority to corporate gun industry, has allowed the gun industry to evade fundamental civil justice and accountability at the expense of victims of gun violence. We must repeal PLCAA's sweeping immunity from civil liability for the gun industry which must be held to account for negligent conduct, defective products, and otherwise irresponsible behavior. I ask you, what other industry in the United States enjoys sweeping immunity for civil liability for its negligent acts?

As we consider these and other issues related to our crisis of gun violence, I thank the witnesses for coming today and again, I express my gratitude to Chair Sheila Jackson Lee for convening this hearing.

Before I yield back, I ask for unanimous consent for a letter from Linda Beigel Schulman, a leading gun safety prevention advocate in my home State of New York, describing efforts in New York to address the proliferation of ghost guns to be entered into the record.

Ms. JACKSON LEE. Without objection, Mr. Chair, so ordered.  
[The information follows:]



**MR. NADLER FOR THE RECORD**

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My name is Linda Beigel Schulman and I want to speak to you about the banning of Ghost Guns.

The banning of "Ghost Guns" is of paramount importance to the safety of all the people who live in the United States. For those who do not know, Ghost Guns are Do It Yourself (DIY) guns. What do I mean by a DIY gun? Simply this. A person can go on-line to any number of websites and buy all of the components of a firearm. These components can then be assembled into a fully operational AR-15. The cost...under \$1000.00. The time... can be as little as 30 minutes. Do you think this is just some hype?

Here are a couple of websites for you to explore.

**Ghostguns.com.** On ghostguns.com, they sell "starter kits" to kits for fully functional AK-47, AR-15 and so many others. They will also sell you the jigs and tools necessary to make the few modifications to the parts to make the "kit" an operational firearm.

How about going to **JSDSupply.com** where they have as one of their selling points, "With any other guns, you go to the gun store, fill out a bunch of forms. They'll run a background check, and depending on your state, you could wait awhile.

The best part of their sales pitch is "With JSD Supply, you'll have the 80% lower receiver and all the parts needed to finish a firearm yourself shipped to your door. No paperwork and without serialization, there is no way to track your purchase".

JSD wants to make your purchase of an untraceable firearm as easy as possible. You can shop by Category where you will find kits for a glock, AR-10, AR-15 and other firearms. If you know the specific brand, you can shop that way also. Believe it or not, JSD will let you

know where there are gun shows so you can actually see and examine your future ghost gun before you purchase it.

These are only two of the websites that market "Ghost Guns". If you are not satisfied with the price or selection or delivery time from Ghostguns.com or JSDSupply.com, you always shop around to websites like [ghostrifles.com](http://ghostrifles.com) or [uspatriotarmy.com](http://uspatriotarmy.com) or [glockghost.com](http://glockghost.com) or [everygunpart.com](http://everygunpart.com).

Get the point...There are hundreds, if not thousands, of websites where anyone can purchase a kit to assemble a fully workable firearm.

This is insanity!!!

The only people who would be interested in purchasing this untraceable firearm is someone who cannot pass a background check or someone who intends to commit a crime knowing that the firearm cannot be traced back to them.

How important is it to close this loophole? Over the last 20 plus years, the Federal Government has taken no action on meaningful gun safety legislation whatsoever. On April 7, 2021, I was invited by President Biden to the Rose Garden at the White House where the President announced his "Initial Actions to the Gun Violence Health Epidemic".

Do you want to know how important President Biden feels about the banning of "Ghost Guns"? The very first initiative outlined by the White House was for the Justice Department, within 30 days, to issue a proposed rule to help stop the proliferation of "ghost guns."

This is a great FIRST STEP. But as we have learned over the prior four years, executive actions or orders can be rescinded by the next occupant of the White House. We need legislation to ban ghost guns and we need it now!!!

In New York, that legislation has already passed the New York State Senate. On May 19, 2021, the legislation was voted out of the New York State Assembly Codes Committee and is awaiting a final vote in the Assembly. The legislation consists of two separate bills. There is the Jose Webster Untraceable Firearms Act (A00613) and the Scott J Beigel Unfinished Receiver Act (A02666) which is named after my son Scott, the Geography Teacher and Cross-Country Coach murdered at the Marjorie Stoneman Douglas High School shooting in Parkland Florida.

Over the last decade, New York State has always been a leader when it came to enacting reasonable and sensible gun safety legislation. New York is taking the lead again with legislation to ban "Ghost Guns".

It is time for the Federal Government to follow suit. I have said numerous times that "we all have the right to be safe from senseless and preventable gun violence." Banning "Ghost Guns" is reasonable gun safety legislation that will do just that.

Thank you.

Chair NADLER. Thank you. I yield back the balance of my time.

Ms. JACKSON LEE. All right, thank you so very much for your testimony. I now recognize the distinguished Ranking Member of the Full Committee, the gentleman from Ohio, Mr. Jordan, for his opening statement.

Mr. JORDAN. Thank you, Madam Chair. I want to thank our witnesses for being here today and I, too, extend my condolences to the families of those who have lost loved ones.

Think about what the Democrats want to do.

Step one, defund the police. Democrats here in Congress and Democrat mayors around the country demonizing, demoralizing our law enforcement officers, and actually defunding police to the tune of over a billion dollars last year in all our major cities. What is the result of that? Crime is up in every major city.

Step two, release violent offenders from our prisons. Last year, Chair Nadler introduced a bill to pay states and localities to empty their prisons and jails. The bill calls for the release of violent offenders from State prisons and local jails. Inmates were only deemed ineligible for release if they did "not pose a risk of serious imminent injury to a reasonably-identified person." In other words, it was okay to release inmates as long as they didn't pose an immediate risk to a specific individual.

Now, step three, now the third part. Take away guns from law-abiding Americans so they can't defend themselves. This hearing today and the numbers bills introduced by our Democrat colleagues make clear that they want to disarm law-abiding Americans by depriving them of their constitutional rights and none of these bills would have actually prevented any recent mass shooting.

The Chair of the Full Committee just said in California, I think he said 21 cases where they had extreme protection orders where they took someone's firearms from them. He said that may have prevented crime. May have. We don't know. What we do know is 21 citizens were denied their Second Amendment liberties by a proceeding where they couldn't even attend because that is what these red-flag laws, these extreme protection orders do.

The model legislation that Chair is talking about pays states to set up a system where anyone can go to a court and say I don't think so and so should have a firearm. There is a hearing where so and so, the one accused, the one who is going to lose their firearm, they don't even get to show up to the ex parte hearing. They don't even get to show up. Then they take their firearm and then they have to go to court to get their right back even though there was no proceeding where they could attend in the first place.

The standard for all this is lower, a lower standard, a reasonable standard. This is a dangerous path they want to go down. So, I look forward to hearing from our witnesses, particularly the Republican witness. I am nervous about all the legislation being talked about on the other side. I hope we understand that the Second amendment is right next to the First because it is pretty darn important. Madam Chair, I yield back.

Ms. JACKSON LEE. The gentleman yields back. I thank him for his opening statement.

We welcome all of our distinguished witnesses, and we thank them for their participation. I will begin by swearing in our wit-

nesses. I ask our witnesses to turn on their audio and make sure I can see your face and raise your hand. Those who are in the room, please stand and raise your right hand.

Do you swear or affirm under penalty of perjury that the testimony you are about to give is true and correct to the best of your knowledge, information, and belief, so help you God?

I can hear the audio. Can I hear the audio of witnesses? Thank you so very much. You may be seated.

Let the record show that the witnesses answered in the affirmative. Thank you.

We will now proceed with witness introductions. It really is my privilege to introduce an outstanding legislator and someone who has impacted my community, even though she represents Austin because she has a strong and committed reputation for protecting the people of Texas.

Representative Vikki Goodwin represents Texas House District 47 in the western and far south Travis County. That means she has some of Austin, Texas.

Many people know of the great tech revolution in Austin. She was a co-author of landmark school finance reform which probably gives her a great sense of protecting children in the schoolhouse, as well as the law boosting retired teacher pay. Representative Goodwin is also a small business owner, a real estate broker, a mother, a graduate of the University of Texas, and she herself has confronted the evils of what a gun can do. I thank you so very much for being here today. Welcome.

Fred Guttenberg, an author, and gun safety advocate. His 14-year-old daughter, Jamie Guttenberg, was killed in the Stoneman Douglas High School shooting on February 14, 2018. His son, Jesse, was also a student at the school, ran from the shooting to meet him at a nearby store. In addition to his activism, he is a small businessman in Parkland, Florida. I will personally thank him in his loss for what he has continued to do for this nation. That should be part of your portfolio that you are, in fact, fighting for the survival of our nation. Thank you for being here today.

Dianna Muller is a two-time national 3-gun champion and professional shooter. She is a retired 22-year veteran of the Tulsa Police Department, serving assignments in narcotics, gangs, street crimes, and patrol. She is also a law enforcement firearms instructor, a member of the NRA law enforcement Committee and a Subcommittee member of the Department of the Interior Hunting and Shooting Sports Conservation Council. Ms. Muller is the founder of the DC Project. Thank you for being here.

Now, it is my privilege to be able to turn to my colleague from Texas, who herself has spent time as a new member in the midst of tragedy in her city of El Paso Texas, and I want to give her the privilege of introducing her constituent, Pastor Michael E. Grady.

I yield to Congresswoman Escobar at this time.

Ms. ESCOBAR. Madam Chair, thank you so much. I am so grateful to be able to have the honor this morning to introduce my constituent, Pastor Michael Grady. Pastor Grady is a faith leader in El Paso at the Prince of Peace Christian Fellowship Church. His daughter, Michelle, was shot multiple times during the horrific El Paso terror attack in August 2019. Michelle survived, thank God,

and spent 55 days in the hospital recovering. Since the incident, Pastor Grady has met with several people in his congregation who have also been affected by gun violence and he has been an important voice on this and a number of other significant national issues.

Pastor Grady, thank you for being here.

Madam Chair, I yield back.

Ms. JACKSON LEE. Thank you so very much. May I remind the gentleman, Congressman Massie, that in this room you must wear your masks, and thank you so very much for your courtesies of doing that. We appreciate that very much. Anyone else, you can remove your mask when you are speaking. Thank you so very much. I will get ready to speak, so I will remove this mask as I'm putting it back on.

We have the privilege of having J. Adam Skaggs, and he has been just an established expert on really the responses to all of those who say why. He has been able to give us a credible and detailed response of why not. He does that, I know, because he is associated with our beloved colleague's law center, the Giffords Law Center. He is a Chief Counsel and Policy Director.

Previously, he was Senior Counsel at Everytown for Gun Safety and at the Brennan Center for Justice, where he worked on election law issues.

Mr. Skaggs, if you don't mind me at least taking note of Gabby Giffords and what her giant story has been able to do in setting up this law center, being a truth teller on gun violence and guns in America. You yourself was also a Litigation Associate at Paul, Weiss, Rifkind, Wharton & Garrison, and a law clerk at the 11th Circuit in the U.S. District Court in the Eastern District of New York. We welcome you.

Please note that each of your written testimony statements will be entered into the record in its entirety. Let me say that votes have been called, but there are two votes. We're going to take one or two witnesses, and then recess Members so that we can vote in a recess and vote for the second vote and come back as quickly as possible. We may get through two witnesses. Staff is now trying to determine.

Accordingly, I ask that you summarize your testimony in five minutes. There is a timer in the Zoom view that should be viable on your screen. Representative Goodwin, you may begin. Thank you again for being here. Welcome.

#### **STATEMENT OF THE HONORABLE VIKKI GOODWIN**

Ms. GOODWIN. Thank you, Chair Jackson Lee and Ranking Member Biggs.

Ms. JACKSON LEE. If you can turn your sound up, please. Can you turn your sound up?

Ms. GOODWIN. Is that better?

Ms. JACKSON LEE. A little better, thank you.

Ms. GOODWIN. Okay. Thank you, Chair Jackson Lee, Ranking Member Biggs, Chair Nadler, and Ranking Member Jordan. Thank you for the opportunity to testify before the Crime, Terrorism, and Homeland Security Subcommittee.

Ms. JACKSON LEE. Would you suspend. Just suspend. We're trying to work on your sound here for a minute.

Ms. GOODWIN. Okay.

Ms. JACKSON LEE. Thank you, just a moment. Are we turned—or should we? We'll just do one witness, Members, so please. Are we turning her back to five? Pardon me? All right.

Representative, can you continue please, and thank you. Apologize for the technical.

Ms. GOODWIN. No problem. Again, thank you again, my name is Vikki Goodwin. I represent Texas House District 47.

Firearm safety issues are deeply personal to me and are a focus of my legislative work. I am a gun violence survivor. When I was in my early twenties, my father was shot and killed in our home in Dallas. My father's death profoundly impacted me and gives me a tremendous empathy for others who have lost loved ones to gun violence.

Over the years, my sense of grief and sorrow has turned to a personal passion to work for my community and State on gun safety issues. I believe that the voices of gun violence victims and their families must be heard in the halls of power.

I joined the Texas House Homeland Security and Public Safety Committee, which hears legislation on gun laws, so I can amplify the voices of victims and promote change. As a Committee member, I've had the opportunity in recent months to weigh in on a dangerous piece of legislation in Texas, House Bill 1927.

The bill would permit people to carry concealed, loaded weapons in public spaces without passing any background or training requirement. Passage of this bill will significantly weaken protections and safeguards that are currently in place to protect communities from gun violence.

Texas's firearm safety laws are already some of the weakest in the country. Texas' existing framework is already full of loopholes and encourages gun trafficking across State lines and into Mexico. At present, existing State law requires people to pass a background check and complete a basic safety training course to be licensed to carry loaded handguns in public places.

House Bill 1927 will do away with that requirement. Alarming, Texas does not universally require people to pass a background check to purchase firearms. Legislation I filed this session attempted to close loopholes in the background check system, whether someone is purchasing guns at gun shows, online, or through other means.

My background check bills did not make it out of committee. On the other hand, House Bill 1927 is on its way to becoming law, and it will make it impossible for our law enforcement to know if people carrying guns on our streets are in legal possession or not.

It will make it easier for people who can't currently pass background checks to carry a firearm, including those with violent criminal histories or those suffering from chemical dependencies.

The research is clear that flooding public spaces with more hidden loaded guns in more hands makes our communities less safe. A good guy with a gun rarely saves the day. More often, the gun that is intended to protect one from danger ends up doing just the opposite.

Contrary to the notion that flooding our communities with guns will somehow reduce gun violence, a considerable body of study, of



research, shows that states that have enacted permitless carry legislation are experiencing significant increases in gun violence.

States that have weakened law enforcement authority to deny permits to people who might pose a danger to the public have seen an 11% increase in homicide rates and a 13–15% increase in violent crime rates.

In 2003, Alaska became the first State to enact permitless carry legislation. Since then, the State has seen the rate of aggravated assaults with a gun increase by 65%. In Arizona, where the legislature enacted permitless carry in 2010, the rate of aggravated assault with a gun has increased by eight percent, translating to 921 more gun-related aggravated assaults per year.

Here in Texas, we have experienced numerous horrific gun-related tragedies. Most recently, there was a shooting in the Midland-Odessa communities in which a gunman drove through those two towns shooting innocent victims.

In our Committee we heard testimony about one of the victims, a man in his early twenties, who was shopping for a car with his family. They watched as he was gunned down by a man who had previously failed a background check but was later able to obtain a gun.

Prior to that, a gunman drove across the State from Allen to El Paso to shoot innocent victims at a Walmart store. Immediately following the El Paso shooting, the Governor held a roundtable discussion bringing together stakeholders to discuss safety measures.

Yet here we are in Texas, this legislative session, not passing laws to make us safer, but instead passing a law that will allow people to carry guns without any safety training or permit.

Like all of you, I am responsible for protecting my constituents and ensuring the safety of my community, which is what brings me here today. House Bill 1927 poses a significant threat to the lives of well-being of Texans. If enacted, we can expect more gun violence, not less.

As a legislator, I see our role as saving lives and preventing deaths. I hope today's hearing puts us all one step closer to fulfilling that goal. Thank you.

[The prepared statement of Ms. Goodwin follows:]

**The Honorable Vikki Goodwin**  
**Testimony before the United States House of Representatives**  
**Committee on the Judiciary**  
**The Subcommittee on Crime, Terrorism, and Homeland Security for**  
**“An Unending Crisis: Essential Steps to Reducing Gun Violence and Mass Shootings”**  
**Thursday, May 20, 2021**

Chairwoman Jackson Lee, Ranking Member Biggs, Chairman Nadler, and Ranking Member Jordan, thank you for the opportunity to testify before the Crime, Terrorism, and Homeland Security Subcommittee. My name is Vikki Goodwin. I represent House District 47 in the Texas State Legislature.

Firearms safety issues are both deeply personal and a matter that deeply animates my legislative work. I am a gun violence survivor. When I was in my early 20s, my father was shot and killed during a home invasion. My father’s death profoundly impacted me. Over the years, my sense of grief and sorrow turned to a personal passion to work for my family, community, and state on firearms safety issues.

I deeply believe that the voices of firearms victims and their families must be heard in the halls of power. I joined the Texas House Homeland Security and Public Safety, the committee that hears legislation on firearms, so I can amplify the voices of victims to promote change. As a Committee member, I have had the opportunity in recent months to weigh in on a dangerous piece of legislation, HB 1927. This bill would permit people to carry concealed loaded weapons in public spaces without passing any background check or training requirement. Passage of this bill would significantly weaken protections and safeguards that are currently in place to protect communities from firearm violence.

Texas' firearms safety laws are already some of the weakest in the country. Texas' existing framework is already full of loopholes and encourages gun trafficking across state lines and into Mexico. At present, existing state law at least requires people to pass a background check and complete a basic safety training course to be licensed to carry loaded handguns in public places. HB 1927 would do away with requirement. Alarming, Texas does not universally require people to pass a background check to purchase firearms, meaning if HB 1927 were to become law, it would make it easier for people who cannot currently get a permit to obtain a firearm, including those with violent criminal history and those suffering from chemical dependencies.

The research is clear that flooding public spaces with more hidden loaded guns in more hands makes them *less* safe. A "good guy" with a gun does not save the day; it makes an already tragic situation more dangerous. Contrary to the notion that flooding our communities with guns will somehow reduce gun violence, a considerable body of research shows that states that have enacted permitless carry legislation are experiencing significant increases in gun violence. States that have weakened law enforcement authority to deny permits to people who might pose a danger to the public have seen an 11 percent increase in homicide rates and a 13-15 percent increase in violent crime rates.

In 2003, Alaska became the first state to enact permitless carry legislation. Since then, the state has seen the rate of aggravated assaults with a gun increase by 65%. In Arizona, where the

legislature enacted permitless carry in 2010, the rate of aggravated assault with a gun has increased by 8 percent—translating to 921 more gun-related aggravated assaults per year.

Like all of you, I am responsible for protecting my constituents and ensuring the safety of my community - which is what brings me here today. HB 1927 poses a significant threat to the lives and well-being of Texans. If enacted, we can expect more gun violence, not less. As legislators, I see our role as saving lives and preventing deaths. I hope today's hearing puts us all one step closer to fulfilling that goal.

Ms. JACKSON LEE. The gentlelady's testimony was powerful. I'm going to ask our Members to indulge us, and I want to ask the Members as I recess, let me just thank Members Karen Bass, Val Demings, Lucy McBath, Madeleine Dean, Mary Gay Scanlon, Cori Bush, David Cicilline, Ted Lieu, Lou Correa, Veronica Escobar, and Steve Cohen, who I hope will return. We'll recess for the vote.

To the panelists, if you could reserve and we will call to order in just a few minutes. This is in recess; the Committee is in recess.

[Recess.]

Ms. JACKSON LEE. We'll call this hearing to order again. It is entitled An Unending Crisis: Essential Steps to Reducing Gun Violence and Mass Shootings.

As I begin to call on the other witnesses, I just want to take note of the fact of the introductions that many of these witnesses have experienced their own personal stories of gun violence. I want to say to them that they have our concern and our hearts focused on their loss.

The next witness knows that loss all too personally. I indicated earlier as I introduced him that he has taken that to serve America.

Mr. Guttenberg, you are yielded to at this time for five minutes. Thank you.

#### **STATEMENT OF FRED GUTTENBERG**

Mr. GUTTENBERG. Thank you. Chair Jackson Lee, Ranking Member Biggs, and distinguished Members of the Committee, thank you for inviting me to testify today. My name is Fred Guttenberg, I am a father of two amazing children, Jesse and Jamie.

On February 14, 2018, my daughter Jamie was murdered alongside 13 other children and three adults at Marjorie Stoneman Douglas High School in Parkland, Florida. My son Jesse, now 20, lives with the permanent scars of having heard his sister get shot.

I am a father who lives with the sound of that single shot severing my daughter's spinal cord. I am a father who hopes his daughter died instantly. Otherwise, it means she suffered.

My daughter will be 14 forever. My wife and I watched as all the other kids post pictures of going to prom and college acceptances this year. We are happy for them, but we break down and cry because Jamie should be with them.

I have been told, even by some here this morning, that I hate the Second amendment and that I am a gun-grabber. Nothing could be further from the truth. I simply want to save lives.

My daughter was killed in a mass shooting, the kind we have seen over and over again in elementary schools, middle schools, high schools, colleges, concerts, movie theaters, grocery stores, bars, businesses, and the list goes on where a shooter is armed with an assault weapon and a large capacity magazine. These are weapons of war designed to kill as many people as possible as fast as possible. That's why they become the weapon of choice for mass murderers.

Congress must take action to ban assault weapons and large capacity magazines, which have killed thousands of innocent Americans. Mass shootings like the one where my daughter was murdered get a lot of attention. They account for just a small percentage of American gun violence.

Forty thousand people die every year, that's over 100 a day in incidents of domestic and community violence, hate crimes, suicide, and unintentional shootings all across the country. In fact, in the time that it takes me to read this statement, somebody's getting shot right now.

My friends Kristin and Mike Song know all too well the tragic consequences of what happens when a firearm is not safely stored. In 2018 their son Ethan, just 15, was unintentionally shot and killed after accessing an unsecured gun in a neighbor's house. This is not an anomaly in America. Every day eight children and teens are unintentionally shot by unsecured, loaded firearms found in a home.

It's estimated that 4.6 million children live in homes with at least one unsecured gun. No one should know the pain of losing a child to a gun. We can and we must do better.

I've been partnering with Brady, one of the nation's older gun violence prevention organizations, and they have led the End Family Fire Program, a national education campaign by gun owners for gun owners on the importance of safe storage. Family fire is a shooting involving an improperly stored or misused gun found in the home, and it's one of the biggest contributors to gun deaths every year.

Safe firearm storage provides a lifesaving barrier between children or those in crisis from accessing guns, significantly decreasing the risk of family fire.

Congress does have policy options for increasing safe storage, something which the vast majority of responsible gun owners already agree is important. Researchers have found that even a modest intervention that motivates gun owners to safely store guns could reduce youth firearm deaths by a third.

For instance, Congress could pass legislation creating tax incentives to promote safe storage, like the Prevent Family Fire Act, which had broad bipartisan support last year. Congress can also take steps to educate the public more broadly about the benefits and the best practices of safe storage and could even require gun dealers to post that information when they sell guns.

Ethan's Law, named in honor of Ethan Song, would create a legal obligation to safely store a firearm if a minor might have access to it. Had this commonsense law been in place in 2018, Ethan's life could have been spared. I am grateful for my dear friends Kristin and Mike, but I truly wish I never knew them.

These policies would have a measurable impact on people's lives. There is more that Congress can do to protect public safety. This body has now twice passed legislation to expand and strengthen background checks for gun sales.

Also, and very near to my heart, Congress should expand background checks to cover ammunition sales. Jamie's Law, named in honor of my daughter, would do just that.

It's not acceptable that so many lives are lost to gun violence in this country, and it doesn't have to be this way. I urge you all to take action to save lives. I am grateful for the opportunity to testify today before you, and I look forward to your questions. Thank you.

[The prepared statement of Mr. Gutterberg follows:]

May 20, 2021

Hearing Before the United States House Judiciary Subcommittee on Crime,  
Terrorism, and Homeland Security  
“An Unending Crisis: Essential Steps to Reducing Gun Violence and Mass  
Shootings”

Written Testimony of Fred Guttenberg  
Gun Violence Survivor, Jesse and Jaime's Dad

Chairwoman Jackson Lee, Ranking Member Biggs, and Distinguished Members of the Committee, thank you for inviting me to testify today. My name is Fred Guttenberg. I am a father of 2 children, Jesse and Jaime. On February 14th, 2018, my daughter Jaime Guttenberg was murdered alongside 13 other children and three of their teachers at Marjory Stoneman Douglas High School in Parkland, Florida. My son Jesse, now 20, lives with the permanent scars of having heard his sister get shot. I am a father who lives with the sound of that single shot severing my daughter's spinal cord. I am a father who hopes his daughter died instantly, otherwise, that means she suffered. My daughter will be 14 forever. My wife and I watch as all of the other kids post pictures of going to prom and college acceptances this year. We are happy for them, but we break down and cry, because Jaime is not with them. This day has forever transformed my family and I have since dedicated my life to preventing gun violence in this country. I have been told, even by some at this hearing, that I hate the 2nd Amendment and that I am a gun grabber, simply because I want to save lives. Nothing could be further from the truth. In fact, I have family members and friends who still own guns and my son has gone shooting with them.

My daughter was killed in a mass shooting—the kind we have seen over and over again in elementary, middle, and high schools, colleges, concerts, movie theaters, grocery stores, bars, businesses, the list on—where a shooter is armed with an assault weapon and large capacity magazines, and a dozen lives or more are stolen in mere seconds. These weapons are designed specifically to kill as many people as possible as fast as possible, and that's why they have become the weapon of choice for mass murderers. They were designed for the battlefield — assault weapons purchased by civilians are just as lethal as those made for our troops. Congress must take action to ban both assault weapons and large capacity magazines which have killed thousands of innocent Americans.

Mass shootings, like the one where my daughter was murdered, get a lot of attention, but they account for just a small percentage of American gun violence. 40,000 people die every year, that's over 100 people every day, in incidents of domestic and community violence, hate crimes, suicide,

and unintentional shootings all across the country.<sup>1</sup> My friends, Kristin and Mike Song, know all too well the tragic consequences of what happens when a firearm is not safely stored. In 2018, their son Ethan, just 15-years-old, was unintentionally shot and killed after accessing an unsecured gun in a neighbor's house. The gun was one of three kept in a Tupperware container in a bedroom closet. This is not an anomaly in America: every day, eight children and teens are unintentionally shot by an unsecured, loaded firearm found in the home.<sup>2</sup> It's estimated that 4.6 million children live in homes with at least one unsecured gun.<sup>3</sup> No one should know the pain of losing a child to a gun, we can and must do better.

I've been partnering with Brady, one of the nation's oldest gun violence prevention organizations, and they have led the End Family Fire program, a national education campaign by gun owners, for gun owners, on the importance of safe storage. Family Fire is a shooting involving an improperly stored or misused gun found in the home, and it's one of the biggest contributors to gun deaths each year. Safe firearm storage provides a lifesaving barrier between children or those in crisis from accessing guns. Firearm owners who keep their guns locked or unloaded are at least 60% less likely<sup>4</sup> to die from firearm-related suicide and adolescents in these household have a significantly lower risk<sup>5</sup> of firearm suicide or of being unintentional shot.

Congress has policy options for increasing safe storage, something which the vast majority of responsible gun owners already agree is important. Researchers have found that even a modest intervention that motivates gun owners to safely store their guns could reduce youth firearm deaths by up to 32%.<sup>6</sup> For instance, Congress could pass legislation creating tax incentives to promote safe storage, like the Prevent Family Fire Act, which had broad bipartisan support last year. Congress could also take steps to educate the public more broadly about the benefits and best practices of safe storage, and could even require gun dealers to post that information where they sell guns. In 2005, Congress required gun dealers to provide safe storage devices when they sold handguns, there is no reason not to expand that law to cover all guns.<sup>7</sup>

<sup>1</sup> Gramlich, John. (2019). What the data says about gun deaths in the U.S. *Pew Research Center*.

<https://www.pewresearch.org/fact-tank/2019/08/16/what-the-data-says-about-gun-deaths-in-the-u-s/>.

<sup>2</sup> Web-Based Injury Statistics Query Reporting System (WISQARS) Fatal Injury Reports and Nonfatal Injury Reports, National, Regional and States, 1999 to 2017. *National Center for Injury Prevention and Control, US Centers for Disease Control and Prevention*. <https://www.cdc.gov/injury/wisqars/fatal.html> and <https://www.cdc.gov/injury/wisqars/nonfatal.html>.

<sup>3</sup> Azreal, Deborah, et al. (2018). Firearm Storage in Gun-Ownning Households with Children: Results of a 2015 National Survey. *Journal of Urban Health*. <https://link.springer.com/article/10.1007/s11524-018-0261-7>.

<sup>4</sup> Shenassa, Edmond D., et al. (2004). Safer storage of firearms at home and risk of suicide: a study of protective factors in a nationally representative sample. *Journal of Epidemiology & Community Health*. <https://jech.bmj.com/content/58/10/841>.

<sup>5</sup> Grossman, David C., et al. (2005). Gun Storage Practices and Risk of Youth Suicide and Unintentional Firearm Injuries. *JAMA*. <https://jamanetwork.com/journals/jama/fullarticle/200330?resultClick=1>.

<sup>6</sup> Monuteaux, Michael C., et al. (2019). Association of Increased Safe Household Firearm Storage With Firearm Suicide and Unintentional Death Among US Youths. *JAMA Pediatrics*.

<https://jamanetwork.com/journals/jamapediatrics/fullarticle/2733158?resultClick=1>.

<sup>7</sup> Child Safety Lock Act, 18 U.S.C. § 922(z). <https://www.law.cornell.edu/uscode/text/18/922>.



Senator Blumenthal and Congresswoman Delauro have also introduced Ethan's Law, named in honor of Ethan Song, which would create a legal obligation to safely store firearms if a minor might have access to them. Had this common-sense law been in place in 2018, Ethan's life could have been spared. I am grateful for my dear friends Kristin and Mike, but I truly wish we had never had occasion to meet.

These policies would have a measurable impact on people's lives, but there is more that Congress can do to protect public safety without affecting the rights of law-abiding citizens. This body has now twice passed legislation to expand and strengthen background checks for gun sales. Congress should also expand background checks to cover ammunition sales. Jaime's Law, named in honor of my daughter, would do just that, and prevent dangerous individuals from getting their hands on ammunition.

It is not acceptable that so many lives are lost to gun violence in this country, and it doesn't have to be this way. I urge you all to take action and save lives. I am grateful for the opportunity to testify before you today and I look forward to your questions.

Ms. JACKSON LEE. Mr. Gutterberg, thank you so very much for being willing to be here today.

Mr. GUTTENBERG. Thank you.

Ms. JACKSON LEE. Our sympathies again to you and your friends.

Now, I'm happy to yield five minutes to Ms. Muller. You are recognized for five minutes. Thank you.

#### STATEMENT OF DIANNA MULLER

Ms. MULLER. Thank you, Chair Jackson Lee, Ranking Member Biggs, and Committee Members. I'm honored to be here today to discuss this important topic and brainstorm on strategies to save lives.

For decades now, the conversation seems to only lead to gun control advocates pushing for more laws and more restrictions. It's time to look at the evidence, acknowledge the truth, and consider alternatives.

The truth is we all want the same thing. We all want to be safe, and we want our families to be safe. The difference is how we believe that is achieved.

For over 30 years, the strictest gun control policies have been adopted by several major cities across the country. Based on decades of evidence in cities like St. Louis and Chicago and many more, it's apparent that these policies do not work. The results are the same.

When average citizens are less capable of defending themselves, criminals are emboldened, crime soars, and communities are less safe. As a retired police officer, I saw firsthand the impact of violence on communities. I can tell you that buzzwords like epidemic, ghost guns, weapons of war, or assault weapon are designed to push false narratives and are designed to scare the public.

We always hear about commonsense gun control. Common sense is that cities plagued with violence should adopt the laws of cities that are not plagued with violence. Common sense is not making more rules, more laws, registrations, and fees that make protecting yourself a rich man's game.

Gun control law disproportionately affect lower income minority communities. Gun control is steeped in racism. Common sense is making mental health a priority when 55% of deaths are suicide. Common sense is holding criminals accountable for breaking the law instead of releasing them from jail, raising bail for them, or encouraging them to be more confrontational.

Many Americans are exhausted by the incessant attacks on our Second amendment rights. I founded the DC Project Women for Gun Rights because we were tired of listening to women who do not represent us, women who are not experts in firearms or in violence. Yet, they demand that legislators restrict our constitutional and civil rights.

I am honored to speak on behalf of the Members of DC's Projects, mothers, daughters, young and old, Black, White, Latina, Asian, hunters, competitors, transgender, straight, #MeToo, #NotMe, on the political left and right. The Second amendment wins on the intersectionality scale.

There are women in our group that have endured unspeakable violence. Lucretia lost her son to gang violence. Melissa was

stabbed 17 times, raped, beat, and left for dead in her parents' home in a stranger invasion. Nikki saw her husband shot and killed by her stalker in a gun-free zone, which is where 95% of mass killings occur. All these women are intimately familiar with the failures of gun control.

The year 2020 brought us a pandemic, riots, looting, killing, and an effort to defund the police. Crime is soaring in those cities. Americans are realizing that they are their own first responder, which is why we're seeing record gun sales and an estimated 8.4 million first-time purchasers.

I will also add that the Second amendment wasn't written about hunting. It was written about we, the people, and a tyrannical government. The question before us is how do we reduce violence in our country? There are details and links in my written testimony, but these are a few programs that have had successful results.

The hunter's education program has exponentially lowered firearms-related incidents and fatalities. The KidSafe Foundation takes the target audience a step further and focuses on all children, not just hunters. Zero firearms accidents are the only acceptable goal. Hold My Guns is a suicide prevention program that respects civil rights.

All these are community-based, grassroots programs that are geared toward safety. Instead of exploiting tragedy and pushing pain to push agenda—a gun control agenda, let's work in a non-partisan way to expand programs and deliver measurable results.

The DC Project women are available to resource to all of you. We will meet, talk, train, and whatever we can do to achieve safety in our communities through education, not legislation.

Thank you for the opportunity to speak, and I look forward to your questions.

[The prepared statement of Ms. Muller follows:],

## Testimony of Dianna Muller

FOUNDER OF DC PROJECT

United States House of Representatives  
House Judiciary Committee, Subcommittee on Crime, Terrorism, and Homeland  
Security  
*An Unending Crisis: Essential Steps to Reducing Gun Violence and Mass Shootings*  
May 20, 2021

*An Unending Crisis: Essential Steps to Reducing Gun Violence and Mass Shootings"*

Thank you, Chairwoman Jackson-Lee, Ranking Member Biggs, and Committee Members,

Thank you for inviting me to discuss this critical topic and to brainstorm strategies to save lives. For decades now, the conversation always leads to the gun control advocates pushing for more laws and more restrictions. It's time to look at the evidence and acknowledge the truth. Gun control laws do not produce the desired results. It's time to elevate the conversation with alternative solutions.

The truth is we all want the same thing. We all want to be safe and for our families to be safe. The difference is how we believe that is achieved. For over 30 years, several major cities have adopted the strictest gun control policies across the country. Based on years of evidence in the towns like St. Louis, Washington, D.C., Baltimore, and Chicago, it's apparent that these policies do not work. The results are the same. Knowing that average citizens are less capable of defending themselves, criminals are emboldened, crime soars, and communities are less safe. If these policies worked, these cities would be the shining example of gun control as a success.

On March 23<sup>rd</sup> of this year, I watched Dr. Suzanna Hupp testify before the Senate Judiciary Committee. I was struck that she also testified in 1993, 2013, 2018, again this year, 2021. I find it striking that the truth she preached for three decades is the same truth she preaches now. **Mass killers prefer gun-free zones, magazine capacity limits are ineffective, and she was legislated out of the means to protect herself.** She holds legislators, people like you, responsible for her parent's death. <sup>1</sup> Gun control laws failed and cost lives.

We always hear about 'common-sense gun control.

- Common sense is that cities that ARE PLAGUED with violence should adopt the policies of cities that AREN'T plagued with violence.
- Common sense is that when you make more rules, more laws, more registrations, more fees, it makes protecting yourself a rich man's game. These policies disproportionately affect lower-income, minority communities. The Second Amendment is for every American, and gun control is steeped in racism.
- Common sense is holding criminals accountable for breaking the laws instead of releasing them to jail, raising bail for them to get out of jail, or encouraging them to be 'more confrontational.'
- Common sense is that women are smaller and less equipped for violence, and a firearm is a great equalizer.
- Common sense is allowing citizens to protect themselves.

Responsible gun owners are exhausted from the constant attacks on the Second Amendment. I founded the *DC Project, Women for Gun Rights*, because we were tired of listening to women who don't represent us. Women who are not experts in guns or violence demand that legislators restrict our constitutional rights.

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<sup>1</sup> Hupp Testimony. 1993- <https://youtu.be/FgrIsuO5PLc> 2021- <https://youtu.be/q6fNSGI2 tg>.

I sit before you today honored to speak on behalf of the members of the DC Project: mothers, daughters, young and old, Black, White, Latino and Asian, hunters and competitors, transgender and straight, #metoo and #notme, on the political left and right. **The Second Amendment wins on the intersectionality scale.** For example:

- Lara Smith, from California, is a staunch Democrat and the National Spokesperson for the Liberal Gun Club and understands that the Second Amendment is a constitutional, not a partisan, issue;
- Mia Farinelli, from Virginia, is a 17-year-old 3-gun competitive shooter that stands 5'4", weighs 85 pounds; an honor roll student that speaks two languages and is learning a third;
- Robyn Sandoval, from Texas, is a left-leaning, reformed anti-gun mom who now heads up A Girl and a Gun, a nationwide women's shooting club;
- Gina Roberts, from California, is a transgender woman who knows the Second Amendment is for everyone;
- Corinne Mosher, from Kansas, is a concert violinist turned tactical firearms instructor and took keeping her family safe seriously;
- Amanda Johnson, from Virginia, was raped at gunpoint on a gun-free campus, yards from the police station; even though she had a concealed carry license, she left it at home because she wanted to follow the rules. Her attacker went on to rape and killed his next victim. Amanda is confident she could have made a difference in their outcomes if she had not been disarmed.
- Lucretia Hughes, from Georgia, is an African American who strongly advocates for the 2<sup>nd</sup> Amendment, in part because she lost her son to gang violence when a felon used an illegally obtained gun to shoot him in the head;
- Gabby Franco, from Virginia, is a mom and a naturalized citizen from **Venezuela** who has seen the effects of gun control in her native country; she will tell you about the decline of Venezuela. In 1998, it was the wealthiest Latin American country until Hugo Chavez was elected and enacted robust gun control with the promise of reducing gun violence. His regulations created a chokehold that forced gun shops and ranges to close. Ammunition became scarce and expensive. Within ten years of registering all firearms, the banning of private gun ownership began while criminals remained armed and dangerous. Registration led to confiscation. Now citizens live at the mercy of criminals and the government. Small businesses have been destroyed, and people stopped working. Production stopped, and inflation made everyday goods unattainable or unavailable. Citizens live like prisoners in their homes since criminals have no fear of accountability. Venezuela is in chaos, a socialist nightmare. Gabby is committed to not letting that happen in America.
- Kristi McMains, from Indiana, vigorously fought off a stranger's attack in a parking garage for several minutes before getting to her gun and shooting the assailant. She fought so hard she broke all ten nails, had fibers in her teeth from his gloves, and broken ribs.

- Melissa Schuster, from Illinois, was brutally beaten, stabbed 17 times, raped, and left for dead in her parent's home when a stranger kicked in the door. She will never be unarmed again.
- Nikki Goesser, from Tennessee, her husband was shot and killed by her stalker in a gun-free zone while her legal firearm remained in her vehicle, like the sound, law-abiding citizen she is.

Last year, a record number of Americans became first-time gun owners. Among the reported 8.4 million **first-time** gun owners, nearly 3.4 million were women. In 2015, one in 10 women identified as a gun owner. In 2020, one in four did. Let that sink in; 25% of women are gun owners. Women have been seeking professional firearms training in the past 14 months in droves. Instructors nationwide report an increase in students up to 200%. Although trainers don't ask political affiliations or former beliefs in gun ownership, a large number of students indicated they had formerly been "anti-gun." Reasons behind their decisions have ranged from pandemic behavior scares, rioting, and defund the police movements. They have realized that they are their first responder. They have learned that guns save lives.

Being intellectually honest, one would consider the civilian defensive uses of firearms, according to the government's own CDC data estimates over 500,000 times to 3 million times per year.<sup>2</sup> Aren't those lives saved worth as much as the lives that have been taken by criminal homicide? These gun control laws sound good but do nothing to prevent criminals from committing crimes and often cost responsible gun owners their lives or subject them to trauma by not being able to defend themselves. Guns save lives.

It's apparent to everyone paying attention in America that legislators believe guns save lives. We saw you surround yourselves in the Capitol with a wall and an armed military presence. The hypocrisy doesn't go unnoticed. What about ordinary Americans who don't have the luxury of having someone else carry guns for us to protect themselves? Each of you is pro-gun. Every day in this very building, you are surrounded and protected by men and women with firearms. It seems like legislators are not against weapons; they are just against the citizenry having firearms.

Words and phrases like 'epidemic,' 'ghost guns,' 'weapons of war,' 'assault weapon,' 'public health crisis' are fear-mongering and designed to scare the uneducated public. Merriam Webster defines the word "epidemic," when used as a noun, as an *outbreak of disease that spreads quickly and affects many individuals at the same time or an outbreak or product of sudden rapid spread, growth, or development*<sup>[1]</sup>. Despite a well-orchestrated effort to advance a false narrative, the facts and figures indicate that there is no "epidemic of gun violence."

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<sup>2</sup> [http://www.ncdsv.org/images/IOM-NRC\\_Priorities-for-Research-to-reduce-the-threat-of-firearm-related-violence\\_2013.pdf](http://www.ncdsv.org/images/IOM-NRC_Priorities-for-Research-to-reduce-the-threat-of-firearm-related-violence_2013.pdf)

The 2020 numbers indicate that there were 43,553-gun deaths. 24,156 (55.5%) were suicide. 1472 were defensive use. Unintentional shootings were 2306. Murder/suicide were 574. Gang violence accounted for a large majority of the remaining 15,045. Out of 328 million people, and using the figures that include gang violence, the chances of a non-gang member, the average citizen of being involved in a crime with a firearm is .00004587<sup>3</sup>.

Gun homicide, non-fatal gun crime, and [overall violent crime rates](#) remain far lower today than in the early 1990s, even though the number of guns per capita has increased by about 50% since then.

Many cities have seen significant spikes in violent crime in the last year. There is [ample evidence](#)<sup>4</sup> that those crime spikes are mainly attributable to changing policing tactics resulting from widespread civil unrest and sociological phenomena associated with the COVID-19 pandemic and not increasing lawful gun sales.

Gun owners know we are being targeted and discriminated against politically, financially, and socially. Our country is divided into two groups, the bullied and the bullies. There is no civility left in our country. We have lost all respect for life, and in some cases, people cheer the death of those they disagree with. The division that has taken place in our country in the past few years is devastating.

Gun owners are growing fatigued of being bullied, mischaracterized, and demonized. We are not the enemy, yet this President has vowed to 'defeat the NRA,' which is me. So far this year alone, there are 29 bills introduced that have the Second Amendment in the crosshairs. Under the Obama administration, Operation Chokepoint, the DOJ and banking regulators were directed to 'encourage' banks and credit card processors to refuse to do business with lawful firearms manufacturers<sup>5</sup>.

In 2019, I attended the New York Times DealBook event. It exposed the lengths that corporate America is willing to go to bypass the legislative process and enact their gun control agendas, regardless of whether the American people want it or not.

The level of 'canceling' has hit an all-time high with big-tech and social media moguls silencing conservatives, including President Trump. I do not care how you feel or what you think about him. Still, every American that respects the constitution should be outraged over censorship and squelching any American's First Amendment rights.

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<sup>3</sup> Gun Violence Archive (<https://www.gunviolencearchive.org/past-tolls>) Accessed May 18, 2021.

<sup>4</sup> "Explaining the Great 2020 Homicide Spike" (<https://reason.com/volokh/2021/02/01/explaining-the-great-2020-homicide-spike/>) Accessed May 18, 2021.

<sup>5</sup> "Operation Choke Point"(<https://www.washingtonpost.com/news/volokhconspiracy/wp/2014/05/24/operation-choke-point/>) Accessed May 18, 2021.



As an instructor, I've had the honor of introducing many people, especially women, to firearms training. I notice many women go through amazing transformations. Their self-confidence is palatable. I had one woman who was terrified at the beginning of class, and at the end, she looked me in the eye, took hold of my shoulders, and said, "You have changed my life. I. Am. A. Different. Person." I see it time and time again how a little education can go a long way! While I fully appreciate you considering my testimony, you could get a better appreciation of the importance our community places on and the safe handling and operation of firearms if you were to come to the range.

As a police officer, I enforced the laws you created, and I had a front-row seat to the justice system. It's frustrating to see the revolving door where prosecutors reduce or drop charges and judges give minimal sentencing. In the effort to reform the criminal justice system for people who violated laws passed by congress, it is ironic that more regulations are being proposed that would turn ordinary, law-abiding citizens into criminals. Perhaps before we burden law-abiding citizens with more laws, we enforce the laws that are already on the books.

I am appalled to see the liberal policies that have permitted the lawlessness in Minneapolis and Portland, and Seattle to go unchecked. Equally disturbing is the hate and discontent lofted towards our police officers, only human and imperfect but now being bastardized and undermined. Gun control policy combined with defunding the police efforts are especially dangerous, and homicides and overall crime have skyrocketed in those cities.

Police have no duty to protect (Warren v. District of Columbia<sup>6</sup>), and these days they can't even defend themselves. At the same time, some of you are advocating to impose restrictions on the very right that allows me to protect myself from enemies foreign and domestic; in the next breath, you are calling to defund the police. What exactly is the goal?

Police chiefs are political appointees, and I can tell you from experience, they don't always represent the rank and file. The officers that understand the constitution and respect their oath of office do not support gun control. I'm confident that the officers watching Minneapolis, Portland, and Seattle burn do not support the lawlessness that their liberal administrations are supporting. The good people in America recognize the **politically sanctioned violence**, calling good evil and evil good. Many see Mr. and Mrs. McKloskey from St. Louis, Missouri, and Mr. Kyle Rittenhouse from Wisconsin, as persecuted victims while watching BLM and ANTIFA behave as domestic terrorists and liberal governments turning a blind eye to the death and destruction.

Many things can be learned from tragedies like the Parkland School shooting. Much attention has been given to the well-funded Students Demand Action, calling for more gun control, but I encourage you to read Andrew Pollack's book, *Why Meadow Died: The People and Policies that Created Parkland*. It points out the repeated failure of government, laws, and liberal policy.

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<sup>6</sup> Warren v. District of Columbia (<https://law.justia.com/cases/district-of-columbia/court-of-appeals/1981/79-6-3.html>) Accessed May 18, 2021.

Students saw something and said something to a school administration official, but the policy that allowed problem students three misdemeanors per year before calling the police permitted this behavior to exacerbate; law enforcement responded to the shooter's residence more than 30 times, but because of leniency with juveniles, no action was taken. The ultimate failure in Parkland was from the responding officers that fateful day. They remained outside while students were being murdered inside. Parkland reminds us that law enforcement has no constitutional duty to protect, and the best-intentioned liberal policies are dangerous and simply do not work.

Suppose you ask what would have stopped the Parkland shooter. In that case, it's the same answer as in every shooting: accountability early on and confrontation with equal or greater force during the incident.

During my years serving the citizens of my community, I responded to countless calls for help. If you have ever called 911, you know it can feel like a lifetime for them to answer, let alone how long it takes for help to arrive. I do not wish for anyone to be defenseless, so I encourage people to seek training, at least unarmed, situational awareness and flashlight training. Learn to be a hard target. I encourage essential 'stop the bleed' training and firearms training if they choose. Tourniquet training should be our modern-day CPR training. It's easy to carry and easy to use, and every American should know how to use it. Prepare to be your first responder.

When inexperienced politicians talk passionately about firearms, and often awkward and inaccurate, recently, President Biden commented about how no one needs a hundred rounds and mentioned deer in Kevlar vests. With all due respect, I will remind all of you and the President that our founding fathers had just liberated our country from a tyrannical government that was taxing us to death and demanding we give up our guns. The Second Amendment isn't about hunting; it's about "*We the people*" and a "*tyrannical government*."

In 2013, then-Senator Joe Biden advocated for his wife to fire two blasts from a double-barreled shotgun into the air to settle any kind of problem. That is not sound advice for a couple of blatant reasons. Firing carelessly in the air without knowing where the rounds will impact is a violation of one of the four fundamentals of firearms safety. You are responsible for every game that leaves your firearm. Secondly, if that doesn't 'settle the problem' and criminals attack you, you have wasted the two rounds that could have saved your life.

In July of 1995, from the floor of the Senate, Biden said, "During my twelve and half years as a member of this body, I have never believed that additional gun control or federal registration of guns would reduce crime. I am convinced that a criminal who wants a firearm can get one through illegal, untraceable, unregistered sources, with or without gun control."<sup>7</sup> My testimony remains the same, but President Biden's has not.

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<sup>7</sup> <https://www.thetrace.org/2020/10/biden-gun-plan-rights-history-crime-bill-politics-election/>

In a September or 2019<sup>8</sup> interview, Congresswoman Jackson-Lee described the weight of an AR-15 as being as heavy as ten moving boxes and referred to the 50 caliber bullets it uses. I've already mentioned the 85-pound 17-year-old that shoots competitively and uses an AR-15. For the record, an AR-15 weighs a mere 6.8 pounds, about the weight of a newborn baby. AR-15's come in many calibers, but .50 caliber is not one of them. The description is not accurate, and I find it offensive that politicians speak with such disregard for the truth. Using words to incite emotion and fear-monger is unethical.

## PROVEN FAILURES/UNINTENDED CONSEQUENCES

### RED FLAG LAWS

As a police officer, I oppose red flag laws. Every state already has a vehicle in place to handle people that are in crisis. If someone is a threat to themselves or others, they can be held for a 72 Hour Emergency Order of Detention that requires a psychological evaluation. Where is the compassion for someone in crisis when the police arrive at their home to remove one of the many means of harm, offer no services, and leave them defenseless? Furthermore, in light of the bullies and cancel culture in the world today, red flag laws only make it easier for someone to harass a 'deplorable,' a gun owner, an Asian, a transgender person, the list goes on. Someone with malicious intent can target anyone. We all have stories of divorces and how ugly the battle becomes. If a spouse wants to disarm their ex, red flag laws are the way to do that.

As a front-line police officer, I can testify that executing red flag laws puts law enforcement officers at risk. Many firearms owners see red flag laws as unconstitutional, and sending an officer to their door is a recipe for disaster. It's already happened in Maryland when a 61-year-old man refused to comply with a red flag law.<sup>9</sup> Red flag laws could discourage people in crisis from seeking help for fear of being disarmed. Further, the Supreme Court just ruled against the seizure of firearms in a case similar to a red flag law.<sup>10</sup>

### GUN-FREE ZONES

94% of mass public shootings have occurred in gun-free zones<sup>11</sup>. Gun-free zones offer the highest probability of success for a demented person to inflict harm on a large number of people without meeting resistance. Mass shooters are constantly stopped by being satisfied with equal or greater force. There was recently a change in the definition of mass shootings from four to three, which only creates more significant numbers to push an agenda.

<sup>8</sup> <https://www.youtube.com/watch?v=bhY7AkjxvA>

<sup>9</sup> <https://www.capitalgazette.com/news/ac-cn-red-flag-20191001-zjzsbra735eatkkm2qmobz5z4a-story.html> (accessed May 17, 2021)

<sup>10</sup> <https://www.npr.org/2021/05/17/997487541/supreme-court-restricts-police-authority-to-enter-a-home-without-a-warrant>

<sup>11</sup> <https://crimeresearch.org/2018/06/more-misleading-information-from-bloombergs-everytown-for-gun-safety-on-guns-analysis-of-recent-mass-shootings/>



### UNIVERSAL BACKGROUND CHECKS

Even though Sen. Blumenthal claims in a Senate Judiciary hearing last week that 95% of Americans support universal background checks, Americans speak for themselves when these policies are on the ballots. Some fail, and some pass by the narrowest of margins. Neither indicates that 95% of Americans want UBC or more gun control. Here are two instances:

- In 2016, Universal Background Check was on the ballot in ME and failed<sup>12</sup>.
- In 2019 in Maryland, hardly a pro-gun state, UBC and 3D printer gun bills failed to pass<sup>13</sup>.

A joint study conducted by researchers at the Johns Hopkins Bloomberg School of Public Health and the University of California at Davis Violence Prevention Research Program found that California's much-touted mandated background checks had no impact on gun deaths<sup>14, 15</sup>.

To further point out the failure of universal background checks, here is a list of recent attackers and alleged attackers who have passed background checks for their guns. These include:

- Ian Long (Thousand Oaks, California)
- Robert Bowers (Pittsburgh synagogue, Pennsylvania)
- Nikolas Cruz (Marjory Stoneman Douglas High School, Florida)
- Devin Patrick Kelley (Sutherland Springs, Texas)
- Omar Mateen (Pulse nightclub, Florida)
- Stephen Paddock (Las Vegas, Nevada)
- Christopher Harper-Mercer (Umpqua Community College shooting, Oregon)
- Vester Flanagan (Roanoke, news crew shooting, Virginia),
- John Russell Houser (Lafayette theater shooting, Louisiana),
- Muhammad Youssef Abdulazeez (Chattanooga National Guard shooting, Tennessee)
- Dylann Roof (Charleston church shooting, South Carolina),
- Elliot Rodger (Santa Barbara campus shooting, California),
- Aaron Alexis (Navy Yard, Washington, DC),
- Wade Michael Page (Sikh Temple, Wisconsin),
- James Holmes (Aurora theater, Colorado),
- Jared Loughner (Tucson, Arizona),
- Nidal Hasan (Fort Hood 2009, Texas)

<sup>12</sup> [https://ballotpedia.org/Maine\\_Background\\_Checks\\_for\\_Gun\\_Sales\\_Question\\_3\\_\(2016\)](https://ballotpedia.org/Maine_Background_Checks_for_Gun_Sales_Question_3_(2016))

<sup>13</sup> <https://baltimore.cbslocal.com/2019/04/09/measure-to-require-background-checks-on-private-rifle-shotgun-sales-and-ban-of-3d-printed-gun-blueprints-fail-in-maryland/>

<sup>14</sup> <https://health.ucdavis.edu/health-news/newsroom/study-does-not-find-population-level-changes-in-firearm-homicide-or-suicide-rates-in-california/2018/11>

<sup>15</sup> <https://fee.org/articles/california-s-background-check-law-had-no-impact-on-gun-deaths-johns-hopkins-study-finds>

In response to anti-gun legislation pushed through by razor-thin majorities, dominated by large cities, we have seen half the country denounce gun control and declare themselves Second Amendment sanctuaries.<sup>16</sup>

In 2020, Virginia anti-gun legislators pushed through gun control laws and executive orders, and 98% of the counties declared themselves Second Amendment sanctuaries. Does that sound like legislators are listening to their constituents? Does that sound like 95% of Americans want Universal Background Checks?

#### MAGAZINE CAPACITY RESTRICTIONS

Magazine capacity restrictions are another well-intentioned, ineffective concept. Based on the argument that it would decrease death in a mass shooting, ten dead people are unacceptable. Furthermore, if someone is going to commit murder, they are likely to subvert this law as well. It also shows that advocates don't understand how quickly a magazine can be changed. One life lost in a criminal homicide is one too many. And recall Dr. Suzanna Hupp's testimony that it did not work.

#### 'ASSAULT WEAPONS' BAN

According to the FBI, more deaths occur from hammers and blunt objects each year than are not the cause of mass murders. Common sense tells me that you will go after the *next* gun when the next tragedy happens if you succeed in banning this gun. My own experience with prior Assault Weapons Ban was it was ineffective. I saw zero impact on the streets, and the FBI statistics confirmed it. More people are killed annually with blunt objects/hammers or personal weapons (hands, fists, and feet) than with rifles of all types, including the much talked about AR15/weapon of war<sup>17</sup>. Where is the common sense in targeting that gun? It's all a fear-mongering.

<sup>16</sup>: [https://www.thetruthaboutguns.com/what-the-media-wont-report-nearly-half-the-country-is-now-a-second-amendment-sanctuary/?fbclid=IwAR2ZB1xGRLQcSLgBmRbCM7ITE0Bc6fl72tMIVYL6HgQUahcPK67Hch79Z\\_g](https://www.thetruthaboutguns.com/what-the-media-wont-report-nearly-half-the-country-is-now-a-second-amendment-sanctuary/?fbclid=IwAR2ZB1xGRLQcSLgBmRbCM7ITE0Bc6fl72tMIVYL6HgQUahcPK67Hch79Z_g)

<sup>17</sup>: <https://ucr.fbi.gov/crime-in-the-u.s/2019/crime-in-the-u.s.-2019/tables/expanded-homicide-data-table-8.xls>

Murder Victims by Weapon, 2015-2019					
Download Excel					
Weapons	2015	2016	2017	2018	2019
Total	13,847	15,355	15,266	14,446	13,927
Total firearms:	9,143	10,398	11,014	10,445	10,258
Handguns	6,194	6,778	7,052	6,683	6,368
Rifles	215	300	389	305	364
Shotguns	248	247	263	237	200
Other guns	152	172	178	184	45
Firearms, type not stated	2,334	2,901	3,132	3,086	3,281
Knives or cutting instruments	1,533	1,562	1,608	1,542	1,476
Blunt objects (clubs, hammers, etc.)	438	466	474	455	397
Personal weapons (hands, feet, etc.) <sup>1</sup>	601	668	715	712	600

### WAITING PERIODS

As a police officer, I responded to countless reports of domestic violence. Waiting periods have proven to be deadly. Retraining orders are simply pieces of paper that, to do protect victims, only allow the system to prosecute for violating the terms, which are generally not illegal. Security measures are fine but still do nothing to protect the victim. I remember a woman in NJ was stabbed to death in her driveway while waiting to be permitted “allowed” to defend herself with a firearm. This tactic may seem like a good idea but proves to be a failure and cost innocent lives.<sup>18</sup>

### ALTERNATIVE SOLUTIONS

We are here to talk about meaningful policies that will save lives. I was a police officer for 22 years, a firearms instructor for over 30 years, and a professional shooter for the past ten years. I am an expert on firearms safety, and I’ve seen my fair share of the violence humans can perpetrate against each other. I would submit to you that working WITH me instead of dismissing my experiences and my expertise in these matters would move the needle when it comes to making your communities safer. I would also point out that the firearms industry places a lot of attention on safety and have many effective programs.

- The Hunter’s Education program has proven successful by exponentially lowering firearms accidents/fatalities. When Colorado implemented hunter’s education, fatal accidents were cut in half, and non-fatal were substantially decreased. The program only continues to prove its value in saving lives as the rates continued to drop to the lowest to date. Link Here is more information on Hunter’s Education.<sup>19</sup>

<sup>18</sup> NJ Woman Murdered Waiting for a Pistol (<https://thefederalistpapers.org/second-amendment-2/outrageous-nj-woman-brutally-murdered-while-waiting-for-pistol-permit-to-protect-herself>) May 17, 2021

<sup>19</sup> [https://www.hunter-ed.com/colorado/studyGuide/Why-Hunter-Education/20300601\\_165341/](https://www.hunter-ed.com/colorado/studyGuide/Why-Hunter-Education/20300601_165341/)

- The Kid SAFE (Safety Around Firearms Education) Foundation takes the target audience a step further and focuses on all children, not just hunters. Originating in Oregon, the program is ready to go nationwide. Reaching children in urban areas with a higher mortality rate or children with English as a second language is imperative. We should be treating firearm safety similar to water safety.<sup>20</sup> Every kid in the country should be trained, with or without guns, in their homes. Zero firearms accidents are the only acceptable goal. Let's teach our youth safety, discipline, and respect for firearms at young age kids when kids are more likely to follow the rules.<sup>21</sup>
- FASTER Saves Lives is a school security program. Created by concerned parents, law enforcement, and nationally recognized safety and medical experts, FASTER is a groundbreaking, non-profit program that gives educators practical violence response training at no cost to the school districts.<sup>22</sup>
- Suicide makes up over 50% of gun deaths. Hold My Guns, Walk the Talk America, Rachel's Challenge, Active Heroes, Mission 22 are among the long list of organizations that partner or stem from the firearms community. National Shooting Sports Foundation partners with the American Foundation of Suicide Prevention to provide resources and support to firearms retailers and ranges.
- National Train a Teacher Day<sup>23</sup> is coming up on June 19<sup>th</sup>. Instructors across the country offer free firearms safety training to teachers.
- Encourage training and empower citizens to be prepared, not scared. Non-lethal training includes situational awareness, flashlight training, and defensive fighting styles, as well as first aid training like 'stop the bleed.' Tourniquets are lightweight, easy to carry, and easy to use. It's modern-day CPR training, and there's no reason every American shouldn't know how to use it and have one within reach!

All of these programs are independently developed community education and safety programs, not NRA programs. However, I would like to point out that the NRA is the oldest civil rights organization and has been instrumental in firearms education over the years. I am the NRA. I am not the enemy. Millions of responsible American gun owners are not the enemy.

Independent studies would be welcomed. The 1996 Dickey Amendment did not prevent the government from studying guns; it prevented public monies from promoting gun control. The CDC under Obama did a study, and it did not support gun control, and therefore is rarely mentioned<sup>24</sup>.

- Study the effects of kids on medication and correlation with violent behavior.
- Study the effects of violent video games that desensitize horror and glorifies killing.

<sup>20</sup> Link to child causes of death <https://www.childstats.gov/americaschildren/tables/phy7b.asp>

<sup>21</sup> <https://kidsafefoundation.org>

<sup>22</sup> <https://fastersaveslives.org/about-us/>

<sup>23</sup> National Train A teacher Day. (<https://nationaltrainateacherday.com/index.html>) (Accessed May 17, 2021)

<sup>24</sup> "Priorities for Research to Reduce the Threat of Firearm-Related Violence" [http://www.ncdsv.org/images/IOM-NRC\\_Priorities-for-Research-to-reduce-the-threat-of-firearm-related-violence\\_2013.pdf](http://www.ncdsv.org/images/IOM-NRC_Priorities-for-Research-to-reduce-the-threat-of-firearm-related-violence_2013.pdf) (Accessed May 17, 2021)



- Study how guns save lives.

#### MENTAL HEALTH

Our national mental health infrastructure was decimated in the 1970s. Long-term facilities across the country were closed, and those patients were released onto the street<sup>25</sup>. As a police officer, it was always a problem trying to find a bed or access to inpatient or outpatient treatment. Bed availability and insurance/cost were always a hurdle to those that needed help and wanted help. Reports indicate that 10% of homicides, higher for mass killings, 20% of prison inmates, and 30% of homeless, involve mental illness.<sup>26</sup>

If safety is truly your goal, I'm eager to work with any of you, in a bipartisan way, to support and fund these programs. But if disarming America and fundraising off of tragedy is more important, then I won't expect to hear from you. I'm here to save lives. The DC Project women are available as a resource to all of you. We will meet, talk, teach, instruct—anything we can do-- to achieve safety in our communities through education, not legislation.

Thank you for the opportunity to speak, and I look forward to your questions.

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<sup>25</sup>“The Consequences of Deinstitutionalizing the Severely Mentally Ill:  
<https://www.heritage.org/firearms/report/part-ii-the-consequences-deinstitutionalizing-the-severely-mentally-ill>  
(Accessed May 17, 2021)

<sup>26</sup> “Closing Mental Institutions Made Us Vulnerable to Mass Shootings”  
<https://www.dailysignal.com/2018/02/28/closing-mental-institutions-made-us-vulnerable-mass-shootings/>(Accessed May 17, 2021)



Ms. JACKSON LEE. Thanks to Ms. Muller for her testimony, and I'm delighted to yield five minutes to Mr. Skaggs. Excuse me, Mr. Skaggs, it's Pastor Grady. I had checked him off, but he is not checked off. Pastor Grady, are you there?

Mr. GRADY. Yes, I am, madam.

Ms. JACKSON LEE. You're unmuted, thank you. I'm yielding to you at this time. Thank you.

#### **STATEMENT OF MICHAEL E. GRADY**

Mr. GRADY. Thank you again, Madam Chair and Members of the Committee, for the opportunity to share my story with you on today.

My name is Michael Grady, and over the course of my life I've been blessed to hold several titles. I am the Pastor of the Prince of Peace Christian Fellowship Church in El Paso, Texas. Over two decades, I served in the chaplaincy of the United States Army. For the past 40-years plus, I've been married to my wife, Jeneverlyn, and we have three wonderful daughters.

I'm here today, though, because of what happened on August 3, 2019. On that morning, I was at home while my wife and daughter were at a shopping center just a few minutes away from our home. At 10:45 a.m., time seemingly came to a halt when I received a panicked call from my wife telling me to come to Walmart because my daughter Michelle, our middle daughter, had been shot three times.

Shot three times? My daughter? It was as if my wife was speaking a foreign language because the words did not immediately register. How could Michelle have been shot? Serving over 20 years in the Army only to find my daughter to be shot in our own community seemed to me incomprehensible.

I snapped out of disbelief and immediately jumped in the car with my daughter Jacquelyn. When we arrived, our neighborhood shopping center looked more like a war zone you should see on the evening news. We ran past people who appeared to have already lost their lives, desperately searching for Michelle while fearing the worst.

Finally, we came upon my wife and Michelle, who was shot three times and in critical condition. She was rushed to the hospital. Thank God she survived. My daughter is as strong and resilient as anyone. She still walks with a cane, and every day she deals with the trauma of that experience.

Unfortunately, though, 23 other people did not make it. When I think about that day and the aftermath, I think about choices initially. I thought about the shooter's choices, his choice to buy a gun. His choice to get in a car. His choice to murder people because of the color of their skin and their country of origin. All the chances he had to turn around, but he chose not to.

Now, I think about the uplifting choices that others have made since that day. Through my work as the Chair of the local chapter of the Crime Survivors for Safety and Justice and my ministry, I've met countless people affected by gun violence, most incidents that never make the headlines. They've chosen to share their stories and relive their trauma in hopes that it will compel our elected officials to take action.

What I endured, survived, and witnessed on August 3, 2019 occurs too often in our nation. Just 13 hours after my daughter was shot, another mass shooting occurred in Dayton, Ohio. That same weekend in Chicago, 40 people were shot, three fatally, in a series of shootings.

Gun violence destroys families and communities every single day in this country. This violence though is not inevitable. Action can be taken to give community relief from this epidemic of violence. Policy makers can take action to pass common sense measures to prevent these tragedies like universal background checks to keep guns out of the hands of people who should not have them, extreme risk laws to give family Members and law enforcement officers the chance to prevent someone showing signs of dangerous behavior or suicidal issues from possession or purchasing firearms. Better regulations of assault weapons, large capacity weapons that are often used in mass shootings, and legislation to make sure that people convicted of hate crimes cannot access firearms.

Gun violence shouldn't be a common experience in our communities all over America. Passing gun safety laws like the ones I mentioned above will prevent families from losing loved ones or enduring the physical and psychological trauma of a gunshot injury.

Now today, I think about the choices before this Congress. I hope that you will choose to pass common sense gun laws, make investments in communities that will save lives and reduce the chances that another family will go through what mine has.

Thank you and I yield my time.

[The prepared statement of Mr. Grady follows:]

**Testimony of Michael E. Grady  
Senior Pastor, Prince of Peace Christian Fellowship  
El Paso, TX**

**U.S. House Judiciary Subcommittee on Crime, Terrorism, and Homeland Security  
An Unending Crisis: Essential Steps to Reducing Gun Violence and Mass Shootings  
May 20, 2021**

Thank you, Madam Chairwoman and members of the Committee, for the opportunity to share my story with you today. My name is Michael Grady, and over the course of my life I've been blessed to hold several titles. I am the Pastor of Prince of Peace Christian Fellowship Church in El Paso, Texas, and for nearly three decades I served in the Chaplaincy of the United States Army. For the last 47 years, I've been married to my wife Jeneverlyn, and I am the father of 3 wonderful daughters.

I'm here with you today because of what happened on August 3, 2019. On that morning, I was at home, while my wife and daughter were at a shopping center just minutes away from my home. At 10:45am, time seemingly came to a halt when I received a panicked call from my wife telling me to come to Walmart because Michelle, our middle daughter, had been shot 3 times.

Shot three times. My daughter?

It was as if my wife was speaking a foreign language because the words did not immediately register. How could Michelle have been shot? Serving 27 years in the Army only for my daughter to be shot in our own community seemed incomprehensible.

But I snapped out of my disbelief, and immediately jumped in the car with my daughter Jackie for what was the longest drive of my life, to a Walmart that was just 5 minutes away. When we arrived, our neighborhood shopping center looked more like a war zone you'd see on the evening news. We ran past first responders, and past people who appeared to have already lost their lives, desperately searching for Michelle while fearing the worst. Finally, we came upon my wife and Michelle, who was shot 3 times and in critical condition. She was rushed to the hospital and thank God, she survived. Unfortunately, 23 other people did not make it.

The date on the calendar may change, but that day is in many ways a day that never ends. Its consequences will forever be felt. For those who lost a loved one, there are constant reminders of what was stolen. For the survivors, there is lasting physical and emotional pain. My daughter is as strong and resilient as anyone, but she still walks with a cane and deals with the trauma of what she experienced that day.

When I think about that day and its aftermath, I think about choices. Initially, I thought about the shooter's choices. His choice to buy a gun, his choice to get in his car, his choice to murder

people because of the color of their skin and their country of origin, and all the chances he had to turn around but chose not to.

But now I think about the uplifting choices that others have made since then. I chose to get involved with and became the Chairman of the local chapter of Crime Survivors for Safety and Justice. Through that work and my ministry, I've met countless people affected by gun violence, most in incidents that never make headlines. They've chosen to share their stories and relive their trauma in the hopes that it will compel our elected leaders to take action.

What I endured/survived/witnessed on August 3, 2019 occurs far too often in our nation. Just 13 hours after my daughter was shot, another mass shooting occurred in Dayton, Ohio. That same weekend in Chicago, 40 people were shot, 3 fatally, in a series of shootings. Gun violence destroys families and communities every single day in this country. This violence is not inevitable. Action can be taken to give communities relief from this epidemic of violence. Policymakers and leaders like you can take action and pass common sense safety measures to prevent these tragedies.

Universal background checks would help ensure that people who are not legally able to buy or possess firearms cannot easily circumvent the law by finding a private seller, online or elsewhere, who will sell them a gun without a background check. Fortunately, the House has passed a bill to close this dangerous loophole, and the Senate should as well.

Perpetrators of mass violence often present warning signs, indicating that they are at risk of harming themselves or others. Extreme risk laws, also known as red flag laws, allow family members or law enforcement officers to petition a court to temporarily prevent someone showing signs of dangerous behavior or suicidality from possessing or purchasing firearms. These laws have saved lives, preventing mass shootings as well as suicides in states that already have these procedures available.

The nexus of firearms and hate is deadly. I am a witness to what happens when someone filled with racist hatred is armed. The shooter in El Paso was not from our community. He chose to arm himself with an arsenal of ammunition and an assault rifle before driving several hours. He targeted my community as the site for his hate-fueled attack, killing 23 people and injuring 23 others because of the color of their skin. What happened on August 3, 2019 was the deadliest attack on the Latinx community in modern history. Violent extremists and hate groups often use firearms as tools of violence and intimidation. Hate crimes are on the rise; the vitriol and venomous hatred often manifests in violent actions. It is imperative for the safety of all communities that our policymakers address this problem swiftly and ensure that people who perpetrate acts of hate are not legally able to arm themselves.

In El Paso, the shooter came armed with an assault rifle and large-capacity magazines, enabling him to fire dozens of rounds, reload his weapon quickly, and fire multiple shots again—equipped to do as much damage as possible. Large-capacity magazines can hold as many as 30, 40, 50, and even 100 rounds of ammunition. These devices enable a shooter to injure and

kill a large number of people before they need to pause to reload. Congress should ban large-capacity magazines to reduce the potential lethality of firearms and prevent perpetrators of mass violence from firing dozens of rounds without reloading.

As an Army veteran, I know how dangerous and lethal assault weapons are, and I know there is no reason for them to ever be used against innocent members of the public shopping in a store. The shooter chose that weapon because of its firing capability. Assault weapons are the weapon of choice for mass shooters because of their capacity to inflict immense damage over a short span of time. These weapons have shown time and time again that in the hands of a person intent on causing harm, they will do grievous damage. We need our political leaders to act and treat these firearms like the dangerous weapons they are—regulate them the same way we regulate machine guns.

Gun violence shouldn't be a common experience in communities all over America. Passing gun safety laws, like the ones I mentioned above, will prevent families from losing loved ones or enduring the physical and psychological trauma of a gunshot injury. And now today, I think about the choice before this Congress. I hope you will choose to pass commonsense gun laws, make investments in communities that will save lives, and reduce the chances that another family will go through what mine has.

Ms. JACKSON LEE. I thank the witness for his powerful testimony. Now, it is time to recognize Mr. Skaggs for five minutes. Thank you very much.

#### **STATEMENT OF J. ADAM SKAGGS**

Mr. SKAGGS. Thank you, Chair Jackson Lee, Ranking Member Biggs, Members of the Committee for the opportunity to testimony. I am Adam Skaggs, Chief Counsel and Policy Director at Giffords Law Center to Prevent Gun Violence.

In 2020, America suffered not only from COVID-19, but from a gun violence crisis that surged in all its forms. Only five months into this year, we have already had more than 100 mass shootings. We have seen significant spikes in gun homicides, especially in communities of color, increases in gun suicides, and escalating domestic violence. We cannot allow this violence to continue for the next generation.

I commend the House for its passage of several important gun safety bills, including H.R. 8 which closes glaring loopholes in the background check system; H.R. 1446 which provides more time for the FBI to complete background checks; and H.R. 1620 which closes loopholes that allow abusive dating partners and convicted stalkers to access firearms.

I would also like to address additional reforms that would make a critical difference and are a crucial part of a public health approach that is focused on prevention, is proportional to the seriousness of the issue, and is firmly grounded in data and research.

First, extreme risk protection orders, or ERPOs, often after mass shootings, we learn that law enforcement or family Members saw serious warning signs before any violence occurred. When someone poses a threat to themselves or others, extreme risk laws provide a way to intervene. If and only if a court finds credible evidence they pose a serious risk of harming themselves or others, a means to temporarily remove guns and prevent them buying new guns. Studies prove that ERPO laws are effective at preventing suicides and have prevented mass shootings.

While 19 states and the District have these laws, Congress should support other states' efforts to pass and implement them and Congress should prioritize Congresswoman McBath's H.R. 2377 to create an extreme risk process in the federal courts.

Next, I want to address homemade, untraceable firearms, so called ghost guns, that leverage a misinterpretation of federal law to allow people who would fail a background check to easily access guns. Ghost guns include weapons made with 3D printers and guns assembled from kits that include unfinished parts. They lack serial numbers and are therefore untraceable by law enforcement, making them the weapons of choice for criminal gun traffickers responsible for a growing share of crime guns.

Fortunately, ATF has proposed a Rule ensuring that the key parts of ghost guns, frames, and receivers, are properly treated as firearms. Several bills introduced this year would also address ghost guns including H.R. 3088 introduced by Congressman Cicilline, Congresswoman Dean's H.R. 1447, and Representative Deutch's bill to prohibit the online distribution of code for 3D-printed guns.

Turning now to the threat posed by unsecured guns in homes, research has shown that there is an increased risk of suicide, unintentional injury, and death for children when guns are not stored safely. Simple practices to safely secure guns can mean the difference between life and death for kids and with 4.6 million American children living in homes with loaded, unlocked guns, it is critical that Congress takes action.

We are grateful to Chair Jackson Lee and Congresswoman DeLauro for their leadership on this issue. Their bills would encourage gun owners to Act responsibly. We also need laws that will encourage the gun industry to do the same.

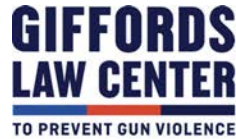
The gun law to convince Congress to pass the Protection of Lawful Commerce in Arms Act, or PLCAA, gives manufacturers and sellers of guns unprecedented immunity from lawsuits. PLCAA has slammed the courthouse door shut for the thousands of gun violence victims whose deaths and injuries could have been prevented if the gun industry behaved in a more responsible manner. This Congress has the chance to right this wrong and should repeat PLCAA by passing legislation like H.R. 2814 from Congressman Schiff.

Finally, while we should treat the gun industry the same way that we treat other industries, not all guns are created equal. Semi-automatic assault rifles offer a particularly lethal combination, rifle ammunition capable of penetrating bullet-proof vests and detachable magazines that can hold as many as 100 rounds. This lethality has made them the weapon of choice for mass shooters, and we are glad that the Hon. Cicilline has reintroduced his bill, H.R. 1808, to restrict access to these devices.

While we often hear about mass shootings committed with assault rifles, the gun industry is now manufacturing AR-15 style handguns that fire the same rounds. They pose a serious risk to law enforcement because they fire rifle ammunition that can penetrate body armor, but they are small enough to conceal. They were used to perpetrate mass shootings in Boulder and Dayton, Ohio and Congress must ensure these dangerous weapons are properly regulated. I thank the Hon. Demings for introducing H.R. 2466 which would do so.

Thank you again, Madam Chair, and I look forward to taking your questions.

[The prepared statement of Mr. Skaggs follows:]



**Testimony of Adam Skaggs, Chief Counsel and Policy Director  
Giffords Law Center to Prevent Gun Violence**

**U.S. House Judiciary Subcommittee on Crime, Terrorism, and Homeland Security  
An Unending Crisis: Essential Steps to Reducing Gun Violence and Mass Shootings  
May 20, 2021**

Thank you, Chairwoman Jackson Lee, and members of the Committee for the opportunity to testify here today. My name is Adam Skaggs, and I am Chief Counsel and Policy Director at Giffords Law Center to Prevent Gun Violence. Giffords Law Center was formed more than 25 years ago after a mass shooting at a San Francisco law firm and renamed for former Congresswoman Gabby Giffords after joining forces with the organization she leads.

In 2020, communities suffered not only from COVID-19 and its financial aftermath, but also from gun violence, a co-occurring public health crisis that surged in all its forms. We are only five months into 2021, and dozens of communities across the country have witnessed deadly shootings. In Indianapolis, eight people were shot and killed at a FedEx facility. In Boulder, ten people, including a law enforcement officer, were shot and killed at a grocery store. In Atlanta, nine people were shot, eight of whom were killed, at three spas. In Rock Hill, South Carolina, six people were shot and killed at a home. And those are just four examples of the more than 100 mass shootings that have happened so far this year.<sup>1</sup> Meanwhile, many cities across the country have experienced spikes in the daily gun homicides that usually don't make national headlines, with over a dozen cities reporting increases of 50% or more.<sup>2</sup> Suicides have increased dramatically in communities from Philadelphia to Chicago.<sup>3</sup> And domestic violence has also intensified, with many localities reporting more calls to hotlines and police.<sup>4</sup>

Yet these troubling trends are so commonplace that they have come to almost seem normal. Day after day, gun violence that gets little national attention claims far too many American lives and ravages countless American communities, especially communities of color. The spikes in gun violence over the last year disproportionately impacted the nation's most under-resourced,

<sup>1</sup> Daniel Victor and Derrick Bryson Taylor, "A Partial List of Mass Shootings in the United States in 2021.," The New York Times, May 10, 2021, <https://www.nytimes.com/article/mass-shootings-2021.html>.

<sup>2</sup> Champe Barton et al., "A Historic Surge in Gun Violence Compounds the Traumas of 2020," *The Trace*, December 21, 2020, [https://www.thetrace.org/2020/12/shootings-data-philadelphia-cleveland-chicago-gun-violence/?fbclid=IwAR2HPjgq48HuOqjahYCpbUWG9UMCGW69\\_B1-CYVqoHsNMEiplR7aK-cdTrnQ](https://www.thetrace.org/2020/12/shootings-data-philadelphia-cleveland-chicago-gun-violence/?fbclid=IwAR2HPjgq48HuOqjahYCpbUWG9UMCGW69_B1-CYVqoHsNMEiplR7aK-cdTrnQ).

<sup>3</sup> See e.g., William Wan, "For months, he helped his son keep suicidal thoughts at bay. Then came the pandemic.," *The Washington Post*, November 23, 2020, <https://www.washingtonpost.com/health/2020/11/23/covid-pandemic-rise-suicides/>.

<sup>4</sup> Justin Nix & Tara N. Richards, "The immediate and long-term effects of COVID-19 stay-at-home orders on domestic violence calls for service across six U.S. jurisdictions," *Police Practice and Research*, (January 2021).



low-income neighborhoods, which even before the pandemic, suffered a daily toll of gun violence that too often went unrecognized. Let me be clear: Gun violence is a racial justice issue. Black and Brown men make up about 75% of all gun homicide victims. From 2015 to 2019, Black children and teens were nearly 13 times as likely to be shot and killed in a gun homicide as their white peers. In that same time frame, Hispanic children and teens were nearly three times as likely and Native American children and teens were more than twice as likely to be shot and killed in a gun homicide as their white peers. Those who survive gun violence are likely to experience it again: in studies of urban hospitals, researchers found that up to 45% of patients treated for injuries like gunshots were violently reinjured within five years.<sup>5</sup>

We cannot allow this violence to continue for the next generation. Proposed gun law reforms, many of which have been introduced in this Congress and which enjoy widespread public support, would make a critical difference. These proposals are a crucial part of a public health approach that is focused on prevention, proportional to the seriousness of the issue, and based on data and research. And despite what the gun lobby may argue, there is no constitutional impediment to passing lifesaving gun laws. Courts across the country have ruled, repeatedly, that the Second Amendment does not stand in the way of passing stronger gun laws. The US Supreme Court itself has made clear that “the right secured by the Second Amendment is not unlimited” and has never protected “a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose.”<sup>6</sup> The only thing standing in the way of laws that will prevent needless injuries and death—and that enjoy the support of overwhelming numbers of Americans—is the absence of political will to act. I urge this Subcommittee, the Judiciary Committee, and the House of Representatives to finally provide our nation with the safety that all Americans deserve.

Although there are many policies that Congress should consider to address our nation’s gun violence crisis, I will focus the rest of my testimony on some of the most pressing.

#### **Extreme Risk Protection Orders**

All too often, law enforcement or family members learns that certain individuals pose a real threat of harming themselves or others. A common thread in many mass shootings is that one or more of the shooter’s family members saw serious warning signs even before any violence occurred.<sup>7</sup> Extreme risk laws give families and law enforcement a way to intervene when someone is in crisis. But in too many states, families and law enforcement lack this lifesaving tool. Congress should support states’ efforts to pass and implement extreme risk legislation of the kind that has been enacted in red and blue states across the country, especially since the tragic shooting at Marjory Stoneman Douglas High School in Parkland, Florida, in 2018.

<sup>5</sup> J. Purtle, et al., “Hospital-based violence intervention programs save lives and money,” *J. Trauma Acute Care Surg.* 75, no. 2 (August 2013): 331–333.

<sup>6</sup> *District of Columbia v. Heller*, 554 U.S. 570, 626 (2008).

<sup>7</sup> See US Department of Justice, Federal Bureau of Investigation, “A Study of the Pre-Attack Behaviors of Active Shooters in the United States,” June 2018, <https://www.fbi.gov/file-repository/pre-attack-behaviors-of-active-shooters-in-us-2000-2013.pdf/view>.

Extreme risk protection order (ERPO) laws create a mechanism to temporarily remove guns and prevent the purchase of new firearms if a court finds that someone poses a real risk to themselves or others. These laws, which exist in some form in 19 states and the District of Columbia, save lives while ensuring due process for those who pose a serious threat. In fact, researchers have determined that in Connecticut, for every 10 to 20 orders issued, one life was saved.<sup>8</sup> Other studies have demonstrated the effectiveness of extreme risk laws in Indiana and California.

ERPO laws are a critical tool in helping to prevent gun suicides, which represent around 60% of gun deaths. Guns are used in only 5% of suicide attempts but are responsible for over 50% of all suicide deaths, because suicides attempted with guns are fatal 85% of the time, far more often than suicides attempted by other means.<sup>9</sup> Put simply, people are more likely to die by suicide if they have easy access to firearms, and far less likely to die by suicide if they do not. For many individuals, this may mean the difference between life and death: nine out of 10 people who survive a suicide attempt do not die by suicide at a later date.<sup>10</sup>

In 2020, Giffords Law Center published a first-of-its-kind analysis that details how Florida's extreme risk law was used to prevent gun violence in Broward County, home of the deadly 2018 massacre at Marjory Stoneman Douglas High School.<sup>11</sup> We leveraged Florida's strong public records law to obtain and review case files for every ERPO sought or obtained during the first year the law was in effect. The analysis found that time after time, Broward County law enforcement used the state's extreme risk law to quickly and safely disarm individuals who made serious, credible threats of violence against themselves, family members, or public places. In the first year after the law went into effect, law enforcement filed 255 unique petitions for ERPOs in Broward County. Many of the individuals subject to these orders threatened multiple, overlapping forms of serious violence. More than half the cases (55%) involved a respondent threatening homicides, and 48% of cases involved threats of suicide. Almost one in five cases involved a respondent threatening to carry out a mass shooting in a public place.

Florida's extreme risk law was used to remove firearm access from, among others:

- A man who threatened to shoot or strangle his neighbor over an argument
- A man who threatened to commit a school shooting

<sup>8</sup> Jeffrey W. Swanson, et al., "Implementation and Effectiveness of Connecticut's Risk-Based Gun Removal Law: Does it Prevent Suicides?," *Law and Contemporary Problems* 80, no. 2 (2017): 179-208.

<sup>9</sup> Giffords Law Center to Prevent Gun Violence, "Confronting the Inevitability Myth: How Data-Driven Gun Policies Save Lives from Suicide," September 2018: 8, 25, [https://giffords.org/wp-content/uploads/2018/09/Giffords-Law-Center-Confronting-The-Inevitability-Myth\\_9.3.18.pdf](https://giffords.org/wp-content/uploads/2018/09/Giffords-Law-Center-Confronting-The-Inevitability-Myth_9.3.18.pdf).

<sup>10</sup> David Owens, Judith Horrocks, and Allan House, "Fatal and Non-fatal Repetition of Self-harm: Systematic Review," *The British Journal of Psychiatry* 181, no. 3 (2002): 193-199.

<sup>11</sup> Giffords Law Center to Prevent Gun Violence, "Preventing the Next Parkland: A Case Study of Broward County's Use and Implementation of Florida's Extreme Risk Law," Feb. 7, 2020, <https://giffords.org/lawcenter/report/preventing-the-next-parkland-a-case-study-of-broward-countys-use-and-implementation-of-floridas-extreme-risk-law/>.

- A teenager struggling with depression who told officers he wanted to shoot himself with his father's gun
- A woman experiencing delusions who unintentionally shot herself

In the vast majority of cases (87%), final orders were granted. In total, 412 firearms were seized or surrendered using ERPOs in Broward County in the first year of the law's existence.<sup>12</sup>

Congress can and must do more to support state extreme risk laws. These laws have been enacted in states with broad bipartisan support, and in the last two Congresses, there has been bipartisan support for legislation that would provide grants to states that have enacted such legislation or would provide a procedure to seek an extreme risk order from a federal court. I urge this Congress to prioritize H.R. 2377, the Federal Extreme Risk Protection Order Act sponsored by Congresswoman Lucy McBath, as well as Congressman Salud Carbajal's forthcoming Extreme Risk Protection Order Act.

### Ghost Guns

Next, I want to address a serious loophole in our nation's gun laws that allows people who would fail a background check to easily purchase guns. These individuals are increasingly turning to so-called "ghost guns"—homemade, untraceable firearms—to circumvent both federal and state gun laws. Ghost guns, which encompass firearms assembled from kits that include unfinished parts and those made with 3D printers, lack serial numbers and are therefore untraceable by law enforcement. When they are made with 3D printers, these guns are often undetectable by metal detectors.

The parts used to assemble ghost guns are sold by dozens of online retailers and are widely available at gun shows and retail gun stores. Frequently, they are sold in kits containing every part needed to assemble fully functioning firearms with little effort. Ghost gun sellers are exploiting the fact that the Bureau of Alcohol, Tobacco, Firearms & Explosives (ATF) until recently did not treat the key part of a firearm—the frame or receiver—as a firearm if it was not entirely finished. Even if all a buyer needed to do to finish the frame or receiver was drill a few holes with a common household drill, and even if that could be completed in just minutes, ATF did not consider these components to be "firearms." As such, sellers of unfinished receivers and ghost gun kits were not required to run background checks and were not required to put serial numbers on their products. As a result, law enforcement cannot trace the chain of custody of these guns if they are recovered in crimes.

Because these DIY weapons can't be traced by law enforcement, they have become the weapons of choice for criminal gun traffickers, what one law enforcement official called "the new frontier" of illegal gun trafficking. And, as a result, they make up a growing share of crime guns: in California, one in three firearms recovered by ATF is a ghost gun;<sup>13</sup> in Los Angeles, the share

<sup>12</sup> *Ibid.*

<sup>13</sup> Alain Stephens, "Ghost Guns Are Everywhere in California," *The Trace*, May 17, 2019, <https://www.thetrace.org/2019/05/ghost-gun-california-crime/>.



is even higher, at 40%.<sup>14</sup> The number of ghost guns recovered at crime scenes and reported to ATF has increased steadily and substantially in recent years, from fewer than 2,000 in 2016 and just over 2,500 in 2017 to more than 7,000 in 2019 and nearly 9,000 in 2020. With several ghost gun sellers saying that ghost guns have been flying off their shelves during the pandemic, there is every reason to believe that law enforcement will recover even more ghost guns this year, as they continue contributing to escalating levels of gun violence across the country.

Allowing this clear and present danger to continue makes no sense. Think about it: if a minor or a convicted domestic abuser walks into a gun store and tries to buy a pistol or AR-15, they will fail a background check and the sale will be denied. But if they instead buy a kit with all the parts they need to build the same pistol or AR-15, the existing regulatory approach says they are not buying a “firearm.” The store won’t run a background check and the prohibited purchaser will walk out with everything they need to build a gun that’s functionally indistinguishable from the pistol or rifle a background check would deny them. They can then build the gun in about an hour—or as one ghost gun retailer boasts, in as little as 15 minutes. If you can put together Ikea furniture, you can put together a ghost gun. And you would never claim that the couch you bought from Ikea isn’t a couch because it came in a kit and required you to screw a few pieces together.

Untraceable guns can also be created using 3D-printing technology. Computer code now exists, and has been distributed over the internet, that allows anyone with a 3D printer to produce firearm components, including lower receivers for AR-15s. Although receivers manufactured with 3D printers are made of plastic, firearms built from them can be just as deadly. An assault rifle assembled using a 3D-printed lower receiver can fire over six hundred rounds—three times the number fired in the Pulse nightclub shooting that left 49 dead and 53 wounded.

Fortunately, ATF has proposed a rule reversing its position and ensuring that the key part of a firearm—the frame or receiver—is treated as a firearm by law. This proposed rule would more broadly define the term “frame or receiver” so that the partially finished frames or receivers used to build ghost guns are regulated as firearms. Nevertheless, Congress must also act on H.R. 3088, introduced by Congressman David Cicilline, to ensure that all firearms carry a serial number that makes them traceable by law enforcement. Congress should also enact H.R. 1447 sponsored by Congresswoman Madeleine Dean, to ensure that metal detectors can detect guns, as well as Congressman Ted Deutch’s bill to prohibit the online distribution of code for 3D firearms. The Second Amendment does not give Americans the right to own untraceable, undetectable firearms,<sup>15</sup> and Congress should act accordingly.

### **Gun Industry Immunity**

In order to encourage the gun industry to pursue more responsible and safer business practices, Congress should ensure that irresponsible and dangerous industry actors can be held

<sup>14</sup> ABC7.com, “City of Los Angeles suing maker of ‘ghost gun’ parts,” February 18, 2021, <https://abc7.com/ghost-gun-polymer80-kit-with-no-serial-number/10348449/>.

<sup>15</sup> *E.g., United States v. Marzzarella*, 614 F.3d 85 (3d Cir. 2010) (rejecting Second Amendment challenge to federal law forbidding the possession of a firearm with an obliterated serial number).

accountable. Lawsuits against the tobacco industry in the 1990s forced it to stop marketing tobacco products to children. Suits against automobile manufacturers led that industry to adopt stronger safety standards. And litigation against bad actors in the pharmaceutical industry has been a critical tool in addressing the nation's ongoing opioid crisis. But gun dealers, importers, and manufacturers enjoy special protection from civil liability that doesn't apply to any other industry.

After a series of lawsuits in the 1990s began to hold particularly reckless gun businesses liable, the gun lobby convinced Congress to pass and President Bush to sign the Protection of Lawful Commerce in Arms Act in 2005.<sup>16</sup> Given that nearly 40,000 Americans lose their lives to gun violence each year, this was a major coup for an industry worth an estimated \$28 billion. This law gives gun manufacturers and sellers unprecedented nationwide immunity from lawsuits. As a result, the industry can ignore the incentive that civil litigation normally provides for private businesses to avoid causing harm to the public.

PLCAA has slammed the courthouse doors shut for the thousands of gun violence victims whose deaths and injuries could have been prevented if the gun industry had behaved in a more responsible manner. This law's broad language presents a serious obstacle to victims in cases where a gun dealer's negligent business practices have put guns in the hands of gun traffickers and other criminals. PLCAA's narrowly worded exceptions do not apply in many cases where a gun business has acted with reckless disregard for public safety, meaning that victims are shut out from seeking justice. This Congress has the chance to right this wrong by passing legislation to repeal PLCAA, such as H.R. 2814, sponsored by Congressman Adam Schiff.

#### **Assault Weapons and Large-Capacity Magazines**

While the gun industry should be treated equally to all other industries, not all guns are created equal. Semi-automatic assault rifles offer a particularly lethal combination: rifle ammunition capable of penetrating bullet-proof vests, coupled with the capability to accept detachable magazines that can hold as many as 100 rounds. This lethality has made semi-automatic assault weapons the weapons of choice for shooters who carry out horrific public attacks. Studies show that the federal assault weapons ban, in effect from 1994 to 2004, resulted in a marked decrease in the use of assault weapons and large-capacity magazines in crime.<sup>17</sup> While the ban was in effect, mass shooting fatalities were 70% less likely to occur.<sup>18</sup>

The key feature of an assault weapon is a detachable large-capacity magazine. Because shooters with weapons equipped with large-capacity magazines can fire at large numbers of

<sup>16</sup> Protection of Lawful Commerce in Arms Act, Pub. L. No. 109-92, 119 Stat. 2095 (2004).

<sup>17</sup> Mark Gius, "The Impact of State and Federal Assault Weapons Bans on Public Mass Shootings," *Applied Economics Letters* 22, no. 4 (2015): 281–284; Arindrajit Dube, Oeindrila Dube, and Omar García-Ponce, "Cross-border Spillover: US Gun Laws and Violence in Mexico," *American Political Science Review* 107, no. 3 (2013): 397–417.

<sup>18</sup> Charles DiMaggio, et al., "Changes in US Mass Shooting Deaths Associated with the 1994–2004 Federal Assault Weapons Ban: Analysis of Open-source Data," *Journal of Trauma and Acute Care Surgery* 86, no. 1 (2019): 11–19.

people without stopping to reload, those in the line of fire do not have a chance to escape, law enforcement does not have the chance to intervene, and the number of lives shattered by senseless acts of gun violence increases dramatically. In Tucson, when Giffords' founder, former Congresswoman Gabby Giffords, was shot, a courageous bystander was able to intervene and stop the rampage when the shooter paused to reload.

Because assault weapons and large-capacity magazines enable mass shooters to inflict significant carnage, several states have restricted access to them. Courts have upheld these restrictions when challenges to bans on assault weapons and/or large-capacity magazines were challenged here in the District of Columbia<sup>19</sup> as well as in Vermont,<sup>20</sup> Massachusetts,<sup>21</sup> New York,<sup>22</sup> Connecticut,<sup>23</sup> New Jersey,<sup>24</sup> Maryland,<sup>25</sup> Colorado,<sup>26</sup> California,<sup>27</sup> and Illinois.<sup>28</sup>

Congress must do more to restrict access to these deadly devices. We are glad Congressman Cicilline has reintroduced his bill, H.R. 1808, to restrict these weapons.

At the very least, Congress must ensure that a teenager cannot easily purchase these exceptionally lethal firearms. Congress set the minimum age to buy a handgun at 21 but allows an 18-year-old to buy an AR-15. That is how the teenage shooter in Parkland, Florida, was able to legally buy a semi-automatic assault rifle and use it to kill 17 people. Since that tragic day, four states have closed this gap and ensured that residents cannot buy an AR-15 or AK-47 before they are old enough to buy a handgun—or even a beer. Elected officials on both sides of the aisle agree we must raise the minimum age to purchase these weapons of war. Rep. Anthony Brown recently introduced H.R. 3015 to do just that, and I call on Congress to take this commonsense step forward.

#### **Armor-Piercing Handguns**

Too often we hear about mass shootings committed with AR-15 or AK-47 style assault rifles, but now the gun industry is manufacturing AR-15 style handguns that fire the same rounds. These weapons pose a serious risk to law enforcement because they are designed to fire rifle

<sup>19</sup> *Heller v. District of Columbia* (“*Heller II*”), 670 F.3d 1244, 1260-64 (D.C. Cir. 2011) (upholding the District of Columbia’s ban on assault weapons and large capacity ammunition magazines after applying intermediate scrutiny).

<sup>20</sup> *Vermont v. Misch*, No. 2019-266 (Vt. 2021).

<sup>21</sup> *Worman v. Healey*, 922 F.3d 26 (1st Cir. 2019).

<sup>22</sup> *New York State Rifle & Pistol Ass’n v. Cuomo*, 804 F.3d 242 (2d Cir. 2015) (New York and Connecticut laws prohibiting possession of semiautomatic assault weapons and large-capacity magazines do not violate the Second Amendment).

<sup>23</sup> *Id.*

<sup>24</sup> *Ass’n of N.J. Rifle and Pistol Clubs v. Grewal*, No. 19-3142 (3d Circuit 2020).

<sup>25</sup> *Kolbe v. Hogan*, 849 F.3d 114 (4th Cir. 2017) (en banc) (Maryland’s assault weapons ban does not violate the Second Amendment).

<sup>26</sup> *Colo. Outfitters Ass’n v. Hickenlooper*, 24 F. Supp. 3d 1050 (D. Colo. 2014).

<sup>27</sup> *People v. James*, 174 Cal. App. 4th 662, 676-77 (2009) (upholding California’s ban on assault weapons and .50 caliber rifles).

<sup>28</sup> *Friedman v. City of Highland Park*, 784 F.3d 406 (7th Cir. 2015) (upholding local ordinance prohibiting assault weapons and large capacity ammunition magazines).

ammunition that can penetrate the body armor worn by police, but they are small enough to conceal.

Current law treats these weapons like regular handguns, rather than rifles, because they are not designed to be fired from the shoulder. However, particularly when equipped with accessories that allow them to be shouldered, they are as dangerous as short-barreled rifles, which are regulated under the National Firearms Act.<sup>29</sup> The NFA, enacted in 1934, was the first federal regulation of the manufacture and transfer of firearms. To possess NFA firearms, individuals must undergo a background check process that includes the submission of photo identification and fingerprints and requires the registration of the firearm with ATF. They must also pay a \$200 transfer tax. Because of this comprehensive system of regulation, weapons governed by the NFA are rarely used in crimes.

On the other hand, handguns that fire rifle rounds with the ability to penetrate body armor are increasingly being used in crime. On February 11, 2019, a shooter killed a police officer with an AK-47 style assault pistol during an enforcement operation. On August 4, 2019, a mass shooter killed nine people and injured 17 in Dayton, Ohio, using an AR-15 style assault pistol. And on March 22, 2021, a gunman killed 10 people at a grocery store in Boulder, Colorado, using an AR-15-style pistol equipped with a stabilizing arm brace. Congress must take action to ensure these dangerous weapons are properly regulated. That's why I am grateful to Congresswoman Val Demings for introducing H.R. 2466, legislation that would regulate armor-piercing, concealable weapons under the National Firearms Act.

#### Safe Storage

Guns in homes pose a clear safety risk, particularly to children. Research has shown that there is an increased risk of suicide, unintentional injury, and death for children and young people when firearms are easy to access in the home.<sup>30</sup> Between 70–90% of guns used in youth suicides, unintentional shootings among children, and school shootings perpetrated by shooters under the age of 18 are acquired from the home or the homes of relatives or friends.<sup>31</sup> Simple practices, such as locking guns in a gun safe or cabinet or using safety devices such as trigger or cable locks, can mean the difference between life and death for a child. Child access prevention (CAP) laws hold adults liable when minors gain access to negligently stored firearms or when parents or guardians directly provide a firearm to a minor.

<sup>29</sup> 26 U.S.C. Chptr. 53.

<sup>30</sup> David C. Grossman, et al., "Gun Storage Practices and Risk of Youth Suicide and Unintentional Firearm Injuries," *JAMA* 293, no. 6 (2005): 707–714. See also, Daniel W. Webster, Jon S. Vernick, April M. Zeoli, and Jennifer A. Manganello, "Association Between Youth-focused Firearm Laws and Youth Suicides," *JAMA* 292, no. 5 (2004): 594–601.

<sup>31</sup> Renee M. Johnson, et al., "Who Are the Owners of Firearms Used in Adolescent Suicides?," *Suicide and Life-threatening Behavior* 40, no. 6 (2010): 609–611; John Woodrow Cox and Steven Rich, "The Gun is Not in the Closet," *The Washington Post*, August 1, 2018, <https://wapo.st/2M2HSH6>. See also, Bryan Vossekuil, et al., "The Final Report and Findings of the Safe School Initiative: Implications for the Prevention of School Attacks in the United States," US Secret Service and US Department of Education, July 2004, <https://www2.ed.gov/admins/lead/safety/preventingattacksreport.pdf>; Tawnell D. Hobbs, "Most Guns Used in School Shootings Come From Home," *The Wall Street Journal*, April 5, 2018, <https://on.wsj.com/2Eydv2f>.



Numerous studies over the past 20 years have found that child access prevention laws can reduce suicide and unintentional gun deaths and injuries among children and teens by up to 54%, with the greatest reductions occurring in states that require safe storage of firearms.<sup>32</sup> With 4.6 million American children living in homes with loaded, unlocked guns,<sup>33</sup> it is critical that Congress pass legislation to encourage states to enact child access prevention laws and discourage unsafe storage of firearms.

Improperly stored firearms are also fueling an epidemic of gun thefts across the country. Stolen guns may be diverted to the underground market and are often used in crime. Gun owners who do not safely store their firearms are significantly more likely to have their guns stolen.<sup>34</sup>

We are grateful to Chairwoman Jackson Lee for introducing H.R. 130, the Kimberly Vaughan Firearm Safe Storage Act, which requires firearms to be stored locked and unloaded in homes where minors or prohibited persons reside, and Congresswoman Rosa DeLauro for introducing H.R. 748, Ethan's Law, legislation that would help states pass child access prevention laws and require gun owners to safely store firearms in their home.

#### **Hate Crimes**

Violent extremists and hate groups often use firearms as tools of violence and intimidation.<sup>35</sup> Between 2010 and 2014, roughly 43,000 hate crimes involving the use or threatened use of a gun were committed in the United States.<sup>36</sup> Mass shootings at spas in Atlanta, Georgia; a gay nightclub in Orlando, Florida; a historic African-American church in Charleston, South Carolina; a Sikh temple in Oak Creek, Wisconsin; the Tree of Life synagogue in Pittsburgh, Pennsylvania; and a Walmart in El Paso, Texas, were among the deadliest hate crimes ever committed in the United States, and among the deadliest mass shootings in our nation's history.

This problem is getting worse. 2019 marked the highest level of reported hate crimes in over a decade. According to the FBI, 2019 also saw notably more violent acts of hate than previous

<sup>32</sup> Emma C. Hamilton, et al., "Variability of Child Access Prevention Laws and Pediatric Firearm Injuries," *Journal of Trauma and Acute Care Surgery* 84, no. 4 (2018): 613–619. See also, Peter Cummings, David C. Grossman, Frederick P. Rivara, and Thomas D. Koepsell, "State Gun Safe Storage Laws and Child Mortality Due to Firearms," *JAMA* 278, no. 13 (1997): 1084–1086; Daniel W. Webster, Jon S. Vernick, April M. Zeoli, and Jennifer A. Manganello, "Association Between Youth-focused Firearm Laws and Youth Suicides," *JAMA* 292, no. 5 (2004): 594–601; Jeffrey DeSimone, Sara Markowitz, and Jing Xu, "Child Access Prevention Laws and Nonfatal Gun Injuries," *Southern Economic Journal* 80, no. 1 (2013): 5–25.

<sup>33</sup> Deborah Azrael, Joanna Cohen, Carmel Salhi, and Matthew Miller, "Firearm Storage in Gun-owning Households with Children: Results of a 2015 National Survey," *Journal of Urban Health* 95, no. 3 (2018): 295–304.

<sup>34</sup> David Hemenway, Deborah Azrael, and Matthew Miller, "Whose Guns are Stolen? The Epidemiology of Gun Theft Victims," *Injury Epidemiology* 4, no. 1 (2017).

<sup>35</sup> See Giffords Law Center to Prevent Gun Violence, "How America's Gun Laws Fuel Armed Hate," March 15, 2021, <https://giffords.org/lawcenter/report/how-americas-gun-laws-fuel-armed-hate/>

<sup>36</sup> Center for American Progress, "Hate and Guns: A Terrifying Combination," February 2016, <https://cdn.americanprogress.org/wp-content/uploads/2016/02/23104301/HateCrimes-report.pdf>.



years.<sup>37</sup> In 2020, the Asian Pacific Islander community was increasingly targeted for hate crimes throughout the pandemic. Similarly, there were reports of acts of hate perpetrated against Black Americans in conjunction with protests seeking police reform and racial justice. Federal law does not prohibit perpetrators of hate crimes from possessing firearms if they plead down their crimes to misdemeanors. In the last Congress, Congressman David Cicilline introduced H.R. 2708 to close this loophole. I urge this Congress to take up and pass such a bill.

### Community Violence

Congress should also act to address gun violence in the communities where its costs are felt most acutely. As noted above, gun violence disproportionately impacts communities of color. This violence is driven by a very small subset of the community and is geographically concentrated in urban neighborhoods. A handful of strategies, if implemented properly, have a proven record of success at reducing this violence by intervening with these individuals.<sup>38</sup>

Evidence-based community-based violence intervention programs include group violence intervention, which deploys a strong message and targeted services for high-risk individuals, with clear and swift consequences from law enforcement for those who continue to perpetrate violence. These programs have been associated with reductions in homicide of 30–60%. A second strategy, used in street outreach programs, treats violence as a communicable disease and works to disrupt its transmission among members of the community. Lastly, hospital-based violence intervention programs enable hospitals to provide counseling, case management, and social services to patients recovering from gunshot wounds. Patients who receive hospital-based violence intervention services are four times less likely to be convicted of a violent crime and four times less likely to be violently injured again.<sup>39</sup> Through the use of these strategies, since 2012, the City of Oakland, California, cut its annual shootings and homicides nearly in half.<sup>40</sup>

With gun violence costing this country \$280 billion a year,<sup>41</sup> these programs are capable of saving both lives and money. But these strategies all require consistent and reliable funding in order to be successful, and many struggled to stay afloat in 2020. Earlier this year, President Joe Biden proposed a historic \$5 billion investment into community violence prevention and intervention programs as a part of the administration's job's plan. Congress should approve this proposal, dramatically increasing federal dollars for community violence intervention and

<sup>37</sup> "Hate Crimes," Federal Bureau of Investigation, last accessed January 14, 2021, <https://www.fbi.gov/investigate/civil-rights/hate-crimes>.

<sup>38</sup> See Giffords Law Center to Prevent Gun Violence, "Healing Communities in Crisis: Lifesaving Solutions to the Urban Gun Violence Epidemic," March 2016, <https://giffords.org/wp-content/uploads/2019/01/Healing-Communities-in-Crisis.pdf>.

<sup>39</sup> Tina L. Cheng, et al., "Effectiveness of a Mentor-Implemented, Violence Prevention Intervention for Assault-Injured Youths Presenting to the Emergency Department: Results of a Randomized Trial," *Pediatrics* 122, no. 5 (2008): 938–946.

<sup>40</sup> Giffords Law Center to Prevent Gun Violence, "A Case Study in Hope: Lessons from Oakland's Remarkable Reduction in Gun Violence," April 2019, <https://giffords.org/wp-content/uploads/2019/05/Giffords-Law-Center-A-Case-Study-in-Hope.pdf>.

<sup>41</sup> Everytown, "The Economic Cost of Gun Violence," February 2021, <https://everytownresearch.org/report/the-economic-cost-of-gun-violence/#lost-quality-of-life>.

prevention strategies, which may be funded through the Departments of Justice and Health and Human Services.

Last session, Congressman Steven Horsford introduced H.R. 4836, the Break the Cycle of Violence Act, which would invest \$90 million each year for ten years in programs using these strategies. In addition, several major federal funding streams—the Victims of Crime Act, the Edward Byrne Memorial Justice Assistance Grant, and Project Safe Neighborhoods—can be used to fund them.<sup>42</sup> Congress should encourage this use of funding by requiring substantial percentages be used to reduce violent crime in the most impacted communities through evidence-based, community-focused programs that rely less on prosecutions and corrections. Congress should also create an Office on Community Violence to direct federal grants to the expansion of these programs in localities disproportionately impacted by community violence, to build the country's technical assistance capacity, and to disseminate best practices.

Over the long term, these investments will pay for themselves: community violence intervention programs can save taxpayers \$7 for every dollar invested.<sup>43</sup>

#### **Research Funding**

Congress's investment in gun violence prevention must also include a commitment to fully understand the American gun violence epidemic. This requires research. But in 1996, Congress cancelled dedicated federal funding for gun violence research that had previously been allocated to the Centers for Disease Control and Prevention (CDC). For more than 20 years, federal investment in gun violence research remained virtually nonexistent at the nation's primary health protection agency, despite gun deaths increasing to levels not seen in decades. Finally, in 2019, Congress appropriated \$25 million for gun violence research, with \$12.5 million going to CDC and \$12.5 million going to the National Institutes of Health (NIH), which was continued through 2021. This historic allocation conveyed to public health institutions that not only was research into gun violence allowed—it was necessary. But this is just a start. We must continue and increase this funding in order to make up for lost time so that we can learn how best to protect American families and communities from the devastation of gun violence.

#### **Gun Trafficking**

Congress must also do more to address gun trafficking. Notably, no clear and effective federal law prohibits gun trafficking. This blatant omission means that law enforcement agencies rarely

<sup>42</sup> See Giffords Law Center to Prevent Gun Violence, "America at a Crossroads: Reimagining Federal Funding to End Community Violence," December 2020, <https://giffords.org/lawcenter/report/america-at-a-crossroads-reimagining-federal-funding-to-end-community-violence/>.

<sup>43</sup> Patricia E. Campie, et al., "Massachusetts Safe and Successful Youth Initiative, Benefit-to-Cost Analysis of Springfield and Boston Sites," American Institutes for Research and WestEd, Nov. 26, 2014, <http://www.air.org/sites/default/files/downloads/report/Benefit%20to%20Cost%20Analysis%20of%20Boston%20and%20Springfield%20SSYI%20Programs.pdf>. See also Michael Sierra-Arevalo, Yanick Charette, and Andrew V. Papachristos, "Evaluating the Effect of Project Longevity on Group-Involved Shootings and Homicides in New Haven, CT," working paper, Institution for Social and Policy Studies, 2015, [https://isps.yale.edu/sites/default/files/publication/2015/10/sierra-arevalo\\_charette\\_papachristos\\_projectlongevityassessment\\_isps15-024\\_1.pdf](https://isps.yale.edu/sites/default/files/publication/2015/10/sierra-arevalo_charette_papachristos_projectlongevityassessment_isps15-024_1.pdf).

focus their efforts on those individuals who put guns into the wrong hands. Closing the background check loophole would begin to address this problem, but federal law must directly address gun trafficking. Earlier this year, Congresswoman Robin Kelly introduced H.R. 2280 to do just that.

In addition, current law does require federally licensed firearms dealers to provide a report to the ATF any time a person buys more than one pistol within five consecutive business days, which can indicate a trafficker at work.<sup>44</sup> This provision should be expanded to all firearms to provide law enforcement with the opportunity to investigate individuals with potentially dangerous intent.

#### **Gun Dealers**

Congress should also ensure that ATF is empowered and adequately funded to enforce our nation's gun laws. While most gun dealers operate responsibly, a small number of irresponsible gun dealers supply an overwhelming number of guns used in crimes. Gun dealers need a license from ATF to operate, but ATF lacks the resources and authority to effectively oversee dealers and shut them down when they behave irresponsibly.

ATF is prohibited from conducting more than one unannounced inspection of each dealer per year<sup>45</sup>—but even without this restriction, ATF would still lack the resources to conduct sufficient inspections. In fact, a 2013 report by the Office of the Inspector General found that 58% of dealers had not been inspected within the past five years, due in part to a lack of resources.<sup>46</sup> This problem has not been solved in the years since: in 2019, ATF inspected only about 10% of federal firearm licensees. Fewer than half of the businesses inspected were found to be in full compliance with federal firearms laws.<sup>47</sup>

ATF is only authorized to revoke the license of a dealer who has “willfully” violated the law,<sup>48</sup> and ATF’s authority to temporarily suspend a gun dealer’s license is strictly limited. In 2017, ATF took administrative action against 3,531 firearms licensees, but only revoked or denied the renewal of 43 licenses.<sup>49</sup> This means that dealers are often allowed to stay in business despite careless or reckless practices that have allowed criminals access to guns—even after law enforcement learns about those dangerous business practices.

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<sup>44</sup> 18 U.S.C. § 923(g)(3)(A).

<sup>45</sup> 18 U.S.C. § 923(g)(1)(B).

<sup>46</sup> US Department of Justice, Office of the Inspector General, Evaluation and Inspections Division, “Review of ATF’s Federal Firearms Licensee Inspection Program,” April 2013: ii, <http://www.justice.gov/oig/reports/2013/e1305.pdf>.

<sup>47</sup> US Department of Justice, Bureau of Alcohol, Tobacco, Firearms & Explosives, “Fact Sheet - Facts and Figures for Fiscal Year 2019,” June 2020, <https://www.atf.gov/resource-center/fact-sheet/fact-sheet-facts-and-figures-fiscal-year-2019>.

<sup>48</sup> 18 U.S.C. § 923(e).

<sup>49</sup> US Department of Justice, Bureau of Alcohol, Tobacco, Firearms & Explosives, “Fact Sheet - Facts and Figures for Fiscal Year 2019,” June 2020, <https://www.atf.gov/resource-center/fact-sheet/fact-sheet-facts-and-figures-fiscal-year-2019>.



ATF is also specifically prohibited from requiring firearm dealers to conduct inventories of their businesses.<sup>50</sup> The Bureau's lack of authority to ensure that firearms dealers utilize this common business practice means that, absent state or local regulation, dealers are not required to confirm whether firearms have gone missing. Gun stores are also under no legal obligation to use basic security measures to safeguard their inventories. Over 13,000 guns were reported either lost or stolen from federal firearms licensees in 2020 alone.<sup>51</sup>

To keep American communities safe, gun stores whose irresponsible business practices put guns in the hands of criminals should not be allowed to stay in business. ATF should have the resources and authority necessary to provide proper oversight and revoke licenses from bad actors. In past Congresses, bills have been introduced in both the House and the Senate that would strengthen ATF's authority and reduce these problems, including H.R. 939, the SECURE Firearm Storage Act, from Congressman Brad Schneider.

#### **The Second Amendment**

As this testimony makes clear, there are numerous ways that Congress can, and should, strengthen our gun laws to make our country safer and save lives from gun violence. By way of conclusion, I want to stress the point that I made when I began, that neither the Second Amendment nor any other part of the Constitution prevents Congress from enacting the legislation I have endorsed. All of these proposals stand on firm constitutional ground, and none of them violate the Second Amendment.

In the landmark 2008 case *District of Columbia v. Heller*, the Supreme Court held that the Second Amendment protects an individual right of law-abiding citizens to own guns for self-defense. Writing for the Court's majority, the late Justice Antonin Scalia also made crystal clear that the right is neither absolute nor unlimited, and does not override basic public safety concerns.<sup>52</sup> The *Heller* decision expressly said that the Second Amendment was not a "right to keep and carry any weapons whatsoever in any manner whatsoever and for whatever purpose," and stated that a range of laws are fully consistent with the Second Amendment, including laws prohibiting gun possession by people convicted of felonies and people with serious mental health histories, laws prohibiting guns in sensitive places like schools and government buildings, and laws placing conditions on gun sales—conditions like background checks. The Court noted that nothing in the Second Amendment prohibits the government from regulating firearm storage to prevent accidents and made clear that Congress and the states can prohibit civilian possession of dangerous weapons of war like the M16.

*Heller's* explicit recognition that a broad range of gun laws are fully consistent with the Second Amendment is in keeping with more than 200 years of American history. Since the founding of our country, gun rights have always coexisted with gun regulations, and the need to protect

<sup>50</sup> Consolidated and Further Continuing Appropriations Act 2013, 113 Pub. L. No. 6, 127 Stat. 198 (2013).

<sup>51</sup> US Department of Justice, Bureau of Alcohol, Tobacco, Firearms & Explosives, "Federal Firearms Licensee (FFL) Theft/Loss Report" 2018, <https://www.atf.gov/resource-center/docs/report/theftdatausa2017pdf/download>.

<sup>52</sup> 554 U.S. 570 (2008).

public safety has always gone hand-in-hand with Americans' right to own guns. Indeed, early American gun laws were, in many cases, much *more* restrictive than 21st century laws, and went much further than any of the actions I have urged Congress to take today. That is why, for more than 200 years before *Heller* and in the decade that followed that decision, federal and state courts across the country have, again and again, upheld strong gun laws that keep our communities safe.

Last month, the Supreme Court announced that it will hear a new Second Amendment case, brought by New York residents who were denied permits to carry concealed weapons in public. It should not be a hard case: *Heller* used an originalist approach that relied on historical sources to define the scope of the Second Amendment right, and *Heller* itself acknowledged that “the majority of the 19th-century courts to consider the question held that *prohibitions* on carrying concealed weapons were lawful under the Second Amendment,” and New York does not prohibit concealed carry, it merely requires a permit to do so. In any event, given the narrow question currently before the Supreme Court, whatever decision the Court eventually issues will not call into question the constitutionality of any of the policies I have urged Congress to enact today, all of which are, and will remain, on firm constitutional ground.

#### **Progress in the House of Representatives**

Lastly, I want to acknowledge some of the progress made by the House of Representatives this year. Efforts to strengthen gun laws have long focused on background checks, and for good reason. After the Virginia Tech massacre in 2007 and again after the Sutherland Springs shooting in 2018, we saw members of both parties come together to address the records that were missing from the National Instant Criminal Background Check System (NICS) which allowed the shooters to purchase the guns used to commit those atrocities.<sup>53</sup> Yet this effort has proven to be far too little to stem the tide of gun violence in this country. It is still far too easy for people who want to do harm to get their hands on guns.

More than 90% of the American public supports closing the dangerous and deadly loophole in federal gun laws that exempts unlicensed sellers from having to perform a background check. I am grateful to Congressman Mike Thompson for introducing H.R. 8 to close this glaring loophole in the 117th Congress and am grateful to the bipartisan group of legislators in the House that passed it.

I am also grateful to Majority Whip James Clyburn for introducing H.R. 1446 to provide the FBI with additional time to ensure that background checks are completed. Federal law allows gun dealers to transfer guns after three business days, even if the FBI is still processing the background check.<sup>54</sup> This loophole allowed the shooter who murdered nine Black worshippers in a church in Charleston, South Carolina, to obtain his gun, even though he wasn't legally entitled to buy it. Approximately 3,000 to 4,000 guns per year are transferred this way and then later have to be reacquired when the FBI determines after the three-day window has closed that

<sup>53</sup> NICS Improvement Amendments Act of 2007, Pub. L. No. 110-180, 121 Stat. 2559 (2008); Fix NICS Act of 2018, Pub. L. No. 115-141, Division S, Title VI, 132 Stat. 1132, (2018).

<sup>54</sup> 18 U.S.C. § 922(t)(1)(B)(ii).

the person should not have passed the background check.<sup>55</sup> The Charleston loophole threatens local communities by enabling guns to fall into the hands of people prohibited from owning them. The Senate should pass this legislation as well.

While closing the loopholes in our federal background check system is a critical first step, we must also do more to strengthen the laws that prohibit individuals who have committed domestic abuse from possessing firearms. Nearly 600 women are shot and killed by intimate partners every year—an average of one woman every 16 hours.<sup>56</sup> More than one in three women in the United States have experienced sexual violence, physical violence, and/or stalking by an intimate partner in their lifetimes,<sup>57</sup> making it critical that policymakers take steps to remove firearms from domestic violence situations.

Guns and domestic violence are a deadly mix: the presence of a gun in a domestic violence situation makes it five times more likely the victim will die,<sup>58</sup> while domestic violence assaults involving a gun are 12 times more likely to end in death than assaults with other weapons or physical harm.<sup>59</sup>

Current federal law does not prohibit gun possession by people who have assaulted dating partners they haven't lived with or people convicted of misdemeanor stalking. That's why I am grateful to Chairwoman Jackson Lee and the bipartisan group of members who voted to pass H.R. 1620, the Violence Against Women Reauthorization Act, and close these loopholes. People convicted of abusing dating partners and stalking should not have access to guns.

While the House of Representatives and many states have taken action to pass gun safety laws supported by most Americans and consistent with the Constitution, there are some states that are doing just the opposite. For example, the Texas legislature is currently debating HB 1927, which would weaken current law by allowing citizens to carry loaded, concealed handguns in public without any background check or training whatsoever. Other dangerous provisions in the bill would allow people with demonstrated histories of violence to carry hidden loaded guns outside of the home. The Texas legislature has been advancing this bill despite opposition from law enforcement. This is a clear example of why our leaders must prioritize public safety over special interests. The strongest way to do so is through federal action.

<sup>55</sup> US Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Division, "National Instant Criminal Background Check System (NICS) Operations Reports," available at <https://www.fbi.gov/services/cjis/nics>.

<sup>56</sup> Jennifer Mascia, "Once Every 16 Hours, an American Woman Is Fatally Shot by a Current or Former Romantic Partner," *The Trace*, February 9, 2016, <https://www.thetrace.org/2016/02/women-domestic-violence-death-statistics/>.

<sup>57</sup> Centers for Disease Control and Prevention, National Center for Injury Prevention and Control, "National Intimate Partner and Sexual Violence Survey: 2015 Data Brief – Updated Release," November 2018: 8, <https://www.cdc.gov/violenceprevention/pdf/2015data-brief508.pdf>.

<sup>58</sup> Jacquelyn C. Campbell et al., "Risk Factors for Femicide in Abusive Relationships: Results from a Multisite Case Control Study," *Am. J. Pub. Health* 93, no. 7 (July 2003): 1089, 1092.

<sup>59</sup> Linda E. Saltzman et al., "Weapon Involvement and Injury Outcomes in Family and Intimate Assaults," *JAMA* 267, no. 22 (1992): 3043-3047.

Our gun violence crisis is a uniquely American problem. It's a problem that plagues our country in countless different ways and exacts a devastating toll on our communities. But it's a problem with solutions. While no one single law will stop all gun violence, we know strong gun laws save lives. We know that allowing children to grow up safe from violence is not a partisan issue—or at least it shouldn't be.

We have seen important progress in recent years. That progress must be the expectation, not the exception. So today, I ask all members of this committee and Congress as a whole to recommit themselves to making progress and taking action to reduce gun violence in this country. Thank you again, Madam Chair, and I look forward to taking your questions.

Ms. JACKSON LEE. Thank you very much. This has been a very important set of statements that I believe are reflective of the concern of Americans. With the witnesses finishing their testimony, I will now proceed under the five-minute Rule with questions, and I will begin by recognizing myself for five minutes.

First, I think it is important to note that I have not been able to find any member of Congress that has used the killing of a loved one of their constituents, the witnesses, as a narrative to enact what some may perceive as gun laws adverse to a small percentage of Americans, since over 80–90 percent of Americans believe in gun safety. I think the record should be clear on that.

Let me quickly go to Mr. Guttenberg for his take on where we are today. I am short on time, so I will quickly pose my two questions together.

You spoke of the few friends who suffered because of lack of gun storage. We know that in the Sandy Hook tragedy, though guns were stored, they were accessible, and tragically babies lost their life. If you can speak to that and then as well, the idea of family fire combined together where children are harmed. I know that you are well aware of those of us who believe in banning the assault weapon and appreciate Mr. Cicilline and continue to push for that.

Mr. Guttenberg.

Mr. GUTTENBERG. Well, thank you. You just highlighted some examples. We do know exactly what happened. We know why those shootings happened. Where we are today is sitting in a hearing where there is a lot of people in this room who don't want to acknowledge the facts that we know about what happened.

Listen, you can be a Second amendment advocate and want to save lives. Okay? Just so everyone in this room knows, my father-in-law owns guns. My son has been shooting with him. My best friend is a law enforcement officer who actually is the one who identified my daughter's dead body. Okay?

So, when I listen to this room and I hear all of these examples of reasons why some people refuse to take any action to save lives, it is infuriating because while we are here, like I said in my opening statement, someone is getting shot and we know the reasons why and we know it is going to happen again because we continue to not take action. No, there is—listen, nobody is talking about anything other than steps to predictably save lives, background checks, the end family fire program, and safe storage.

In 2005, you did pass a bill which required safe storage devices go out with handguns. You know what, we should extend that. This isn't rocket science, saving lives.

I just want to let everyone know; my daughter had rights. My daughter had rights to grow up, live, and maybe be a Second amendment activist. My daughter had a right to go to school, college, get married, and make me a grandparent. That is never going to happen. The more we sit around here having BS arguments, the more you are going to be hearing conversations like this.

Let's do this. We should be working together to save lives, and honestly, I hope we do. Thank you.

Ms. JACKSON LEE. Thank you. I hope I can encourage Mr. Biggs to support the storage bill.



Let me go to Representative Goodwin, we know that the bill that I spoke of earlier passed the Senate and the House in the State of Texas, but we know that it is in the hard work of those of you in the House. It is now in conference, but I thought it was important to bring national attention to this bill.

Will you tell us more about that Texas House Bill 1927 and the implications of that bill in the midst of your personal story, but more importantly, what you did on that bill today? Thank you.

Ms. GOODWIN. Thank you, absolutely. So, House Bill 1927 essentially will let people walk around on our Texas streets without getting training and we have heard from law enforcement, they came out and held a press conference on the capitol steps saying that they are not in favor of this law. They like people getting training if they are going to own and possess a gun.

One of the things that I did add to the bill, a lot of the argument from the other side was that people like the license to carry in Texas. They are still going to get a license to carry. While we hope that is the case, I am skeptical and so I added an amendment to the bill that will have our Department of Public Safety keep a record and provide a report back to the legislature of how many people do get a license to carry after this bill goes into effect and get the training that they need, so they can safely carry their guns.

Ms. JACKSON LEE. This is my final point to you; you believe the ultimate passage of a permitless bill can endanger more lives in Texas and the nation?

Ms. GOODWIN. Absolutely. I believe more guns on the street does not make us safer. I also am very concerned for our children and just their mental well-being. We are in Texas expanding upon our guardian and marshal programs which allows folks to carry guns in our schools and we have these active shooter drills that really affect the mental health of our students and that is also a very big concern of mine.

Ms. JACKSON LEE. Thank you very much. My time has expired.

Mr. CHABOT, you are recognized for five minutes.

Mr. CHABOT. Thank you very much. Ms. Muller, approximately \$1.7 billion has been cut from police departments nationwide. This comes at a time when violent crime is skyrocketing in major cities across the country. Last year, the U.S. saw, in fact, over 20,000 murders, the largest number since 1995, and that was 4,000 more than the year prior to that. The city that I have the honor to represent, City of Cincinnati, we experienced the deadliest year that we had seen in its history.

You are a 22-year police officer, is that—

Ms. MULLER. Retired.

Mr. CHABOT. Retired police officer. What is your reaction to the defunding police across the Nation and what impact is that having on these skyrocketing rates?

Ms. MULLER. Well, I believe that you could see—well, any American can see over the past year of the violence and the rioting that it just doesn't make any sense to us. It doesn't make any sense to vilify and demonize and undermine the police department what you are saying is going to be our savior when we give up our firearms.

Now, we are really understanding that we are our own first responders. We are responsible for our own safety. That is why, as

frustrating as it is for Mr. Guttenberg, I am just as frustrated for the exact opposite reasons. It is just interesting to hear him say that because I feel the exact same way that why are we not working together? Why are we not looking at the truths and the evidence that these guns don't work. All these places that these—95 percent of these mass killings are in gun-free zones. It is a problem. It is not a gun problem. It is a gun-free zone problem.

So, it doesn't make any sense to the average American that we would defund the police and push gun control at the same time.

Mr. CHABOT. Thank you. I would like to read a quote to you from a United States Senator on the Senate floor some years back. "During my 12½ years as a member of this body, I have never believed that additional gun control or federal registration of guns would reduce crime. I am convinced that a criminal who wants a firearm can get one through illegal, untraceable, unregistered sources with or without gun control." That was Senator Joe Biden, by the way, quite some time ago. Now, in all fairness, he has changed his mind on a whole of things like protecting innocent unborn lives, the most vulnerable above us, but I digress.

The comments that he made back there, do they seem for the most part accurate and reasonable?

Ms. MULLER. I agree that they are accurate and reasonable, and I included in my written testimony Suzanna Hupp who was in a mass shooting, mass killing because I am a shooter. I kind of get offended at the shooting part, a mass killing, and she is preaching the same thing 30 years ago. She testified. I was watching—it is in my written testimony, those links to when she was testifying almost 30 years ago. She is speaking the truth. She is saying that gun-free zones kill. That magazine restrictions are not effective. She was legislated out of the right to protect herself. She left her gun somewhere else so she wouldn't have it in a gun-free zone.

She is saying the same thing. The truth remains the same, but as you can see, Mr. Biden has changed his position and I believe that is because it is not truthful.

Mr. CHABOT. Thank you. I have only got about a minute left, so one more thing I would like to ask you. You had, I think, a very impactful written statement, opening statement as well. The challenge is getting it in five minutes because there was a lot in your written statement that you didn't have time to do in your oral statement. So, let me ask you this, you had a quote in here. It says, "Gun control laws sound good, but do nothing to prevent criminals from committing crimes."

Could you kind of expound upon that what you mean by that?

Ms. MULLER. Right. I think we need to hold criminals accountable. We have been so soft and bending over backwards to let bad people out of jail. You have seen it over the past several years, but when people commit crimes, they should be held accountable. Instead of continually making more laws, that is only going to continue to make more criminals.

You are legislating me into being a criminal every time you want to take away my bump stock or every time you want to take away my magazine restriction. Why should the burden be on the law abiding? Why can't we hold people that make ghost guns, why

can't—it is illegal to sell them. Why can't we hold them accountable already with the laws that are already in place?

Mr. CHABOT. Thank you. My time has expired, Madam Chair. I yield back.

Ms. JACKSON LEE. The gentleman's time has expired.

We now recognize Congresswoman Bass. Ma'am, I am not ignoring you. We now recognize Mr. Nadler.

Chair NADLER. Thank you, Madam Chair.

Ms. Muller, your statement that the purpose of the Second amendment is to prevent government tyranny necessarily means that people who think government policies are tyrannical have the right to turn their guns on American troops. I find that appalling.

Mr. Skaggs, please describe the impact that the Protection of Lawful Commerce in Arms Act is set on the ability of victims of gun violence to hold the gun industry accountable and should we repeal that law?

Mr. SKAGGS. Well, it is essentially taking that ability away from them. The Protection of Lawful Commerce in Arms Act provides near blanket immunity to the gun industry. It prevents the vast majority of victims of gun violence from suing irresponsible actors within the industry, whether it is manufacturers or sellers. If you look at the way the civil justice system has been used, for instance, with automobiles and with tobacco, civil lawsuits against those industries led to significant increases in—

Chair NADLER. We should repeal the law.

Mr. SKAGGS. You should.

Chair NADLER. Why are assault weapons and concealable short-barrel assault rifles and pistols, of the weapons of choice for people intending to engage in a mass shooting?

Mr. SKAGGS. Well, these are weapons that are designed with the specific purpose of being able to fire many rounds in a very short period of time and equipped with large-capacity magazines like the one that was used in the Dayton shooting that held 100 rounds. They can kill a lot of people very quickly and that is why mass shooters use them.

Chair NADLER. What can Congress do to ensure that every American has access to an extreme risk protection order so that they can intervene when someone they love is in crisis?

Mr. SKAGGS. Well, Congress can encourage states to adopt these laws. Nineteen states and the District of Columbia have done so, but obviously many more haven't. Congress should provide incentives for states to do so and to assist with implementation. In those states that won't enact these policies on their own, Congresswoman McBath's bill would allow federal courts to be utilized as kind of a backstop to State action on the issue and would allow Americans across the country to ensure that they have access to an extreme risk protection order.

Chair NADLER. Thank you. Mr. Guttenberg, I'm so sorry for your loss and your advocacy inspires me. What you have described seems like responsible gun ownership. Can we really legislate that? If so, how?

Mr. GUTTENBERG. Well, we can, and we do it by acknowledging, I think as you keep saying, truth, and dealing with facts. I'll use Cincinnati as an example of where facts sometimes maybe get dis-

turbed. Because I testified in Ohio. My family lives in Cincinnati. The Congressman is no longer here, he knows my family.

I was in Cincinnati two years ago looking at the spiking gun violence in Cincinnati, and the reality is it has an awful lot to do with what Ohio has been doing with their loosening of gun laws in the state. So yes, we legislate all the time. There's a reason why I wear a seatbelt, okay.

This body can legislate. In 2005, you did on the issue of guns. You actually required gun shops to give out a—safety locking a mechanism with handguns. That can be extended. This body can legislate to save lives, and it is irresponsible if it doesn't happen.

Chair NADLER. Thank you. Pastor Grady, what are the long-term impacts on our children and our country if Congress fails to effectively address gun violence?

Mr. GRADY. Thank you for asking. I think the long-term implication is that our communities feel less safe. Uncertain about being able to navigate in a way that produces credibility for law enforcement to do their job, and also for citizens to feel that they have a vested interest.

I believe in community-based alignment with law enforcement and the community to establish programs, community-based violence intervention programs. They've proven to be a good track record to measure the effectiveness of really coming together and talking about the real issue.

It is affecting the mental, psychological, and social implication that come from the kind of violence that we've seen here in El Paso, Texas. We're still reeling from that, but we're trying to bring our community together again through police accountability, through the larger problem of communicating the effectiveness of this program that has been proven in several cities across the nation.

Chair NADLER. Thank you. How as a faith leader have you had to address everyday violence in your community and what solutions do you see would empower communities to respond to gun violence?

Mr. GRADY. Thank you. One of the things that we've attempted to do here in the city through the interfaith community is to bring, again, the community of faith together with law enforcement and citizens, and to disseminate information in a way that gives our citizens a feeling of safety and a feeling that their needs will be addressed as it pertains to how they navigate throughout the city of El Paso.

The challenge is, again, getting law enforcement to really take a commonsense approach to community policing. I grew up in the Midwest and there was a time and a season in my life when police actually walked the beat, and they had a greater relationship with the citizens in the communities in which they served.

So, I think that's part of the answers, moving a productive way of community policing, of resourcing our cities, so that they will be able to have access to the kind of commonsense mental and physical health, occupational apparatuses that will help to alleviate some of the struggle that we have in our cities.

Chair NADLER. Thank you, my time is expired. I yield back.

Ms. JACKSON LEE. The gentleman's time is expired. The Chair now recognizes Mr. Gohmert from Texas.

Mr. GOHMERT. Thank you, Madam Chair. Dr. Suzanna Hupp can be more articulate on this issue.

Ms. JACKSON LEE. Reserving my right to object. May I ask the gentleman if he gave the majority a 48-hour notice that he intended to play the video in accordance with our Committee AV protocol?

Mr. GOHMERT. I understood that my staff had, I don't know for certain. So, if the gentlelady is saying she's going to prohibit that from—

Ms. JACKSON LEE. Absolutely not, I just asked the question. So, you don't think you did. If that is the case, these things happen and so I'm going to be generous to my fellow Texan, Congressman Gohmert, and we'll allow you to, in spite of the protocols not being followed, we'll allow you to go ahead and play it. Withdraw my objection. So, I yield to you.

Mr. GOHMERT. Thank you.

Ms. JACKSON LEE. Thank you so very much.

Mr. CICILLINE. Point of parliamentary inquiry, Madam Chair.

Ms. JACKSON LEE. The gentleman is recognized for parliamentary inquiry.

Mr. CICILLINE. My inquiry is your gracious accommodation of this I hope will not be read as a signal to violate the rules moving forward.

Ms. JACKSON LEE. The gentleman is recognized.

Mr. GOHMERT. Thank you. Hopefully they'll be able to play that. There it is.

[Video played.]

Mr. GOHMERT. Thank you. Dr. Hupp has been very helpful in getting good legislation passed in Texas. Once again, there is nobody in here that I know of that is not just heartbroken over mass shootings. Once again, I find myself urging what I have for years. We ought to have hearings to get to the bottom of why people are taking guns and shooting.

We've had guns throughout our history, modern weapons for the times throughout our history. Only in more recent history do we have so many mass shootings. I would suggest that one place to start, no matter how well intentioned the War on Poverty was, the Federal Government started paying people to get the father out of the home.

John Adams said this constitution was intended for a moral and religious people. It is absolutely inadequate for any other. We need to get two-parent homes, and we need to get back to being a moral and religious people. My time's expired, I yield back.

Ms. JACKSON LEE. I thank the gentleman for his questioning, and I now yield to the gentlelady from Florida, Ms. Demings, for five minutes.

Ms. DEMINGS. Thank you so much, Madam Chair. Thank you for your leadership on this issue. Thank you to all our witnesses who are with us today, either virtually or in the room.

Let me be clear, it's the prevalence of guns in the wrong hands, in the hands of criminals, in the hands of the mentally ill, and in the hands of terrorists. Guns in those hands is an American tragedy.

As someone who basically dedicated my life, certainly a large percentage of it as a law enforcement officer, to protecting and serving and saving lives, when we have the power to do that, it's not about taking guns out of the hands of law-abiding citizens.

My father was a hunter. I grew up with a, it seems like a house full of guns. I carried one for a lot of years. It's about keeping guns out of the wrong hands. Not out of the hands of law-abiding citizens.

Look, Pulse nightclub is in my district. Don't ask me not to care about the victims of that. Parkland is in my state. Don't ask me not to care about the victims in Parkland.

This week I'm joined by some of you in the room, including our distinguished Chair, to introduce new legislation of Protecting Our Communities Act to close multiple loopholes in federal law that allows guns. Those loopholes that allow guns to fall into the wrong hands.

Ghost guns, are we really here today, are there really some people in this room who are defending ghost guns, guns that are not traceable? What about armor-piercing concealable, and concealable assault weapons?

These weapons can fire through ballistic vests worn by law enforcement officers and can be easily concealed. Are you asking me as a former law enforcement officer not to care about that?

Milwaukee Police Officer Matthew Rittner was killed by one in 2019. Should we just forget that? The same year a shooter in Dayton, Ohio, thank you, Mr. Skaggs, for mentioning that, killed nine people and injured 27 others.

This year in Boulder, Colorado, a man with an AR-15 style pistol killed ten, including a responding officer. These weapons should be regulated under the National Firearms Act, but were specifically designed by gun companies to avoid those rules.

We need to close loopholes in our background checks system, taking action to keep guns out of the wrong hands. I say that yet again. It's not controversial. The vast majority, because we do represent people throughout this nation, the vast majority of Americans agree that we should be taking straightforward steps to keep guns out of the wrong hands.

Legislation can help us fulfill that mission. I still want, as a Member of Congress, to protect and serve and save lives. I'm asking my colleagues to join us in the effort.

Mr. Skaggs, I really do have a question. You discuss in your testimony the proliferation and lethality of armor-piercing handguns, weapons that would be regulated under the National Firearms Act, both through the Law Enforcement Protection Act and the Protect Our Communities Act.

Can you speak more in detail about why these particular weapons and the ammunition they fire are so dangerous to law enforcement, and quite frankly to our children, our neighbors, our coworkers, our friends, and so many others.

Mr. SKAGGS. Absolutely, thank you, Congresswoman Demings. As you pointed out, these weapons fire rifle ammunition that can penetrate body armor that is worn by law enforcement for self-protection, yet they're concealable, which makes them easier to transport.

It makes them frankly easier to bring into spaces like a shopping market, like a grocery store in Boulder, Colorado, and just commit the horror that occurred there.

So, these are designed by the industry to circumvent regulation under the National Firearms Act, which places stronger regulations on short-barreled rifles. The industry has attempted to evade that regulation by marketing these as assault-style pistols.

They're dangerous to law enforcement, absolutely. They're dangerous to American families and communities as well.

Ms. DEMINGS. Thank you so much, Mr. Skaggs. Madam Chair, I yield back.

Ms. JACKSON LEE. I thank the gentlelady for her questioning and I'm very happy to yield now to the Ranking Member of the Subcommittee, Mr. Biggs for five minutes.

Mr. BIGGS. Thank you, Madam Chair. We've heard a lot, and we all want to get to the root cause, I would assume, of what causes mass gun violence. I think that we have to put some things in context. One of those is we rarely hear about the use, the defensive use of guns or the amount of lives guns save every single day.

The CDC estimated between 500,000 to three million per year, lives are saved by the use, defensive use of firearms.

So, Ms. Muller, what do you think these numbers show us about how people are using firearms?

Ms. MULLER. Well, the statistics are that there's 40, I want to say 46,000 lives taken with guns. Some of that, two-thirds, I think it's 55% in 2020, was suicide. There are—it gets the number down in the teens that we're talking people that would, in your districts, that would meet a gun in a gun crime. It considerably lowers that number.

Now, if you look at the defensive use of firearms, it's exponentially higher than those numbers. So, my position is that guns save lives exponentially more than they're taking unlawfully lives.

Mr. BIGGS. So, Ms. Muller, with relationship to police coming in and responding to very dangerous situations, violent situations where there's domestic violence, whether it's an active shooter, whether it's some other kind of violence that's being perpetrated, how long does it usually take?

I mean, what's the difference vis-à-vis their arrival time and their intervention time with those who are armed and can defend themselves and know how to use the weapon?

Ms. MULLER. Police response time is, I think there's an average of three to five minutes. I can tell you that the majority of our time as police officers is spent cleaning up messes and responding and taking calls, taking reports and doing investigations. It is not protecting people.

It is actually, unfortunately in my opinion, that it is not the police officer's duty, by SCOTUS, that they have no duty to protect. That's what we found in Parkland.

Mr. BIGGS. When you say SCOTUS, you're talking about a ruling of the United States Supreme Court.

Ms. MULLER. Yes, sir. We have to protect our children like we protect the people in this building. You guys use guns, you put a wall up. The hypocrisy doesn't go unnoticed. You put military people with guns everywhere. If that's what it takes to protect our

schools, that's what I expect Congress to do. It's not brain surgery. I want to protect the kids.

Mr. BIGGS. So, a comment was made earlier about since Arizona went to a constitutional carry status in 2010, that the overall homicide rate per 100,000, she didn't use the term per 100,000, but the overall homicide rate had increased in Arizona. Have you had a chance to look at that data?

Ms. MULLER. I did. It was during the Legislator Goodwin's comments, that eight percent of aggravated assault that had increased since Arizona adopted open carry or permitless carry. That struck me because that's not consistent with what I know of statistics based on open carry. I went and looked at while you guys were on recess.

In Arizona from 2010 to 2019, murder has declined 22%. Murder has declined 22%. Robberies have declined 19%. Aggravated assault, I'm still trying to figure out because she said aggravated assault with a firearm, and aggravated assault, it's not necessarily with just a firearm.

There isn't a statute, at least in my old department or my old city and State that assault, aggravated assault was with anything. It could be a car.

So, that was up eight percent. So, if you're going to—if she's going to claim that open carry—

Mr. BIGGS. Just real quick because I'm almost out of time, that data is not disaggregated in Arizona by whether it's by weapon, guns, or some other weapon, knife, car, or anything. Whether it's a police officer who's being assaulted because that is categorized as an aggravated assault. That information is not disaggregated. So, that's why I found that testimony interesting.

With that, my time is expired. Thank you, Madam Chair.

Ms. JACKSON LEE. Thank the gentleman for his line of questioning. As I indicated, there are many on this Committee personally having experienced a life experience with guns and witnesses as well, none of whom, I choose to believe, are using that for a narrative to create gun laws.

I'm happy now to yield to one of our passionate and knowledgeable Members, and that is the gentlelady from Georgia, Ms. McBath, for five minutes.

Ms. MCBATH. Thank you, Madam Chair. I thank each of you for your presence here today and giving your testimony.

Let's be real. We're talking about gun violence prevention, not gun control. Nearly ten years ago I lost my son to gun violence. Not a day that goes by that I don't think about him and wonder what kind of man he would be today if he were still here.

I came to Congress to prevent other families from experiencing the same pain of losing someone that you love so dearly to unnecessary gun violence. I truly believe that without gun safety legislation, America becomes more powerful and violent in a more cruel and arbitrary way.

Mr. Guttenberg, I know your pain too well. The reality is that for every day that we fail to pass commonsense, and it is commonsense, gun safety legislation and reforms, more parents and more children, siblings, and the partners will know the pain which no one in this room should ever, ever have to face.



Just in Georgia, the State that I represent, we've lost Ahmaud Arbery last year unnecessarily. Eight more in the recent tragic shootings with the Asian American community just this past March.

Sadly, there are countless acts of violence that never make the headlines. No one ever talks about those individuals that we lose, other than their loved ones in their communities. Nonetheless, the pain of those families is no less deep.

So, I am glad that we are here again today to keep doing this very critical and vital work. Mr. Skaggs, I applaud Giffords Law Center for the study of the effectiveness of extreme risk protection orders. Nineteen states, as you said, and also, DC have embraced this lifesaving tool, and it's critical that we know whether or not these laws would be effective.

Thanks to the studies like yours, we know that extreme risk protection orders, or red flags as we call them, really do save lives. I am proud to have recently reintroduced the Federal Extreme Risk Protection Order Act. That's going to make sure that every American can access this tool to help keep our communities safer.

I'd like to ask you, how do ERPOs protect the due process rights of responsible gun owners?

Mr. SKAGGS. Well, I think it's useful to note that these extreme-risk protection order laws are modeled closely after domestic violence restraining orders or domestic violence protective order laws. They use similar procedures, similar standards. Those laws have been around in all the states, all 50 states, for decades.

They've been used repeatedly in serious situations, and they've repeatedly been found to comply with due process requirements. So, we have something that is fully consistent with due process that's a foundation for these ERPO laws. They too are consistent with due process.

With all that we hear about due process, I don't hear anyone pointing to any court that has ever found that any of these ERPO laws have problems with due process, and there's a reason that we haven't heard of that, because there isn't a problem.

Ms. MCBATH. Thank you. Our colleague made mention earlier that there might be misuse of the ERPOs. So, are there any penalties for those that actually abuse the use of ERPOs?

Mr. SKAGGS. Yeah, the ERPO laws around the states all include protections so that if someone for frivolous reasons or harassing reasons files one of these, that person then subjects themself to penalties. It's akin to perjury, which under federal law can carry a five-year prison sentence.

Under your bill, I believe there's a thousand-dollar fine if anyone files a frivolous or harassing request for an ERPO. That's similar to the states that prevent the misuse of the system by ensuring accountability for anybody who tries to abuse the system.

Ms. MCBATH. Thank you for that. Mr. Guttenberg, and you know, I'm proud to be a co-lead of Jamie's Law, which is named after your daughter, which you mentioned today, who you lost when she was just 14-years old.

Our laws already prohibit certain people from obtaining both firearms and ammunition, but current law doesn't require back-

ground checks for ammunition. Jamie's Law merely requires just that, a background check for ammunition purchases.

Please explain to this body today how Jamie's Law actually saves lives.

Mr. GUTTENBERG. I thank you for asking that. We just saw a video played here a short while ago. That was a really old video. I don't know what year it's from, but I bring it up because unlike back then, today we have about 400 million weapons on the streets of America. That's a fact.

Unfortunately, if you're a prohibited buyer of a firearm, you are also by law prohibited from getting the ammunition. There's no requirement for a background check on ammunition.

So, among that 400 million that are in the hands of people who may want to kill us, they can get their weapon, steal it, get it from somewhere where it was unlocked, or a variety of other ways, and simply walk into the store and buy the bullets.

Jamie's Law shuts down that loophole. It ensures that people who are currently unable to buy firearms, who can't pass a background check, they can't just walk in and buy the ammunition to use the weapon. Jamie's Law will save lives immediately if passed because it shuts down that loophole.

It takes that ability of those who do intend harm who are in possession of weapons that they shouldn't be in possession of from getting the ammunition to carry out the crime. Thank you.

Ms. MCBATH. Thank you, and I'm out of time.

Ms. JACKSON LEE. I thank the gentlelady for her questioning as well, and I am now delighted to yield to the gentleman, Mr. Massie.

Mr. MASSIE. Thank you, Madam Chair. There are a lot of falsehoods that I want to disprove here today in the short time that I have, the first of which is that Republicans don't care about life or victims. We care about victims. I care about the victims of gun control.

My former employee, my former staff member, watched her husband killed in front of her because she followed the gun control laws, and yet her assailant, her stalker, did not. She left her concealed carry weapon in her car because it was a gun-free zone. It's a sign that no criminal ever pays attention to.

So, let me start with some of the other falsehoods here. The Charleston loophole. Democrats say if there had just been a few more days to check Dylann Roof's background, Roof would have been stopped from buying a gun.

Here's the problem with that assertion: You can't buy a gun if you have a felony or certain misdemeanor convictions or if you're arrested but not yet convicted of a crime of a possible prison sentence of at least one year.

Roof's arrest was for a misdemeanor drug offense, which had a maximum possible sentence of six months. A longer waiting period, which the Democrats have asked for and said would solve a lot of problems, would not have blocked his gun purchase.

If Democrats want a waiting period, then pass a waiting period. Don't use a tragedy as an example that doesn't apply.

If they want ban misdemeanor offenses, people who've committed them from possessing a gun, then do that. Don't call it the Charleston loophole, it's not a loophole. Fact-check me on this.

Now, let's talk about safe storage laws. I ask unanimous consent to enter an article into the record from the Journal of Law and Economics. I'll read a little bit of the abstract—

Ms. JACKSON LEE. Without objection, so ordered.

[Information follows:]



**MR. MASSIE FOR THE RECORD**

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## SAFE-STORAGE GUN LAWS: ACCIDENTAL DEATHS, SUICIDES, AND CRIME\*

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### ABSTRACT

It is frequently assumed that safe-storage gun laws reduce accidental gun deaths and total suicides, while the possible impact on crime rates are ignored. We find no support that safe-storage laws reduce either juvenile accidental gun deaths or suicides. Instead, these storage requirements appear to impair people's ability to use guns defensively. Because accidental shooters also tend to be the ones most likely to violate the new law, safe-storage laws increase violent and property crimes against low-risk citizens with no observable offsetting benefit in terms of reduced accidents or suicides.

### I. INTRODUCTION

The benefits of laws requiring that citizens safely store their guns seem undeniable, in terms of both fewer juvenile accidental gun deaths and suicide. Some have argued that these restrictions might also reduce crime rates to the extent it makes it more difficult for criminals to steal guns. This is an issue that most congressional Republicans and Democrats agree on. If new gun control laws are passed during the 1999–2000 legislative session, one component of the bill probably will involve mandating trigger locks to be included with any gun sales. Similar views are expressed by presidential candidates of both parties, and the Clinton administration made it a major issue.<sup>1</sup> During just the last couple of years, numerous states considered laws mandating safe storage of guns. Illinois passed a law mandating that guns be kept locked or otherwise securely placed when a child under 14 may have

\* The authors are from the American Enterprise Institute and Adelaide University, respectively. We would like to thank Gertrud Fremling, David Kopel, Bill Landes, and the seminar participants at Dartmouth College, University of Santa Clara, and the University of Washington for helpful discussions.

<sup>1</sup> David Ottway, *A Boon to Sales, or a Threat?* Washington Post, Thursday, May 20, 1999, at A1; John McCain Profile, *Nat'l J.*, November 6, 1999.

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There is evidence that restrictions on people's ability to defend themselves encourages criminals to attack. The potential defensive nature of guns is indicated by the different rates of so-called hot burglaries, where residents are at home when the criminals strike.<sup>8</sup> A total of 59 percent of the burglaries in Britain, which has tough gun control laws, are "hot burglaries." By contrast, the United States, with laxer restrictions, has a "hot burglary" rate of only 13 percent. Consistent with this, surveys of convicted felons in America reveal that they are much more worried about armed victims than they are about running into the police. This fear of potentially armed victims causes American burglars to spend more time than their foreign counterparts "casing" a house to ensure that nobody is home. Felons frequently comment in these interviews that they avoid late-night burglaries because "that's the way to get shot."<sup>9</sup>

After Tasmania's horrible multiple victim public shooting in 1996, Australia outlawed defensive gun ownership, instituted strict locking requirements for guns, and banned many types of guns. But neither total crime nor total crime with guns declined in Australia. In the 4 years after the law, armed robberies rose by 51 percent, unarmed robberies by 37 percent, assaults by 24 percent, and kidnappings by 43 percent.<sup>10</sup> And although murders did decline by 3 percent, manslaughter rose by 16 percent.<sup>11</sup>

On the other hand, those supporting safe-storage laws point to how locking up guns can reduce crime by discouraging or preventing burglars from ob-

<sup>8</sup> For example, Gary Kleck, *Targeting Guns: Firearms and Their Control* (1997); David B. Kopel, *The Samurai, the Mountie, and the Cowboy* (1992); and David B. Kopel, *Lawyers, Guns, and Burglars: Lawsuits against Gun Companies and the Problem of Positive Externalities*, presented at the American Criminology Meetings (1999), provide international evidence on hot burglary rates.

<sup>9</sup> James D. Wright & Peter H. Rossi, *Armed and Considered Dangerous: A Survey of Felons and Their Firearms* 151 (1986), interviewed felony prisoners in 10 state correctional systems and found that 56 percent said that criminals would not attack a potential victim that was known to be armed. They also found evidence that criminals in those states with the highest levels of civilian gun ownership worried the most about armed victims. Examples of stories where people successfully defend themselves from burglaries with guns are quite common (see John R. Lott, *More Guns, Less Crime: Understanding Crime and Gun Control Laws* (1998), and Robert Waters, *The Best Defense: True Stories of Intended Victims Who Defended Themselves with a Firearm* (1998)). For example, see *Burglar Puts 92-Year-Old in the Gun Closet and Is Shot*, *New York Times*, 7 September 1995, at A16. George F. Will, *Are We "A Nation of Cowards"?* *Newsweek*, November 15, 1993, discusses more generally the benefits produced from an armed citizenry.

<sup>10</sup> The Australia Bureau of Statistics can be found at <http://www.abs.gov.au>.

<sup>11</sup> England also recently banned handguns and centerfire rifles and shotguns, yet it now leads the United States by a wide margin in robberies and aggravated assaults, and although murder and rape is still higher in the United States, that difference has been shrinking (Nicholas Rufford, *Official: More Muggings in England than US*, *Sunday Times* (London), October 11, 1998.)

prove this point, Klein and coauthors claimed that “guns used for self-protection are more likely to be involved in accidental shootings because hunting or target guns are much less likely to be stored loaded or to be kept where they are readily accessible.” In a later paper, Klein found that predominately low-income urban families with child gunshot victims had “kept loaded guns within ready reach because they had no confidence that the police offered them protection against neighborhood crime.”<sup>17</sup>

If Klein and his coauthors are correct in that it is guns primarily stored for self-defense that result in accidents and if gun owners are correct that guns help mitigate harm when an attack occurs, safe-storage laws could reduce fatal gun accidents while simultaneously decreasing the ability for self-protection. This would thus lower the cost to criminals and increase crime. The empirical question is then whether the reduction in accidental gun deaths or suicides outweighs any costs from increased crime. The test carried out in this paper will provide some qualitatively different evidence on the ability of guns to deter criminals.<sup>18</sup>

Half of all fatal gun accidents are self-inflicted. In cases where the fatal injury is inflicted on somebody else, the person firing the gun is on average 6.6 years older than the victim. Shooters tend to be between the ages of 15–24 and from low-income families. Data from 1980 indicate that the race of the victim and shooter were the same in 96.5 percent of the cases, while the sex was the same in 75 percent of the cases. Shooters also tend to demonstrate “poor aggression control, impulsiveness, alcoholism, willingness to take risks, and sensation seeking.”<sup>19</sup> Others have found that accidental shooters were much more likely to have been arrested for violent acts and/or for alcohol-related offenses, and a disproportionate number had been involved in automobile crashes and traffic citations.<sup>20</sup> They were also much more likely to have had their driver’s licenses suspended or revoked.

<sup>17</sup> David Klein, *Societal Influences on Childhood Accidents*, *Accident Analysis & Prevention* 275, 277 (1980).

<sup>18</sup> There is a large literature on the ability of guns to deter criminals including: Ian Ayres & John Donohue, *Nondiscretionary Concealed Weapons Laws: A Case Study of Statistics, Standards of Proof, and Public Policy*, 1 *Am. Law & Econ. Rev.* 436 (2000); William Bartley & Mark Cohen, *The Effect of Concealed Weapons Laws: An Extreme Bound Analysis*, 36 *Econ. Inquiry* 258, 259 (1998); Daniel Black & Daniel Nagin, *Do Right-to-Carry Laws Deter Violent Crime*, 27 *J. Legal Stud.* 209 (1998); Stephen Bronars & John R. Lott, *Criminal Deterrence, Geographic Spillovers, and Right-to-Carry Laws*, 88 *Am. Econ. Rev.* 475 (1998); Kleck, *supra* note 8; Lott, *supra* note 9; John R. Lott, *The Concealed Handgun Debate*, 27 *J. Legal Stud.* 221 (1998); John R. Lott & David Mustard, *Crime, Deterrence, and Right-to-Carry Concealed Handgun Laws*, 26 *J. Legal Stud.* 1 (1997); Florenz Plassman & Nic Tideman, *Geographical and Temporal Variations in the Effects of Right-to-Carry Laws on Crime* (working paper, Virginia Polytechnic Inst. & State Univ. 1999); Lawrence Southwick, *Self-Defense with Guns: The Consequences* (working paper, SUNY at Buffalo 1997); and Wright & Rossi, *supra* note 9.

<sup>19</sup> Kleck, *supra* note 8.

<sup>20</sup> Julian Waller & Elbert Whorton, *Unintentional Shootings, Highway Crashes, and Acts of Violence*, 5 *Accident Analysis & Prevention* 351 (1973).



of death is actually fairly difficult to establish. Survey data on gun ownership rates is never statistically related to accidental gun deaths or gun suicides, and using gun magazine sales as a proxy for gun ownership implies only a small relationship in a small percentage of specification (the relationship is even smaller than if nongun magazines are used).

### III. THE RAW DATA

Fifteen states adopted safe-storage laws between October 1, 1989, and January 1, 1996, with the average law being adopted in the middle of September 1992.<sup>24</sup> For the implementation dates of safe-storage laws, we relied primarily on an article published in the *Journal of the American Medical Association*,<sup>25</sup> although this contained laws passed only through the end of 1993. The Web site for Handgun Control provided information on the three states passing laws after this date and confirmed the information found in the medical journal for the earlier dates.<sup>26</sup> The laws share certain common features, such as making it a crime to store firearms in a way that a reasonable person would know that a child could gain use of a weapon. The primary differences involve exactly what penalties are imposed and the age at which a child's access becomes allowed. While Connecticut, California, and Florida classify such violations as felonies, other states classify them as misdemeanors. The age at which children's access is permitted also varies across states, ranging from 12 in Virginia to 18 in North Carolina, Texas, and Delaware.<sup>27</sup> Most state rules protect owners from liability only if firearms are stored in a locked box, secured with a trigger lock, or obtained through unlawful entry.

The data examined in this study ranges 1977–96 for the crime rates and 1979–96 for the accidental death and suicide rates. Most of the analysis is conducted at the state level because the county-level data are not disaggregated by age and only a tiny fraction of 1 percent of the counties will

<sup>24</sup> The states in order of adoption are Florida (October 1, 1989), Iowa (April 5, 1990), Connecticut (October 1, 1990), Nevada (October 1, 1991), California (January 1, 1992), New Jersey (January 17, 1992), Wisconsin (April 16, 1992), Hawaii (June 29, 1992), Virginia (July 1, 1992), Maryland (October 1, 1992), Minnesota (August 1, 1993), North Carolina (December 1, 1993), Delaware (October 1, 1994), Rhode Island (September 15, 1995), and Texas (January 1, 1996).

<sup>25</sup> Cummings *et al.*, *supra* note 15.

<sup>26</sup> See <http://www.handguncontrol.org>.

<sup>27</sup> The ages for different states are California (14), Connecticut (16), Delaware (18), Florida (16), Hawaii (16), Iowa (14), Maryland (16), Minnesota (14), Nevada (14), New Jersey (16), North Carolina (18), Rhode Island (16), Texas (18), Virginia (12), and Wisconsin (14).

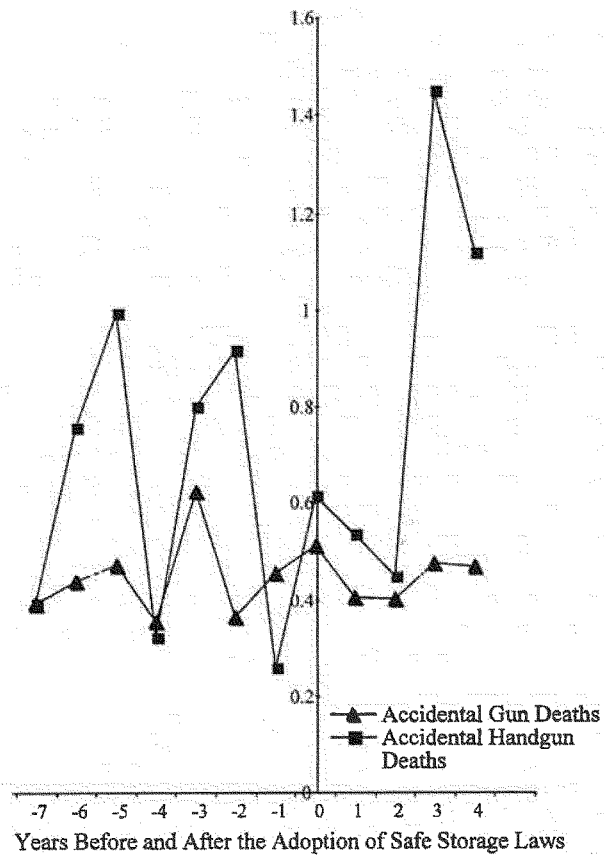


FIG. 1.—How accidental gun death rates for children under age 15 changed in states with and without safe-storage laws. Vertical axis: Ratio of accidental gun and handgun death rates for the 10 states that passed safe-storage laws and ended up having them in effect for at least 4 years relative to those rates in states that never had safe-storage laws in effect.

is made in this way because different states adopted safe-storage laws in different years, and we want to examine how the accidental deaths changed in the years before and after the law while making sure that we account for national trends.

Year 0 in Figure 1 constitutes the year that the law was passed, and year 1 is the first full year that the law is in effect.<sup>31</sup> While the states adopting

<sup>31</sup> The average law went into effect in early July, so that the law was in effect, on average, for half a year during the year that it is adopted.

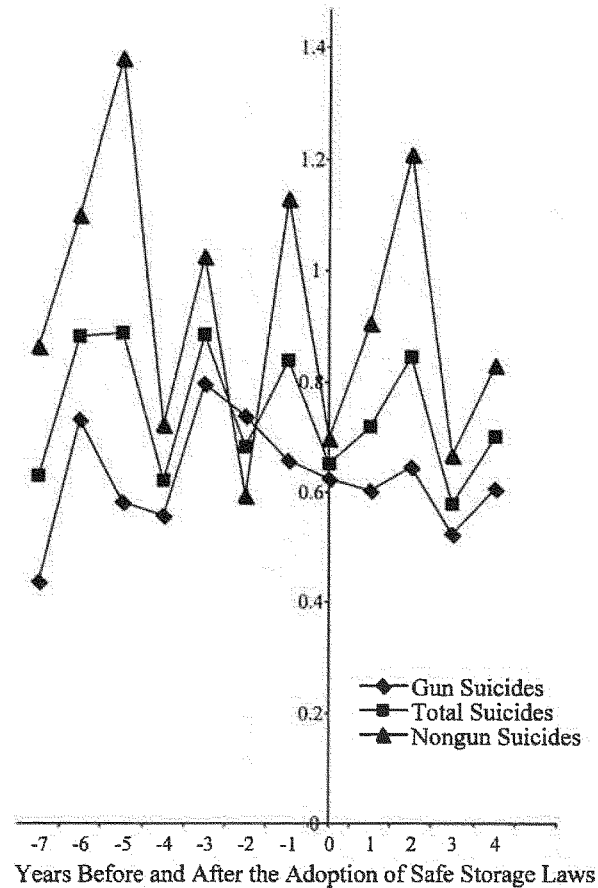


FIG. 2.—How gun suicide rates for children under age 15 changed in states with and without safe-storage laws. Vertical axis: Ratio of suicide rates for the 10 states that passed safe-storage laws and ended up having them in effect for at least 4 years relative to those rates in states that never had safe-storage laws in effect.

in effect for at least 4 years, the relative violent crime stopped falling when these laws were adopted and then ended up even higher at the end of the period.

#### IV. OTHER FACTORS

While very large changes can sometimes be seen in the raw data, patterns often only emerge once other factors are taken into account. As with the

the availability of guns in the home since some of these deaths will involve parents or other adults, but also for other risk factors that might vary by state. We have also run estimates where the accidental gun death information for those over age 19 is broken down into narrower age groupings under the assumption that those closest in age to the age group being studied would explain more of the variation. While there is some evidence for that hypothesis, these narrower age groupings for people over age 19 help explain more of the variation in juvenile accidental gun deaths, none of the results for the safe-storage laws were affected.

The data allow the accidental death data to be disaggregated by age (1–5, 5–9, 10–14, and 15–19 years of age; see the Appendix for the descriptive statistics of these variables). If the desire to access guns were the same for all age groups, one would expect that if safe-storage laws prevent access to guns, they would have their biggest impact for the youngest children. As noted earlier, the General Accounting Office reported in 1991 that mechanical safety locks are unreliable in preventing children over 6 years of age from using a gun,<sup>34</sup> and there is probably little that can prevent an older teenager from doing what he wants. Yet, even if the benefits are smaller for older children, it is possible that children who are even older than the ages for which the restrictions apply could experience a drop in accidental gun deaths.

The general specification that we will use is

$$\begin{aligned} & \text{Accidental Gun Death Rate}_{ijk} \\ &= \beta_1 \text{Safe Storage Law Dummy}_{jk} + \beta_2 \text{Accidental Nongun Death Rate}_{jk} \\ &+ \beta_3 \text{Accidental Gun Death Rate for Adults}_{jk} + \beta_4 \text{Control Variables}_{jk} \\ &+ \beta_5 \text{State Fixed Effects} + \beta_6 \text{Year Fixed Effects} + \alpha + \varepsilon_{ijk}, \end{aligned}$$

where the “Accidental Gun Death Rate” is that rate for age group  $i$  in state  $j$  and year  $k$ . Besides the law dummy, the accidental nongun death rate for the same age group, and the accidental gun death rate for adults, we account for vectors of control variables and state and year fixed effects.

A similar approach will be used to explain how suicides by youngsters vary. We will include information on suicides for people in that age group committed by means other than guns along with suicide rates for people older than 19 years of age. Whatever might cause youngsters to attempt to commit suicide by means other than guns might also help explain the rate at which they try to commit suicides with guns. In addition, factors that determine the general suicide rate for those over age 19 might also be relevant for explaining the gun suicide rate for those under that age.

It is simply not possible to use the same level of disaggregation by age for suicides as was used for accidental deaths. For example, there was only

<sup>34</sup> U.S. General Accounting Office, *supra* note 4.

### A. *Accidental Gun Deaths*

The first set of estimates use a simple dummy variable that is set equal to the portion of the first year that the safe-storage law is in effect and then equal to one for all subsequent years. Specifications 1, 5, and 9 in Table 1 account for only state and year fixed effects. The other specifications also account for all the other variables discussed in the preceding section, with the exception of the other gun control laws. The estimates are broken down in two ways, by age category (1–5, 5–9, 10–14, and 15–19 years of age, although for space considerations this last category is not shown here) and by whether the rate of nongun accidental deaths for people in that age group or whether the accidental gun death rate for people over 19 years of age are accounted for.

Despite these different combinations, it is difficult to observe any evidence of reduced accidental gun deaths from the safe-storage law. Half the 16 coefficients are negative and half are positive, with the only statistically significant estimate implying that safe-storage laws increase accidental gun deaths. Some of the point estimates do imply a large percentage impact for the two youngest age groups, but the net effect on all four age groups added together is actually very small—resulting in four more accidental deaths (ignoring the even smaller estimates provided by the regressions with only the fixed effects: six lives saved for those ages 1–5 years, 12 more lives lost for those ages 5–9, 12 lives saved for those ages 10–14, and 10 more lives lost for those ages 15–19). The differential pattern for different age groups also seems inconsistent with what would be predicted from safe-storage laws.<sup>36</sup>

While increases in the accidental death rate from nongun methods for people in an age group is almost always positive, it is never statistically significant. The coefficients also indicate that increasing by one the per capita number of nongun accidental deaths increases the number of accidental deaths by guns by at most .01. Perhaps not surprisingly, the accidental gun death rate for people over age 19 does a much better job of explaining the accidental gun death rate for juveniles that are relatively closer in age—increasing accidental gun deaths over age 19 by one per 1,000 people increases the per capita number of accidental gun deaths for 15–19-year-olds by .64 per 1,000 people. The results for the other control variables are presented for some of these specifications in an appendix that is available from the authors, but most variables are not statistically significant.

These results were robust to including other gun laws, accounting for the age at which the law applies or whether the penalty was a felony or misdemeanor, using separate dummy variables or before-and-after trend for each

<sup>36</sup> Consistent with the raw data, rerunning the results for accidental handgun deaths implies that these deaths actually rose after the passage of the safe-storage laws.

## SAFE-STORAGE GUN LAWS

CHECKED 17

	AGES 10-14				AGES 15-19			
	Only		Only		Only		Only	
	Fixed Effects	All Other Control Variables Used	Fixed Effects	All Other Control Variables Used	Fixed Effects	All Other Control Variables Used	Fixed Effects	All Other Control Variables Used
	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)
Safe-storage law dummy <sup>a</sup>	-3.95E-7 (.433)	-1.46E-6 (1.11)	-1.46E-6 (1.11)	-1.48E-6 (1.12)	9.13E-7 (.779)	7.87E-7 (.485)	8.30E-7 (.511)	6.43E-7 (.405)
Accidental death rate for people in age group from means other than guns		.00018 (.018)		-.000283 (.027)			.00584 (1.021)	.00425 (.757)
Accidental gun death rate for people over 19 years of age				.0655 (.789)				.6405 (6.34)*
$\chi^2$	669.31	949.30	950.33	986.64	807.23	949.30	950.33	986.64

NOTE.—All regressions are weighted tobit, where the weighting is each state's population, and use state and year fixed effects. Specifications 1, 5, and 9 account for only fixed year and state effects. Not reported for the other specifications are the 36 demographic variables, state population and population squared, unemployment, poverty rate, income variables, or the fixed effects,  $N = 918$ .

<sup>a</sup> Equals fraction of year that the law is first in effect and 1 thereafter.

\* The two-tailed test is significant at the 10% level.

\* The two-tailed test is significant at the 5% level.

TABLE 2  
IMPACT OF SAFE-STORAGE LAWS ON SUICIDES

	UNDER AGE 15				AGES 15-19			
	Only		Only		Only		Only	
	Fixed Effects	All Other Control Variables Used	Fixed Effects	All Other Control Variables Used	Fixed Effects	All Other Control Variables Used	Fixed Effects	All Other Control Variables Used
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Safe-storage law dummy <sup>a</sup>	-4.65E-7 (1.601)	-1.74E-7 (.403)	-1.84E-7 (.389)	-7.69E-8 (.178)	-4.22E-6 (1.330)	-3.67E-6 (1.195)	-3.83E-6 (1.248)	-3.68E-6 (1.194)
Suicide rate by people in age group committed by means other than guns			.0285 (.706)	.0195 (.477)			.3598 (.863)	.0337 (.804)
Suicide rate by people over 19 years of age				.0191 (2.627)*				.0276 (.534)
$\chi^2$	425.34	563.71	512.23	570.86	1,225.57	1,434.68	1,435.43	1,435.71

NOTE.— $N = 918$ . All regressions are weighted tobit, where the weighting is each state's population, and use state and year fixed effects. Specifications 1 and 5, account for only fixed year and state effects. Not reported for the other specifications are the 36 demographic variables, state population and population squared, unemployment, poverty rate, income variables, or the fixed effects.  $N = 918$ .

<sup>a</sup> Equals fraction of year that the law is first in effect and 1 thereafter.

\* The two-tailed test is significant at the 5% level.

The lack of benefits in the preceding sections are consistent with two possible explanations: either the safe-storage laws have no impact on people's behavior in storing or owning guns, or the laws alter the behavior of people for whom the risks of accidental gun deaths or suicides were already very low. This second explanation is consistent with what we know about the types of people involved in accidental gun deaths, but additional information on changes in crime rates can help distinguish between these two hypotheses.

The specifications reported here are similar to those discussed in the preceding tables, although the crime-specific arrest rates and the execution rate for murder are now included. Table 3 finds that safe-storage laws are significantly related to higher rape, robbery, and burglary rates and that these effects are quite large, at least for the first two categories—with rape and robbery rates rising by 9 percent and 10 percent, respectively.<sup>39, 40</sup> Specifications using only the safe-storage law dummy and fixed state and year effects or excluding the other gun control laws imply a similar pattern of results. These are surely very large changes in crime rates that occur when the safe-storage laws are adopted. However, as the survey data in the next section shows, the percentage changes in the rate at which people lock up their guns or no longer own guns after these laws are passed are even much larger.

The coefficients from Table 3 predict that the 15 states that had the safe-storage law in effect in 1996 experienced 3,738 more rapes, 26,724 more

<sup>38</sup> Vin Suprynowicz, *Las Vegas Rev.-J.*, September 24, 2000, at 2K. There are many related stories that indicate that crimes would have been successful if the gun had been locked up or not accessible to children. Take a case in Grand Junction, Colorado (Ellen Miller, *Man Faces Suspects Accused of Attacking Him after Getting Ride*, *Denver Rocky Mountain News*, Tuesday, March 20, 2001): A building contractor, on his way home from work, a contractor picked up three young hitchhikers. He fixed them a steak dinner at his house and was preparing to offer them jobs. But two of the men grabbed his kitchen knives and started stabbing him in the back, head and hands. The attackers only stopped when he told them that he could give them money. But instead of money, the contractor grabbed a pistol and shot one of the attackers. The contractor said, "If I'd had a trigger lock, I'd be dead. If my pistol had been in a gun safe, I'd be dead. If the bullets were stored separate, I'd be dead. They were going to kill me." A typical example of a young person using a gun defensively is from Clearwater, Florida (Alleged Intruder Shot, in Critical Condition, *Gainesville Sun*, Sunday, March 11, 2001): At 1:05 A.M., a man started banging on a patio door, briefly left to beat on the family's truck, but returned and tore open the patio door. At that point, after numerous shouts not to break into the home, a 16-year-old boy fired a single rifle shot, wounding the attacker.

<sup>39</sup> Including lagged values of the crime rates as an explanatory variable does not alter these findings. The coefficients for rape, robbery, and burglary still remain positive and statistically significant and the signs of the other coefficients remain unaltered. The results for the later regressions on which the figures are based actually become more significant and the pernicious impact of the safe-storage law more pronounced.

<sup>40</sup> Poisson estimates were also employed for the murder and rape regressions and this actually implied an even stronger relationship between safe-storage laws and crime rates. The incidence rate ratio estimates were murder 1.0496 ( $z$ -statistic = 4.082) and rape 1.1048 ( $z$ -statistic = 18.213). The other crime variables could not be estimated using Poisson simply because so few observations had zero values.



robberies, and 69,741 more burglaries.<sup>41</sup> It is possible to put a rough dollar value on the losses that result from these safe-storage laws. The National Institute of Justice has estimated the costs to victims of various types of crime, as a result of lost productivity, out-of-pocket expenses, medical bills, property losses, as well as losses from fear, pain, suffering, and lost quality of life.<sup>42</sup> Using our smallest estimated increase in these three crime categories, the total annual loss to victims from safe-storage laws is about \$652 million in 1998 dollars. If the rest of the country were to adopt similar safe-storage laws, the most conservative estimates here imply that there would be 5,070 more rapes, 23,525 more robberies, and 24,058 more burglaries.

As expected, higher arrest rates and higher execution rates for murder deter violent crime and the longer a right-to-carry law is in effect the greater the drop in crime.<sup>43</sup> One-gun-a-month rules raise violent crime, although the effect on crimes other than murder are not statistically significant. It is also interesting to see that one-gun-a-month rules are frequently consistent with increased crime in neighboring states. At the very least, concerns about crime arising from straw purchasers exporting guns to neighboring states appears to be misplaced.

We then examined whether the accounting for the age at which the law applies or whether the penalty was a felony or misdemeanor. Breaking down the effect by the age for which the law applies produces larger increases in rape, robbery, property crimes, burglary, and larceny. Treating violations as a felony rather than a misdemeanor creates a bigger increase in all the crime categories except for auto theft, although the differences are statistically significant only at better than the 1 percent level for aggravated assault, property crime, and burglary.<sup>44</sup> Including the other gun control laws and regional year fixed effects produces similar results.

The preceding discussions examine only how the adoption of safe-storage laws change the before-and-after average crime rates. Yet, as noted earlier, sometimes such simple averages can be quite misleading. Figure 4 graphs out the estimates based on the simple before-and-after law linear and squared

<sup>41</sup> Not including the other gun control variables for a set of regressions that correspond to those in Tables 3 and 4 produced a slightly different change in crimes: 3,819 more rapes, 21,000 more robberies, and 49,733 more burglaries.

<sup>42</sup> Ted R. Miller, Mark A. Cohen, & Brian Wiersema, *Victim Costs and Consequences: A New Look* (1996).

<sup>43</sup> Each 1 percentage point increase in execution rates is associated with a 4 percentage point drop in murder rates.

<sup>44</sup> Disaggregating the estimates down to the individual states reveals that, especially for rape and robberies, the vast majority of states with safe-storage laws experience more crime. For rapes, 14 of the 15 states adopting safe-storage laws faced higher rates, and the one state for which this was not true only had an extremely small drop (Texas experienced a .3 percent decline). The numbers are not quite as lopsided for robberies, but 11 of the 15 states experienced an increase. While the overall effect of safe-storage laws on aggravated assaults is not statistically significant, 10 of the 15 states did experience a decline in this type of crime.

TABLE 4  
COSTS OF SAFE-STORAGE LAWS IN TERMS OF HIGHER CRIME RATES

Year after Passage	Murder	Rape	Robbery	Aggravated Assault	Burglary	Larceny	Auto Theft
1	168	1,856	16,037	7,118	58,125	14,326	28,532
2	287	3,313	26,488	15,319	101,123	23,441	51,134
3	358	4,326	30,758	24,565	127,850	27,313	67,369
4	380	4,869	28,807	34,821	137,980	25,946	77,075
5	355	4,932	21,152	46,050	132,023	19,384	80,373
Average increase in victim costs <sup>a</sup>	1,070.6	399.2	235.6	688.4	176.4	9.4	26.4

NOTE.—The table uses the quadratic before-and-after trends and the control variables used in Table 3. The table reports the change in the number of crimes by year after the adoption of the safe-storage law. In millions of 1998 dollars, using the National Institute of Justice's Estimates.

over 89,000 violent crimes. The patterns for the individual crime categories were similar and the graphs are available from the authors on request.<sup>45</sup>

Table 4 provides more refined estimates of the victimization costs of safe-storage laws. The first part of the table calculates the difference in the number of crimes by year between the new trend as a result of the safe-storage law and what the crime rates would have been if the prelaw trend had continued. The 15 states with safe-storage laws would be expected to experience 168 more murders in the first full year that the law is in effect. The number of murders peaks in the fourth full year at 380 murders. The number of rapes and aggravated assaults is still rising 5 full years after the law is in effect, while robberies peak at almost 31,000 during the third year. Of the property crimes, burglaries show the biggest increase over the period.

The total victimization costs using the National Institute of Justice's estimates continues rising over the period, reaching \$3.4 billion during the fifth year. The average yearly cost to victims over the 5 years is \$2.6 billion, of which \$2.4 billion arises because of increased violent crimes.

There is one final prediction about the impact of safe-storage laws on crime and that is after the passage of safe-storage laws, crimes should be more attractive to criminals in residences than in other places. Unfortunately, the Federal Bureau of Investigation's Uniform Crime Reports do not disaggregate crimes in this manner. After contacting state law enforcement agencies, we obtained yearly data for 1987–99 for two states (California and Oregon) that show the percentage of homicides and robberies that took place in residences. While the data are very limited, Figure 5 suggests that California's safe-storage law increased the rate at which crimes occurred in the

<sup>45</sup> The graphs also make it clear why rape and robbery rates were the only violent crime categories using the simple dummy variable to show a statistically significant increase in crime after the passage of safe-storage laws. While all the violent crime categories increase when safe-storage laws go into effect, rape and robbery were the only categories where the crime rates rose above the previous before-law averages.

*D. Did Safe-Storage Laws Change the Rate at Which People Locked Up Guns?*

While we observe an economically and statistically significant increase in crime after the passage of safe-storage laws, a more direct tie between the passage of the laws and individuals locking up guns would be very helpful. Otherwise, it is possible that the passage of the law did not alter the rate at which individuals either locked up or owned guns. Fortunately, several types of survey data are available. One survey sponsored by the Police Foundation<sup>47</sup> asked 2,568 people about whether they owned a gun as well as how they stored them.

A total of 2,562 people answered "yes" or "no" to the question of whether a gun in the home was stored loaded and unlocked, but missing information for other questions reduced the sample size in the regressions to 2,394. The survey included a great deal of information that allowed us to measure race, how safe the individual feels at home alone, whether they have ever used a gun for self-defense, whether they have had training in how to use a gun, the person's age, place where you live, employment status, marital status, education, political views, veteran, number of children, number of children under age 3, how frequently one attends religious services, religious preferences, family income, whether they have ever been arrested, the respondents' sex, state codes, and information on whether the surveyor thinks that the person being surveyed invented the defensive gun use. Dummy variables were used to identify these different characteristics.<sup>48</sup> A detailed appendix of the complete list of the characteristics and their average values for those that acknowledged that they owned guns as well as those who claim that they did not is available on request from the authors.

The variable for whether a gun is stored unlocked and loaded equals 1 when this is true and zero otherwise. Because we have a dummy variable as an endogenous variable, we will estimate logit regressions. A dummy is included for whether a safe-storage law was in effect at the time of the polling in 1994, as well as a variable for the number of years (including parts thereof) that the safe-storage law has been in effect. The results (available on request) indicate that states with safe-storage laws had higher rates at which households left gun loaded and unlocked (coefficient = .69,  $t$ -

<sup>46</sup> Simple regressions running the percentage of these crimes committed in residences on time trends for the years and including fixed state and year effects provides some additional support. An  $F$ -test for the difference in before-and-after trends equals 1.72 for homicide and 1.47 for robberies.

<sup>47</sup> Police Foundation, National Study of Private Ownership of Firearms in the U.S. 1994 (1997).

<sup>48</sup> The left-out characteristics picked up in the intercept are for an employed, married, veteran, Protestant, weekly church attending, white male with no education living in the open country who feels very safe at home and makes less than \$5,000 per year.

in explaining the drop in gun ownership. It is not immediately obvious how to measure the impact of increased perceptions of risk on gun ownership.

## VI. CONCLUSION

Safe-storage laws have no impact on accidental gun deaths or total suicide rates. While there is some weak evidence that safe-storage laws reduce juvenile gun suicides, those intent on committing suicide appear to easily substitute into other methods, as the total number of juvenile suicides actually rises (if insignificantly) after passage of safe-storage laws. The pattern across ages and with regard to the type of gun is also difficult to reconcile the theory that safe-storage laws will reduce juvenile accidental gun deaths. The only consistent impact of safe-storage laws is to raise rape, robbery, and burglary rates, and the effects are very large. Our most conservative estimates show that safe-storage laws resulted in 3,738 more rapes, 21,000 more robberies, and 49,733 more burglaries annually in just the 15 states with these laws. More realistic estimates indicate across the board increases in violent and property crimes. During the 5 full years after the passage of the safe-storage laws, the 15 states face an annual average increase of 309 more murders, 3,860 more rapes, 24,650 more robberies, and over 25,000 more aggravated assaults.

The impact of safe-storage laws are consistent with existing research indicating that the guns that are most likely to be used in an accidental shooting are owned by the least law-abiding citizens and thus are least likely to be locked up after the passage of the law. The safe-storage laws thus manage to produce no significant change in accidental deaths or suicides and yet still raise crime rates because households with low accidental death risks are now the ones most likely to obey the law.

## APPENDIX

TABLE A1  
DESCRIPTIVE STATISTICS FOR ENDOGENOUS VARIABLES

Variable	Mean	SD	Min	Max
Accidental gun death rate for ages ( $N = 918$ ):				
Under 5	2.62E-06	5.01E-06	0	.0000455
5-9	4.21E-06	7.31E-06	0	.0000604
10-14	.000011	.0000123	0	.0000875
15-19	.0000182	.0000211	0	.000208
Nongun accidental death rate for ages ( $N = 918$ ):				
Under 5	.0001995	.0000788	-1.10E-12	.0005212
5-9	.0001164	.0000483	0	.0003763
10-14	.0001229	.0000484	0	.0003382
15-19	.0004679	.0001598	.0000347	.0012447

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**QUERIES TO THE AUTHOR**

1 Au: "Clinton administration has made" changed to "Clinton administration made"; OK?

2 Au: Quotes deleted from "hot burglaries" with "so-called."

3 Au: "A total of" added before "59 percent" to avoid starting a sentence with a numeral.

4 Au: Italics deleted from "prevent suicides" and "reduce" as it is not JLE style to use italics for emphasis.

5 Au: "relative accidental handguns first fall" changed to "relative accidental handguns fall at first"; OK?

6 Au: Italics deleted from "all" per JLE style.

7 Au: "increasing the per capita number of nongun accidental deaths by one" changed to "increasing by one the per capita number of nongun accidental deaths"; OK?

8 Au: In footnote 41, "Tables 3 and 6" changed to "Tables 3 and 4" because there is no Table 6"; is this correct?

9 Au: Please provide the city of the meetings.

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Mr. MASSIE. Thank you, Madam Chair. It's frequently assumed that safe storage guns laws reduce accidental gun deaths and total suicides, while the possible impact on crime rates are ignored.

The abstract reads, "We find no support that safe-storage laws reduce either juvenile accidental gun deaths or suicides. Instead, these storage requirements appear to impair people's ability to use guns defensively."

It's just common sense. If somebody breaks into your house and your gun's locked up, how are you going to use it to defend yourself? We don't want to see a victim of gun control, and this could cause more victims of gun control.

Now, let's talk about background checks. Well, first, I've heard it said that 90% of Americans support background checks. Well, the last two states that put that as that as a referendum, Maine and Nevada, on their ballot, there weren't 90%. It went down by four percent in Maine. It lost, the initiative lost, to have universal background checks.

In Nevada, Bloomberg spent \$35 per vote, and it barely won by 0.8% in that ballot initiative. So, clearly, 80% or 90% don't support background checks. Let me tell you why they don't support background checks. There were 112,000 denials due to federal background checks in 2017.

How many prosecutions do you think there were? By the way, these would be easy prosecutions. Somebody has lied on a form, and they, a prohibited person, a felon, has signed a form stating they are not prohibited. Perjury's not difficult to prove when you provide a photo ID.

How many were convicted of the 112,000 denials? Twelve, 12 federal prosecutions. So, over time, the false positives had added up to several million people.

The mistakes overwhelmingly affect minority males. People tend to have similar names in their racial and ethnic groups. Hispanics have names similar to other Hispanics, Blacks have names similar to other Blacks.

Dr. John Lott says that when he was recently working in the U.S. Department of Justice, he saw data showing that the false positive rate for Black males was more than three times their share of the population. It was more than twice the share of the population for Hispanic males.

These are victims of gun control, victims of gun control. Now, there are some places where they say, well, if you have a good reason, we'll let you have a gun.

These are where you see the most racial discrimination. In Los Angeles County, where about 50% of the population is Hispanic, they only get about 6½ percent of the gun permits. Women about seven percent and Blacks five percent.

Nationwide where people can get a permit generally without having to demonstrate such a need, 30% of permit holders are women, 13% are Black. It's if you're well-connected, if your last name is Biden, you can lie on a form, you can get a gun. If you need special permission in New York City, you can get a gun if you're wealthy and famous. If you're a poor minority, no.

Here's another problem with the gun control that's going to cause more victims of gun control, who are least able to take 16 hours



of their lives and commit it to training and pay \$500 for that training to exercise a basic right.

Liberals say well, if you have photo IDs and costs and trainings associated with voting, you're disenfranchising the poor and the minorities. Well, what does this do when you require all those things to exercise a basic, fundamental human right? It's not just a constitutional right, it's a God-given right, it's just restated there in the constitution.

So, I would say, and there's even more things that I could disprove here today with facts, but Republicans do care about lives. We care about life, liberty, and the pursuit of happiness.

You cannot have liberty, you cannot have the pursuit of happiness without defense of life, and that's what we stand for. I yield back.

Ms. JACKSON LEE. The gentleman's time is expired. Now, I am happy to call on the gentlelady from Pennsylvania, Congresswoman Dean, for five minutes.

Ms. DEAN. I thank the Chair for this powerful hearing and the important testimony from all of our witnesses.

I want to start with what touched me from the pastor. Pastor has told us it's all about choices. That couldn't be more true today. I'm puzzled by the choice that the Ranking Member began with on the importance of this topic. He began with the notion that he was offended by alleged inaccuracies of Members when they mischaracterized or misnamed or misidentified a weapon.

Others are uneasy, they're nervous that we might be involved in some sort of gun control. Would it be, and would that the Ranking Member and others would be more nervous, would be more offended that eight children a day die from a failure of safe storage. That 20,000 people die of gun violence of this year, the highest in 20 years. That 24,000 people die by suicide, by gun. That 600 people die in mass shootings, a 50% increase from 2019.

Would that the Members on the other side of the aisle would care and be offended by 316 people a day shot and wounded. I call it a jetliner a day. A hundred and six will die in that jetliner as it tumbles to the Earth. The remaining ones will be wounded in the crossfire. It's a jetliner a day, 365 days a year.

Would that the Members on the other side of the aisle would care about those troubling numbers. Would that they cared about the slaughter.

Mr. Guttenberg, I am heartbroken and privileged to walk with you in this work. Per your testimony, firearm owners who keep their guns locked or unloaded are at least 60% less likely to die from firearm-related suicide. Adolescents in these households have significantly lower risk of firearm suicide or of being unintentionally shot.

With different firearm storage mechanisms from underneath the bedroom pillow or from inside Tupperware or above a bureau, what should Members of Congress know about really, truly safe storage devices for guns in the Prevent Family Fire Act?

Mr. GUTTENBERG. Listen, my friends Mike and Kristin Song, their son is dead because somebody kept a gun in shoebox. That's not safe storage. There are all sorts of easily accessible locking de-

vices that can be kept in a home, some with smart technology. I think we ought to be really, really working harder on that.

Safe storage does not remove anyone's right, it does not remove their access to a weapon. It does not make it hard for them to use their weapon. It may save lives. I brought some different things here.

For example, this is the Betsy DeVos school safety report after Parkland. This is a Secret Service Report. This is the Marjorie Stoneman Douglas report. Every one of them talks about the fact that the majority of kids who use weapons in shootings get them from a home where they were improperly locked or stored. Those are simple facts, that is truth.

So, a requirement that we lock and safely store a device is not an infringement upon anybody's right. I heard everything that was said down there. I will simply say I reject almost all of it. My daughter would be alive today if somebody put the rights of all of us to be free from gun violence.

We ought to be able to say we respect the rights of gun owners, but we also recognize we can be better, we can do better to save lives.

I also just have to say something about Parkland since it came up, okay. Because my daughter died in Parkland. So, if people bring it up, it matters. You're right, law enforcement failed that day. There's no question about it, I am painfully aware of that.

To say that nobody would have died that day if law enforcement had shown up is simply inaccurate and wrong. In fact, while my daughter might have been saved, she was on the third floor, everyone on the first floor still would have been shot and killed most likely.

If you're okay with that as an outcome, that's on you, but I'm not. We can be better than this, we're going to be better than this. I am counting on this body to get some of these laws passed. Thank you.

Ms. DEAN. I see my time is nearly expired. Do I have time for one quick question in terms of—

Ms. JACKSON LEE. If the gentlelady is quick.

Ms. DEAN. Mr. Skaggs, can you provide any further information on the bill that I have introduced, and others are supporting, the Undetectable Firearms Modernization Act?

Mr. SKAGGS. Well, it's been a bipartisan agreement for years that we shouldn't have guns that can be smuggled onto airplanes and other places where metal detectors are used.

With new increases in technology that allow for guns to be manufactured with 3D printers that are basically made of plastic and can't be detected by regular metal detectors, it's crucially important that we require that we prohibit guns that can't be detected by security technology.

Mr. SKAGGS. Finally, I just want to say that we want to keep ourselves and our families safe. We want one other thing, to end the slaughter. I yield back.

Ms. JACKSON LEE. I thank the gentlelady for her very forceful questioning.

The Republicans reserved, and so I will yield to the gentlelady from Pennsylvania as well, Congresswoman Mary Gay Scanlon for five minutes.

Ms. SCANLON. Thank you.

Thank you to all our witnesses for your testimony here today, including those who have suffered such excruciating loss.

Thank you, Chair Jackson Lee, for calling this important hearing about gun violence which is, unfortunately, a horrifying reality in parts of my district.

The spike in mass shootings that we are seeing across the country right now is appalling. What doesn't make the headlines often enough is the steady toll of gun violence that plagues too many communities, including those in my district, day-in and day-out.

During the pandemic, shootings never stopped in neighborhoods throughout my district, including in Chester and Philadelphia. Two weekends ago 7 people were killed and 18 injured in gun violence in one weekend. The city has lost more than 150 lives in over 700 shootings so far this year, and a heartbreaking number of those victims were children, some as young as 6 years old.

Yesterday in Southwest Philadelphia there was a community rally at the Mitchell Elementary School to bring attention to the unrelenting gun violence in that neighborhood. There have been 46 shooting victims within a few blocks area just this year.

That gun violence hasn't occurred because of a lack of training in gun safety. The gun violence in Kingsessing and elsewhere has occurred because this body has not passed legislation to stop the flow of illegal guns and ghost guns into our communities, to stop the sale of guns to people who we all agree should not have them, and to stop the flow of weapons of war to civilians. We haven't given our communities the tools they need to stop this violence.

The families and students at Mitchell Elementary School, many of them have refused the invitation to return to in-person learning this spring because of the epidemic, but not the COVID epidemic—because of the epidemic of gun violence in their community. The kids are afraid to go to school. Their parents are afraid to let them.

So, this isn't a 2nd amendment issue, it is a public health crisis. I know we all understand the response that a public health crisis demands, or at least many of us do. We need a comprehensive, multifaceted approach driven by research and data to address the many facets of the gun violence epidemic.

Now, Mr. Skaggs, I have localities in my district currently working towards implementing the evidence-based strategy of group violence intervention. It was actually used in Philadelphia around 2012, 2013 with marked success. Like so many of the initiatives, it ran out of funding.

So, I was wondering if you could speak a little bit more about what that strategy entails.

Mr. SKAGGS. Sure. Well, there are programs that have been proven time and again to be effective. Communities that are wracked with higher levels of gun violence are often—the patterns of gun violence in those communities involve a tiny percentage of the population who are most likely both to be shooters and victims of gun violence.

Strategies that target those individuals, intervene with those individuals, provide support and make clear the consequences of continuing to engage in violent behavior have been shown time and again to produce the kind of results that you describe.

Oakland, California, to take just a single example, cut their gun violence rate in half, by 50 percent. The problem with these programs is they are often not adequately or consistently funded. They require sustained funding and that is really the key to their success.

Ms. SCANLON. I do think it is important to address both the availability of guns, illegal guns, and people who shouldn't have them in our communities, but also the kind of community supports. There is a lot of data coming out recently about the correlation between poverty, hunger, and high gun violence. That is certainly something we are seeing in my district.

How can Congress best support local efforts to curb gun violence and create safer communities through violence intervention programs?

Mr. SKAGGS. Congress can appropriate funding. Congress can study and promote best practices and that sort of thing. It is not a complex answer to that question: Congress can appropriate funding to be given to these programs across the country.

We have seen some progress about that, and we are very pleased about that. Sustained adequate funding is absolutely the key to success.

Ms. SCANLON. So, you would agree that doing nothing is probably not the most successful option?

Mr. SKAGGS. That has generally been proven by experience not to work, in my knowledge.

Ms. SCANLON. Thank you. I yield back.

Ms. JACKSON LEE. The gentlelady yields back. I thank her for her questioning.

I am pleased to yield to the Ranking Member of the Full Committee, Mr. Jordan, for five minutes.

Mr. JORDAN. Thank you, Madam Chair.

Ms. Muller, is it a good idea to defund the police?

Ms. MULLER. No, sir.

Mr. JORDAN. You spent time as a law enforcement officer, isn't that right? That is your background?

Ms. MULLER. Yes, sir.

Mr. JORDAN. Retired law enforcement officer how many years, 20-some years, I think?

Ms. MULLER. Twenty-two.

Mr. JORDAN. Twenty-two years. Who did you end up retiring, what police department?

Ms. MULLER. Tulsa, Oklahoma.

Mr. JORDAN. Oh, so not some small town. Not small-town officers are just as important as large cities. This was in a big city?

Ms. MULLER. Correct.

Mr. JORDAN. You dealt with all kinds of things. You dealt with gang violence. I think you said you were on the Gang Violence Task Force and did work with that?

Ms. MULLER. I did.

Mr. JORDAN. Yeah. So, you have dealt with some tough situations.

What do you think of these extreme protection orders?

Ms. MULLER. Well, I think that the Supreme Court of the United States just had something to say about it. They just had ruling at the end of last week—I don't even know what day it is, so forgive me—but, recently that they struck it down, I believe in Maryland or somewhere. So, I don't think that is going to be an issue.

Because here is my background on extreme protection orders. We already have a vehicle to help people who are in crisis. We have a vehicle to hold up to 72 hours and get a psychological evaluation.

A red-flag law, like going and taking somebody's guns, removing one means of having an issue, where is the compassion in helping somebody by removing their means to defend themselves if they should need it during that time that they are in crisis.

Mr. JORDAN. Especially, Ms. Muller, if I could, especially when the process for removing that, the person is going to be losing their firearm, losing their 2nd amendment liberties, doesn't even get to be a part of that initial hearing.

Ms. MULLER. Correct.

Mr. Massie brought up Nikki who went through a traumatic incident. She saw her husband murdered. These extreme protection orders could affect her because if somebody says, hey, Nikki's not having a great day, I think that you probably need to go pick up her gun. So, when this guy that killed her, the stalker that killed her husband is still stalking her from prison, how would that make—there are just so many unintended consequences when it comes to red-flag orders, let alone the constitutionality.

Mr. JORDAN. Or what about this scenario: What about a family of someone that you arrested and went away to prison, and the family doesn't like you? They have got to say, well, this Muller lady, she believes in the 2nd Amendment. I think I saw a Trump flag in her yard. I don't like her. They file this thing and you get the right kind of hearing where you don't get to defend yourself at that hearing, and they come take your firearm.

Those are the kind of scenarios that scare me. We know in this cancel culture world that we live in those kinds of things happen all the time.

How about this scenario: How about you have to go enforce and EPO? So, you are the officer. Go back 10 years, 12 years ago, whenever you were a member of the Tulsa Police Department, and you have deal with all kinds, you have to go and enforce it. You have to knock on the door and tell Mr. Jones or Ms. Smith, hey, they just took your gun away. I am here to take it. There was a proceeding. Now, you weren't a part of it, just your 2nd amendment liberty, you weren't a part of it, but I got to take your gun.

That might not be the best situation either for a cop to be walking into, would it?

Ms. MULLER. Your 4th Amendment.

Mr. JORDAN. Yeah, of course.

Ms. MULLER. They are going to trample on your 2nd and your 4th. It is very dangerous for police officers, extreme protection.

I was struck by us saying that we want to do nothing. I gave 12 pages of testimony of things that I want to do.

Mr. JORDAN. Yeah.

Ms. MULLER. Everybody is talking about laws and things that I have ideas, and that is what I am saying is a big injustice is that you are not listening to me. The antigun people are so closed off to anything but their own agenda that they can't hear that we have measurable results in firearms education and that we should be teaching our kids how to properly and safely be around firearms.

It is just like water safety.

Mr. JORDAN. Well, Ms. Muller, you are doing great. I promised my colleague and friend Mr. Massie I would give him some time. I am down to 40. So, Mr. Massie, you have my time.

Mr. MASSIE. Thank you, Mr. Jordan.

Ninety-four percent of all successful mass public shootings in the United States since 1950 have occurred in places where the average citizen is banned from possessing guns. These attackers are evil. They might be crazy, but they aren't stupid. They look for vulnerable victims. This gets back to my prior point that Republicans want to save lives.

One of the things that we have noticed in the data is school shootings have gone up in the last decade, but the entirety of that increase in percentage has occurred in schools that do not allow teachers to carry firearms.

There are 20 states in this union that allow, in some form or another, teachers to carry firearms. They haven't had, with the exception of gang violence outside of school hours, or a suicide, they have not had a single shooting. Not a single homicide at one of these schools that allows teachers to carry.

So, this is another area where I think if we would pass my Safe Students Act, which would remove the ambiguity on the federal law that—by the way, there is a federal law that bans anybody from bringing a gun into the school. That hasn't worked. What it has done is made students less safe.

So, I would like to see us pass the Safe Students Act. With that, I yield back.

Ms. JACKSON LEE. The gentleman's time has expired. We have been generous with the time for Members who are interested in this topic.

I am delighted now to yield to the gentleman from Rhode Island, thank him for his leadership, Mr. Cicilline, for five minutes.

Mr. CICILLINE. Thank you, Madam Chair. Thank you for holding this very important hearing.

The gun violence epidemic in this country that we face is like nowhere else in the world. In a recent national poll, 58 percent of American adults reported that they or someone they care for has experienced gun violence in their lifetime.

Americans are 25 times more likely than people in other nations to experience gun violence. We lose 30,000 Americans every single year to senseless gun violence, including 23,000 Americans that die by suicide every year with a gun.

There were almost 200 mass shootings in 2021 alone.

We have a gun violence epidemic in this country. The answers are that we always hear from the opponents of common-sense gun safety legislation are twofold:

One is we can't pass a law that will stop every bit of gun violence in the country, so we should do nothing.  
Criminals are going to commit crimes anyway.

Both of those things are true. That doesn't mean we don't have a responsibility to pass laws that will substantially reduce gun violence in this country. We know how to do it. We have researched it for years.

I want to say to Mr. Guttenberg, to the pastor, thank you for being such incredible advocates. Every time you are asked to talk about this, I know you re-live this unbearably painful experience. You are for me a tremendous inspiration, and I thank you for being here.

Mr. Skaggs, thank you for the great work that you do, and your organization does.

While I don't have a question for Ms. Muller, one of the reasons that maybe people aren't listening to you, because when arguments are made that a deranged, seriously mentally ill person should get to keep a firearm which endangers the community in the off chance that that dangerously mentally ill person will need the firearm to defend himself, is lunacy. That is why I think we find it difficult to listen to some of the things you have suggested today.

We know what we need to do: Universal background checks, closing the Charleston loophole, the assault weapons ban, red-flag laws, ban the sale of ghost guns, make sure that people who buy ammunition go through a background check. These things will save lives.

So, the first thing I have is for you, Mr. Skaggs. Can you explain what the danger is with respect to the background check system with ghost guns? Because there is evidence that gangs, and drug dealers, and criminal elements are assembling and getting guns, ghost guns, and how does that relate to the background check system?

Mr. SKAGGS. Well, the reason that ghost guns are so dangerous is because all the people you described are able to acquire these guns without a background check. At the end of the day, if you need to drill a couple of holes in an unfinished product to assemble your own gun at home, the gun functions just like an AR-15 that you bought fully assembled. The gun functions just like the Glock pistol that you bought fully assembled.

Under a misinterpretation of federal law, these products because they are not 100 percent finished are sold without background checks. There is no serial number, no recordkeeping. That is why criminals are using them. That is why they are attractive to illegal gun traffickers.

Mr. CICILLINE. Thank you.

Representative Goodwin, thank you for your good work. There has been a lot of discussion about this city or this State has great gun laws but it hasn't solved all the problems. Would you speak a little bit of why State regulation or local regulation of firearms isn't enough to prevent gun violence, and what role you believe the Federal Government must play for effective strategies to reduce gun violence in this country?

Ms. GOODWIN. Absolutely. We can cross State lines very easily. So, one State having one law that is different from the next-door

neighbor isn't effective enough. We have such a patchwork quilt of regulations on our guns. So, we need a universal background check that is throughout the United States so someone can't go into Oklahoma and come into Texas with a gun, or vice versa.

It is critical that we do the things that you mentioned: Universal background checks.

I was just speaking with a federal firearms licensee who came across somebody who was selling these ghost guns. There is very little that he can do. I know it was brought up why don't some of these people get punished?

Well, a lot of your gun store owners don't have a responsibility to turn that information in. They don't want to get involved in it. So, we have got to have better laws.

Mr. CICILLINE. Thank you.

I just want to ask Mr. Guttenberg in my last 30 seconds. I know there was Ms. Muller said she was frustrated. I don't think by that she meant that you share the same frustration: You lost a child. You have come time and time again imploring the Congress of the United States to take action so that other children and other people across this country don't have their lives taken because of senseless gun violence. Do you have some final thoughts for this committee?

Mr. GUTTENBERG. Well, you know what, I am going to go back to the ghost gun question and why this matters. Because another unfortunate friend of mine, Brian Muehlberger in California whose daughter Gracie died in the Saugus school shooting, of a ghost gun, just so everyone here knows why this work matters.

After his daughter was killed, his daughter, his dead daughter went online and purchased a component to then make a ghost gun. That is how easy it was. Okay? So, anyone who thinks we shouldn't be doing better than that, Brian documented the whole entire thing.

By the way, not only was she dead, she was I think 14- or 15-years old when she did it, and was able to successfully achieve it.

So, your work matters. I thank you. I thank you. I thank you. Let's keep doing this.

Mr. CICILLINE. Thank you. I yield back, Madam Chair.

Ms. JACKSON LEE. The gentleman yields back. His time has expired.

I am pleased to yield 5 minutes to the gentlelady from Texas, Ms. Escobar.

Ms. ESCOBAR. Thank you, Madam Chair. Many thanks to our panelists today.

On August 3rd, 2019, El Paso was in the crosshairs. We were at the intersection of America's hate epidemic, fueled by anti-immigrant rhetoric, rhetoric that is used, unfortunately, by colleagues by mine, and also fueled by the gun violence epidemic. Yes, ma'am, it is an epidemic.

It was the deadliest targeted attack on Latinos in modern American history, an attack that created an entire region of gun violence survivors. Not just the victims and the survivors, but the health care professionals, the social workers, the therapists, the law enforcement officers, the journalists, and so many literally hundreds



of thousands of others in our region suffering now from secondary trauma that is ongoing.

This, the ongoing consequences of this kind of attack doesn't just include physical or mental health consequences, long-lasting, enduring consequences, but financial consequences as well.

Just as an example, El Paso local taxpayers are funding both the prosecution and the public defense leading up to and during the trial process of the domestic terrorists who committed this horrific attack. That process, which includes jailing the domestic terrorists, all the experts required for both his prosecution and his defense, this will cost taxpayers in my community, the same people who are gun violence survivors, they will now have to pay over a million dollars as a result. This is just on the judicial process alone. This doesn't include the therapy. This doesn't include the ongoing surgeries and physical therapy. Everything associated with the consequences of that attack.

Immediately after that, my governor, Greg Abbott, came into my community, spoke with some of the survivors, and he promised that there would be action. What has been an example of a miserable failure of leadership, he has moved in the other direction.

We have heard during this hearing about permitless carry that has been approved in the State legislature. It feels as though for leaders, Republican leaders in my State there isn't enough bloodshed and misery across the board.

Here in Congress, it is so incredibly frustrating to hear thoughts and prayers coming from my Republican colleagues, to hear them begin hearings with; my sympathies to the families, but, there is always a "but." I don't know when we will finally get to the solutions which are so clear-cut, so easy, and so supported by a broad, a broad swath of American voters and communities all over the country.

In fact, too frequently my colleagues are eager to continue to fuel the flames of division instead of partnering with us on common sense solutions. Gun violence prevention laws work. From 1994 to 2004, there was a 25 percent decrease in gun massacres, and a 40 percent decrease in fatalities associated with assault weapons. Why? Because the federal assault weapons ban was in effect. They work. The statistics show it.

I wish that we didn't have another party that was so detached from the truth, but we have one. So, this is why we can't seem to make progress.

Pastor Grady, as I mentioned, there are longstanding consequences and effects that survivors have to face. Can you share with us what you and Michelle have had to live with, Michelle and your wife have had to live with since the massacre in 2019?

Mr. GRADY. Thank you so much, Congresswoman.

Yes, we have had to deal with a myriad of issues from the mass shooting: The hospital visits, surgeries, psychological, emotional trauma, and trying to make sense out of what actually happened here in the City of El Paso, and why hatred seemed to be the call word of that particular day.

We have had to struggle with watching Michelle this year having to rehabilitate. She is still in a rehabilitative state. How it has impacted our community, because we adopted a slogan, "El Paso

Strong,” but our strength comes from the reality that our legislators have also a responsibility to make common sense gun legislation and look at mental health issues, and to provide resources, community-based violence intervention programs. So, we have had to deal with a myriad of issues.

I am grateful to say that Michelle has risen to the challenge. My wife and I, we continue to, and our family, we continue to support her. Because of my work with Crime Survivors for Safety and Justice we hear from other families in our city that are still reeling from the slaughter that happened in our city.

We are determined to continue to press for common sense gun legislation to make available resources for those who are still suffering to heal the broken hearted, and to reach out to the least, the lost, the left out, and the disenfranchised. So, we continue to be an advocate for strong policies limiting access to guns, and all those issues.

Our families continue to gain strength from the hope that this Committee is doing now.

Thank you so much.

Ms. ESCOBAR. Thank you, Pastor Grady. You, Mr. Guttenberg, and so many other survivors deserve justice and action.

Madam Chair, thank you. I yield back.

Ms. JACKSON LEE. The gentlelady’s time has expired.

Mr. CICILLINE. Madam Chair, I have a unanimous consent request.

Ms. JACKSON LEE. The gentleman is recognized.

Mr. CICILLINE. Just to further support Congresswoman Escobar’s presentation, I would ask unanimous consent that this graph, which was printed in the Washington Post, entitled gun massacres fell during the assault weapons ban. This shows the gun massacres both before and after the ban, a considerable increase.

Also, ask unanimous consent to inject into the record a fact check which determines that AR-50 assault weapons were used in 11, or 10 of the last 11 mass shootings in this country.

Ms. JACKSON LEE. Without objection, so ordered.

[The information follows:]

**MR. CICILLINE FOR THE RECORD**

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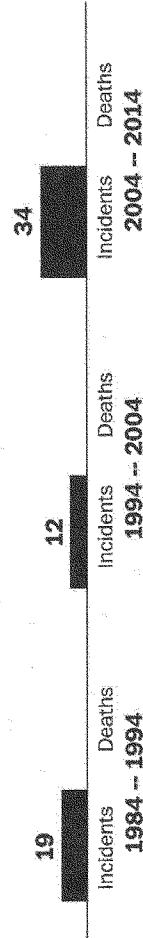
## Gun massacres fell during the assault weapons ban

Gun massacre (6+ deaths) incidents and fatalities in the decades before, during and after the federal assault weapons ban of 1994

302

155

89



Source: Louis Klarevas  
WAPQ-ST/WONKBLOG

## AR-15 style weapons were used in 10 major shootings

### IF YOUR TIME IS SHORT

- AR-15 is a shorthand term for a category of semi-automatic rifles that share certain characteristics.
- A Twitter post correctly describes 10 out of 11 mass shootings in the past decade as involving AR-15 style weapons.
- One shooting on the list involved a semi-automatic rifle that has different internal mechanics than the AR-15 style weapon.

#### [See the sources for this fact-check](#)

Semi-automatic rifles in the AR-15 style have been the weapon of choice in numerous deadly mass shootings. Until 2004, they were banned as assault weapons under federal law. Gun control advocates have focused on firearms of this sort for decades.

In the [arrest warrant](#) for the gunman in the March 22 shooting that killed 10 people in a Boulder, Colo., supermarket, police describe one of the weapons as "a rifle (possible AR-15)."

Adam Best, an entrepreneur and progressive activist with over 189,000 followers on Twitter, [posted a list](#) with 11 other shootings over the past decade that he said involved an AR-15.

AR-15 once referred to a specific model of rifle, but the label has come to be recognized in recent decades as a shorthand term for a category of firearms that [share certain characteristics](#). (The AR stands for ArmaLite, the original maker of the AR-15 rifle.) They are semi-automatic, which means the trigger must be pulled to fire each round, and a new round moves into the chamber after each pull. As rifles, they have a general shape and configuration, and can be [customized](#) with a choice of grips, triggers, stock, and more.

We reviewed news and law enforcement reports on the shootings listed in Best's tweet. We verified that all but one did involve at least one weapon in the AR-15 style. The possible exception was the deadly attack on the Pulse nightclub in Orlando, Fla.

#### [Orlando](#)

June 12, 2016: A gunman began shooting inside the Pulse, killing 49 people and wounding 53. Orlando Police officers shot and killed him after a three-hour standoff. One of the weapons was a SIG Sauer MCX. The SIG Sauer takes a lot of the form and functions of the AR-15 but with reworked [internal mechanics](#) and some other changes. For example, the SIG Sauer is built to handle a different caliber round than the standard AR-15.

The two weapons have so much in common that the [Bureau of Alcohol, Tobacco and Firearms](#) called the SIG Sauer used in Orlando a ".223 caliber AR type rifle."

#### [Parkland](#)

Feb. 14, 2018: A gunman opened fire with a semi-automatic rifle at Marjory Stoneman Douglas High School in Parkland, Fla. He killed 17 people and injured 17 others.

#### [Las Vegas](#)

Oct. 1, 2017: A gunman opened fire on concertgoers at the Route 91 Harvest music festival on the Las Vegas Strip. From his 32nd-floor hotel room, he killed 60 people and wounded 41. Police found 14 AR-15s, plus other weapons in the gunman's hotel room.

#### [Aurora, Colo.](#)

#### **FEATURED FACT-CHECK**



#### [Instagram posts](#)

stated on April 20, 2021 in an Instagram post  
["Black Lives Matter and antifa set Catholic church on fire in Minneapolis."](#)



By Andy Nguyen • April 21, 2021

July 20, 2012: A gunman fired into the audience at a movie theater. He killed 12 people and injured 58 others.

#### [Sandy Hook](#)

Dec. 14, 2012: A gunman shot and killed 26 people, including 20 children between 6 and 7 years old, and six adult staff members at the Sandy Hook Elementary School in Newtown, Conn.

#### [Waffle House](#)

April 22, 2018: A gunman opened fire inside a Waffle House restaurant in Nashville, Tenn. He killed four people and injured two others.

#### San Bernardino

Dec. 2, 2015: A married couple opened fire at a San Bernardino County (Calif.) Department of Public Health training event and Christmas party. They killed 14 people and injured 22 others.

#### Midland/Odessa

Aug. 31, 2019: After shooting a police officer and another person, a gunman killed a postal worker, commandeered his van and fired on others on a Texas highway. He killed seven people and injured 25 others.

#### Poway synagogue

April 27, 2019: A gunman fired shots inside the Chabad of Poway synagogue north of San Diego. He killed one woman and injured three others.

#### Sutherland Springs

Nov. 5, 2017: A gunman opened fire during services at the First Baptist Church in Sutherland Springs, Texas. He killed 26 people and wounded 20 others.

#### Tree of Life Synagogue

Oct. 27, 2018: A gunman opened fire during services at the Tree of Life – Or L'Simcha Congregation in Pittsburgh. He killed 11 people and wounded six.

#### **Our ruling**

A tweet said an AR-15 style weapon was used in the Boulder mass shooting and 11 past mass shootings. At least one AR-15 style weapon was used in 10 of the examples.

For the 11th — at the Pulse nightclub — the weapon used had some internal differences from the AR-15 style, but the ATF characterized it as an AR-15.

With that technical difference, we rate this claim Mostly True.

11/22/21, 2:07 PM

Fact check: Post missing context about AR-15 rifles and mass shootings

**FACT CHECK**

## Fact check: AR-15 style rifles used in 11 mass shootings since 2012

**Bayliss Wagner** USA TODAY

Published 2:28 p.m. ET April 22, 2021 | Updated 4:02 p.m. ET April 23, 2021

*Corrections & clarifications: An earlier version of this story incorrectly referenced the legality of machine guns in the United States. Machine guns registered with the ATF before 1986 can still be bought and sold with government approval.*

### The claim: AR-15 rifles were used in 12 recent mass shootings

Just as it has for other widely publicized incidents in the United States, debate about gun control legislation has followed the news of mass shootings in Atlanta and Boulder, Colorado. The events left 17 Americans dead.

A central question in the debate has been whether to ban assault weapons, defined in the 1994 Federal Assault Weapons Ban as certain semi-automatic firearms and high-capacity ammunition magazines.

Shortly after news broke of the shooting at a grocery store in Boulder, Twitter user Adam C. Best, a progressive activist and founder of the sports site FanSided, posted a tweet that associated the AR-15 rifle with 12 high-profile mass shootings in the last 10 years. The tweet was soon posted to Facebook; one post received over 2,400 reactions and 1,600 shares.

Best's claim is mostly accurate: All but one of the shootings involved the use of at least one AR-15-style assault rifle. However, as we explain below, in several cases shooters had multiple guns — including 23 in the case of the Las Vegas gunman.

USA TODAY reached out to Best for comment. A Facebook page that reposted the tweet, Alexandria Ocasio-Cortez Fans, said it was under the impression that the tweet was true.



## **What is the AR-15, and how is it different from other popular firearms?**

An AR-15 is a type of semiautomatic, or "self-loading," assault rifle.

As defined in U.S. law, the term "semiautomatic," as opposed to "automatic," means the gun's operator must pull the trigger to fire each shot. NPR outlined its most recognizable features: it automatically reloads after each shot and holds around 30 bullets before an operator needs to reload the gun.

Dubbed "America's Rifle" by the NRA, the AR-15 is popular for its easy-to-modify design and lack of recoil or "blowback" after firing, which preserves the operator's aim and makes the shot more precise, as The Washington Post detailed in a Q & A on the firearm.

While the AR-15 is not a machine gun, a user can modify the AR-15 to approximate the function of an automatic gun by attaching a device called a "bump stock", as was the case in the Las Vegas shooting.

Soon after the mass shooting at Marjory Stoneman Douglas High School in Parkland, Fla. in February 2018, the Trump administration took action against bump stocks. The ATF issued a rule that changed the definition of "machine gun" to include bump stock devices, therefore rendering them illegal to possess. However, the U.S. Court of Appeals for the Sixth Circuit put a hold on the ban in March because it could be unconstitutional, in a lawsuit filed by Gun Owners of America, Inc., Bloomberg Law reported. The future of the ban remains uncertain.

(Weapons in the machine gun category cannot be manufactured for civilian use in the United States, though a 1986 law still allows fully automatic weapons registered with the ATF before 1986 to be bought and sold, after paying a fee and submitting an application and other paperwork.)

The Washington Post and NPR trace the history of the modern AR-15 back to the 1950s, when its original manufacturer ArmaLite (now Colt) created the M-16 machine gun. The M-16 became standard issue for American troops fighting in the Vietnam War.

After the war, the company named a semiautomatic version after itself (AR stands for "ArmaLite Rifle," not "assault rifle") and marketed it to the public. Because the original patent has expired, the AR-15 is now the generic name for many variants created by a variety of firearms makers.

## Weapons used

USA TODAY researched each shooting that Best mentioned and found that in 11 out of 12 of the incidents listed, AR-15-style rifles were used. The sole exception is the Orlando Pulse Nightclub shooting, in which the shooter used an assault rifle that is not considered an AR-15 variant.

In the list below, we detail the weapon or weapons used in each shooting, in addition to the number of victims and their dates. Click on the headers for more information about the incidents from USA TODAY.

### Boulder, Colorado (King Soopers grocery store)

**Date:** March 10

**Lives lost:** 10

**Weapon used:** Ruger AR-556 pistol

The Washington Post reported that the prime suspect in the shooting, Ahmad Al Aliwi Alissa, purchased a Ruger AR-556 pistol on March 16, just four days after the state of Colorado's two-year assault weapons ban was blocked in court.

### Orlando, Florida (Pulse nightclub)

**Date:** June 12, 2016

**Lives lost:** 49

**Weapon used:** Sig Sauer MCX

The Sig Sauer MCX is marketed as a "modern sporting rifle" and is very similar to the AR-15 in form and function. However, as explained in a Slate analysis, it is not an AR-15 variant because it uses a gas piston system to propel bullets from within the gun instead of a direct impingement system. It is also more modular, so parts can be switched out and customized more easily, says Tactical Life magazine.

### Parkland, Florida (Marjory Stoneman Douglas High School)

**Date:** Feb. 14, 2018

**Lives lost:** 17

**Weapon used:** Smith and Wesson M&P15, that manufacturer's version of the AR-15, USA TODAY reported.

### **Las Vegas (Highway 91 country music festival)**

**Date:** Oct. 1, 2017

**Lives lost:** 58

**Weapons used:** 23 different weapons were recovered in the gunman's hotel suite, including multiple AR-15 style rifles and hundreds of rounds of ammunition, USA TODAY reported.

Several of the AR-15 variants used in the Las Vegas shooting had a bump stock attached, which allows guns to fire roughly as rapidly as a machine gun.

### **Aurora, Colorado (Century 16 movie theater)**

**Date:** July 20, 2012

**Lives lost:** 12

**Weapon used:** One AR-15 variant from Smith & Wesson, a pump-action 12-gauge shotgun and at least one .40-caliber semiautomatic pistol, according to The New York Times.

### **Sandy Hook Elementary School (Newtown, Connecticut)**

**Date:** Dec. 14, 2012

**Lives lost:** 27

**Weapon used:** Remington AR-15-style bushmaster, USA TODAY reported.

### **Waffle House (Nashville, Tennessee)**

**Date:** April 22, 2018

**Lives lost:** 4

**Weapon used:** AR-15 assault-style rifle, according to The Tennessean.

### **San Bernadino, California (holiday office party at Inland Regional Center):**

**Date:** Dec. 2, 2015

11/22/21, 2:07 PM

Fact check: Post missing context about AR-15 rifles and mass shootings

**Lives lost:** 14**Weapon used:** Two AR-15 variants (Smith & Wesson M&P assault rifle and a DPMS Panther Arms assault rifle) a Smith & Wesson handgun and a Llama handgun, according to The New York Times.**Midland/Odessa (West Texas cities)****Date:** Aug. 31, 2019**Lives lost:** 7**Weapon used:** At least one AR-15 variant, as stated in a Justice Department press release about a case involving the man who sold the gun to the shooter.**Poway synagogue (near San Diego)****Date:** Apr. 27, 2019**Lives lost:** 1**Weapon used:** AR-15 variant, according to a Justice Department court filing.**Sutherland Springs (rural Texas church service)****Date:** Nov. 5, 2017**Lives lost:** 26**Weapon used:** Ruger AR-15 variant, USA TODAY reported.**Tree of Life Synagogue (Pittsburgh)****Date:** Oct. 27, 2018**Lives lost:** 11**Weapon used:** "multiple firearms" including a Colt AR-15 rifle and three Glock .357, according to a Justice Department press release about the shooting's designation as a hate crime**More:** Suspect charged with 29 counts in 'horrific' synagogue shooting in Pittsburgh**Our rating: Missing context**

We rate this claim MISSING CONTEXT, because without additional information it could be misleading. All but one of the shootings involved the use of an AR-15-style assault rifle, and

the shooting that did not use an AR-15 used a very similar assault rifle. However, the lack of context could lead a reader to believe that the shooters in all incidents listed only used an AR-15, when in several cases they had multiple guns — including 23 in the case of the Las Vegas gunman.

### **Our fact-check sources:**

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 Axios, Sep. 7, 2019, What the deadliest mass shootings have in common  
 Bloomberg Law, March 25, Federal Bump Stock Ban Blocked by Divided Appeals Court  
 Bureau of Alcohol, Tobacco and Firearms, last updated Feb. 21, 2019, Bump Stocks  
 CBS News, March 26, Gun used in Boulder mass shooting was bought legally, police chief says  
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 The New York Times Interactive, last updated Feb. 16, 2018, How They Got Their Guns  
 The New York Times, July 23, 2012, Aurora Gunman's Arsenal: Shotgun, Semiautomatic Rifle and, at the End, a Pistol  
 NBC News, July 12, 2016, AR-15 Style Rifle Used in Orlando Massacre Has Bloody Pedigree  
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 United States District Court for the Southern District of California, May 9, 2019, Final Complaint, United States of America v. John Timothy Earnest  
 USA TODAY, Nov. 12, 2019, Supreme Court refuses to block lawsuit against gun manufacturer brought by Sandy Hook families  
 USA TODAY, Oct. 3, 2017, What guns were used in the Las Vegas shooting?  
 Washington Post, Feb. 15, 2018, It's time to bring back the assault weapons ban, gun violence experts say  
 Washington Post, Feb. 16, 2018, Basic Questions about the AR-15

11/22/21, 2:07 PM

Fact check: Post missing context about AR-15 rifles and mass shootings

Washington Post, March 23, Days after assault weapons ban was lifted in Boulder, a community grieves another mass shooting in America: 'It hurts'

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*Our fact check work is supported in part by a grant from Facebook.*

Ms. JACKSON LEE. I now recognize Congresswoman Bush for five minutes.

Ms. BUSH. Thank you for convening this important hearing.

People in my district are no strangers to gun violence. This year alone we have had 73 homicides just in the City of St. Louis, with a population of less than 300,000 people, countless incidents of domestic violence, child abuse, and other forms of traumatic community violence. For years we have watched our neighborhoods, our schools, parks, and infrastructure underfunded or actively defunded.

My hometown has been devastated by a lack of access to trauma prevention and mental health services. At the same time, Black and Brown communities in my—people in our community are disproportionately impacted by mass incarceration, mass deportations, and over-policing.

We must expand our understanding of gun violence, as well as propose solutions to attack gun control as a social issue rather than political. Preventing gun violence means prioritizing the well-being of our communities by bolstering social programs and providing resources and support for those who need it the most.

Pastor Grady, I extend my sincere sympathy to you and your family for the trauma you endured following the El Paso massacre. I thank you for being here this week on behalf of the countless victims of gun violence who have endured a similar fate.

In the interests of preventing gun violence before it happens, can you speak to utility of community violence prevention programs?

Mr. GRADY. Yes. I believe the community-based violence intervention programs really have a proven track record of being effective on vitally ensuring the safety of our communities. It is relationship-based, it is outreach strategies, it is working with law enforcement as well as with the faith-based community, and to educate and to provide resources, I mean human resources funding that we might be able to arrest some of the ills that continues to perplex our communities.

One of the keys of achieving a more just and peaceful America would be focusing on significant investment of strategies that reduce violence, that brings communities together to expose the darkness, to offer the light.

It is not just one particular thing that causes mass shootings. It is a community, it is a disease, that we are not at ease in our communities based on resources, and then incarceration rates. Again, and what happens once a person is released from an institutionalized places where they are supposed to be rehabilitated.

As you know, I am from St. Louis. Many times, when someone is released from incarceration they drop them off maybe a block from where they picked them up. So, back into that environment consistently.

So, I believe, again, that if we could continue to get funding for our community-based intervention programs, if we could continue to work with the faith-based community, and to invite our law enforcement agencies to be more community-based, we could begin to arrest this situation and circumstance.

Thank you so much, Congresswoman.

Ms. BUSH. Oh, thank you. Thank you, Pastor Grady.

Mr. Skaggs, as policy director of the Giffords Law Center can you speak to how these laws are applied in practice? Specifically, can you describe potential unintended consequences of these gun safety policies for Black and Brown communities who are often the ones that are disproportionately criminalized, and charged, and prosecuted for firearms, the unintended consequences?

Mr. SKAGGS. I think there are serious structural problems with our criminal justice system and mass incarceration in our country. All too often Black and Brown Americans bear the brunt of those structural problems.

I think it is critically important that any of the policies that we are looking at, we look very carefully at enforcement to ensure even-handed, fair enforcement. There is a very, very long way to go.

I think the policies we are talking about today are important steps forward to addressing this ongoing crisis. I think we need to pass the bills that we have been talking about.

Ms. BUSH. Thank you. I firmly believe we have the power to transform our community with intentional and deliberate policies that encourage the overall health and the well-being of those who have the least. Partial solutions only serve to exacerbate these issues and increase the number of interactions between civilians and the police.

It is time to fully fund and support community led and develop solutions to address the causes of trauma and of gun violence. We cannot police our way to public safety.

Thank you. I yield back.

Ms. JACKSON LEE. We thank the gentlelady for her questioning.

Both the Ranking Member and I have some closing remarks and inquiries that I may wish to make at this time. Then we will close the hearing.

First, I would like to thank all of the Members who have come and have been thorough, concerned, and seeking information to be problem solvers. Thank you so very much.

With that, let me yield to the Ranking Member.

Mr. BIGGS. I thank the Chair, and I appreciate your kindness in allowing me to take a few minutes to speak and try to clarify a few things.

First, I want to talk about the Caniglia case, which is the case that was referenced by Ms. Muller. That case was a case involving a 4th amendment seizure by police officers of a gun. It was ruled 9-0 that there was a 4th amendment right by that individual to have that gun, and it was taken from this home without a search warrant, without correct due process.

It was not directly a red-flag case, but it was a search and seizure, turned on 4th amendment rights, not 2nd amendment rights.

Justice Alito in his opinion opined that, quote, and I am going to quote this, "Provisions of red-flag laws may be challenged under the 4th Amendment." He set the stage for red-flag laws being potentially violative of the 4th Amendment. That is something that we, everybody in here should be concerned about.

I wanted to get to something that was in the written statement of Mr. Skaggs. I don't think it was alluded to. People talked all around it, but I just want to get to this point. It was on page 3



of your point. I enter it only because I think it is a point of interest because we were discussing suicides in here, and we have discussed suicides. I think you said in your written testimony, that they are about 60 percent. I think my data indicates it is 56 percent. I think Ms. Muller testified 55 percent.

Nonetheless, suicide by gun is about somewhere between 55 and 60 percent of all gun violence in the country. Guns are used in only 5 percent of suicide attempts. They are just much more effective than other forms of suicide. I think we all can acknowledge that. I just wanted to clarify that because I don't think it was clarified in the testimony.

With regard to ghost guns, to manufacture a firearm that is intended for sale without a federal firearms license is already illegal. That is important to understand and remember. So, if someone is manufacturing a ghost gun for the purpose of sale, that violates already current federal law.

I also have a number of pieces. Mr. Guttenberg mentioned that the original testimony that we saw of Ms. Hupp was, there were not 400 million guns in the United States at the time that she initially made that. I think that is right. I mean, it is accurate.

She also testified three other times before Congress. So, the initial testimony, yes, that is the correct. She also testified, and I would like to submit two transcripts of her testimony which contains the same, in essence the same testimony she just gave that you saw earlier.

Also, a document dated May 11th, 2021, called "In these 11 cases of firearms safety owner or others."

Another one from April 15th with the same title.

Another one from March 10th saying, "These 11 examples of defensive use undermine push for more gun control."

Another one from February 17th entitled, "11 times a gun stopped matters from getting worse."

A document entitled, "Undetectable firearms."

Another one entitled, "Background information on so-called assault weapons."

Another one entitled, "Another ban on high-capacity magazines."

Another one called, "That time the CDC asked about defensive gun uses."

Another one entitled, "Priorities for research to reduce the threat of firearm-related violence."

So, that is a series of documents. I would ask that they be admitted into the record.

Ms. JACKSON LEE. Without objection, so ordered.


[The information follows:]



**MR. BIGGS FOR THE RECORD**

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## In These 11 Cases, a Firearm Saved the Owner or Others

 [heritage.org/firearms/commentary/these-11-cases-firearm-saved-the-owner-or-others](https://heritage.org/firearms/commentary/these-11-cases-firearm-saved-the-owner-or-others)

COMMENTARY Firearms  
May 11th, 2021 5 min read

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COMMENTARY BY



Almost every major study on the issue has found that Americans use their firearms in self-defense between 500,000 and 3 million times a year. RichLegg / Getty Images

### Key Takeaways

President Biden used his first address to a joint session of Congress to push for major gun control initiatives, often using blatant lies and mischaracterization.

The examples below represent only a small portion of the news stories on defensive gun use that we found in March.

The president should share the facts about how often Americans use their firearms in lawful defense of themselves or others.

Late last month, President Joe Biden used his first address to a joint session of Congress to push for major gun control initiatives, often using blatant lies and mischaracterizations in the process.

One of Biden's more egregious mischaracterizations was the common trope that the nation is experiencing a "gun violence epidemic."

The plain data simply does not support such a claim. The rates for gun homicides and nonfatal gun crimes remain far lower today than in the early 1990s.

This is so even though gun sales have skyrocketed and many states have loosened restrictions significantly on the right of ordinary citizens to carry firearms in public.

Biden also neglected to explain what the data does support—a reality where Americans routinely rely on their Second Amendment rights to protect themselves from crime.

Almost every major study on the issue has found that Americans use their firearms in self-defense between 500,000 and 3 million times a year, according to a 2013 report by the Centers for Disease Control and Prevention. We have good reason to believe that many of these defensive gun uses aren't reported to police, much less make the local or national news.

For this reason, The Daily Signal each month publishes an article highlighting some of the previous month's many news stories on defensive gun use that you may have missed—or that might not have made it to the national spotlight in the first place. (Read accounts from 2019 and 2020 [here](#).)

The examples below represent only a small portion of the news stories on defensive gun use that we found in March. You may explore more by using The Heritage Foundation's interactive Defensive Gun Use Database.

- April 4, Pikeville, Kentucky:** Police said an ongoing property dispute took a violent turn when five neighbors attacked a man and his wife. The confrontation was caught on a surveillance camera, which appears to show three women and two men begin to assault the couple before the homeowner draws a handgun and shoots one attacker in the arm. Police arrested all five of the homeowner's neighbors, who now face assault charges.

- **April 6, Alamogordo, New Mexico:** When a man stole a cab from a hotel, the cab company used the car's GPS system to track the thief's movements through the rural county. Police said two of the company's owners used their own truck to chase down the stolen cab, forcing the thief to pull over and run. The owners chased after him with guns drawn, then detained him at gunpoint until police arrived.
- **April 7, Jeannette, Pennsylvania:** A mother used her firearm to successfully defend her teenage son from another teen, who shot him in the hand during an altercation. Police said the teen fired several rounds at the woman's son and continued to chase him with a gun as he ran away. The boy's mother returned fire, hitting the shooter in the thigh and causing him to flee. Police said they arrested him and charged him with attempted homicide.
- **April 11, Wilmer, Alabama:** A man fatally shot his father after he began assaulting the man's stepmother. Police said the father was armed with a handgun during the altercation.
- **April 12, Alkol, West Virginia:** A naked intruder who police say may have been high on drugs broke into a residence around 2 a.m. and was confronted by an armed homeowner. The homeowner fired his shotgun at the intruder, wounding him. The intruder was expected to face burglary charges, police said.
- **April 17, Beech Grove, Indiana:** A good Samaritan with a firearm came to the aid of a Walmart security officer after a suspected shoplifter threatened the officer with a gun. A man who had a concealed carry permit drew his firearm and shot at the suspect, who fled. Another witness tackled the suspect outside and detained him until police arrived.
- **April 18, Lakehead, California:** A man on a boating trip with a friend heard gun shots and screaming. Police said someone with a handgun had approached a group of others, used racial slurs, and opened fire, wounding two. One person in the group pointed out the shooter as he walked away; the man and his friend used their own firearms to detain the shooter until police arrived. He was being investigated for hate crimes.
- **April 23, Hartsgrove Township, Ohio:** A homeowner used his firearm to fend off an armed man who showed up with two others and demanded that the homeowner turn over property. Police said the would-be robber fired first and the homeowner returned fire in self-defense, wounding the robber.
- **April 26, Walled Lake, Michigan:** Just after midnight, three intruders, armed with a club and a knife and accompanied by dogs, tried to kick in a family's door while shouting racial slurs and threatening to kill the residents—a mother and her two young sons. One son called 911 as his mother, who is black, retrieved a gun and fired at the intruders through a bedroom window, sending them running. Police said all three were arrested and face hate crime charges. The woman's husband, at work at the time, told reporters that his wife "did what she had to do" to protect the family.

- **April 28, Tucson, Arizona:** Police said a woman was physically assaulted by her boyfriend in a bank parking lot but was able to run away and approach a bystander for help. He allowed the woman to get into his vehicle as the boyfriend approached and, in the resulting confrontation, he drew his handgun and fatally shot the boyfriend.
- **April 30, Colorado Springs, Colorado:** After a man began strangling and threatening to kill her, a woman retrieved a firearm and shot and wounded him. Police said the two knew each other, but did not disclose their relationship to protect the woman's identity.

Rather than mischaracterizing the facts on shootings as a way to push for more restrictions on the right to keep and bear arms, the president should share the facts about how often Americans use their firearms in lawful defense of themselves or others.

We certainly can do more to address underlying factors of shootings in America, especially when it comes to suicide using a firearm. But as the stories above show, ordinary law-abiding Americans have a lot to gain from exercising their constitutional rights.

*This piece originally appeared in The Daily Signal.*

## These 11 Incidents Underscore Outrage of Biden's Slap in Face to Gun Owners

[heritage.org/firearms/commentary/these-11-incidents-underscore-outrage-bidens-slap-face-gun-owners](https://heritage.org/firearms/commentary/these-11-incidents-underscore-outrage-bidens-slap-face-gun-owners)

COMMENTARY Firearms

Apr 15th, 2021 6 min read

Commentary By



Emma Nietzsche

Spring 2021 member of the Young Leaders Program at The Heritage Foundation



When a knife-wielding robber confronted a man in a residential neighborhood on Long Island, New York, a good Samaritan with a gun intervened. Paul Bradbury / Getty Images

### Key Takeaways

The Biden administration has released a slew of executive orders that are likely to punish responsible gun owners without meaningfully affecting crime rates.



This disdain for new gun owners is indicative of a deeper misunderstanding about why Americans own firearms.

Biden's gun control orders will do little to keep violent crime rates down, but do show a contempt for the Second Amendment rights of responsible gun owners.

Just a little over halfway through its first 100 days, the Biden administration has made it very clear where it stands on the Second Amendment, releasing a slew of executive orders that are likely to punish responsible gun owners without meaningfully affecting crime rates.

Perhaps worse, President Joe Biden nominated gun control lobbyist David Chipman to head the Bureau of Alcohol, Tobacco, Firearms and Explosives, a slap in the face to American gun owners.

Chipman's advocacy for severe restrictions on gun ownership is well known, as is his tendency to misstate basic facts about firearms and existing laws to further his gun control agenda.

Chipman made headlines last year by brazenly mocking the 8 million Americans who bought firearms for the first time in 2020, implying that they were afraid of zombies and comparing them to "Tiger King."

This disdain for new gun owners is indicative of a deeper misunderstanding about why Americans own firearms, and just how often they rely on those firearms to protect their rights and liberties.

Almost every major study on the issue found that Americans use their firearms in self-defense between 500,000 and 3 million times a year, according to a 2013 report by the Centers for Disease Control and Prevention. We have good reason to believe that many of these defensive gun uses aren't reported to police, much less make the local or national news.

For this reason, The Daily Signal each month publishes an article highlighting some of the previous month's many news stories on defensive gun use that you may have missed—or that might not have made it to the national spotlight in the first place. (Read accounts from 2019 and 2020 [here](#).)

The examples below represent only a small portion of the news stories on defensive gun use that we found in March. You may explore more by using The Heritage Foundation's interactive Defensive Gun Use Database.

**March 3, Daphne, Alabama:** A woman's ex-husband showed up at her apartment armed with a rifle and began using the butt of the rifle to break down the door. The woman called 911, but while she was on the phone with dispatchers, her ex-husband forced his way inside,

police said. He was confronted by the woman's armed boyfriend, who exchanged as many as 15 rounds with the intruder, ultimately killing him. No one else in the apartment—including the woman's 8-year-old daughter—was harmed.

**March 6, Massapequa, New York:** When a knife-wielding robber approached a man in a residential neighborhood and demanded his money and keys, a good Samaritan attempted to intervene. When the robber turned toward him in a threatening manner, the good Samaritan drew a firearm and shot the robber once in the leg, police said. The robber fled, but police soon located and arrested him.

**March 8, Colorado Springs, Colorado:** A quick-thinking store employee used a handgun to run off two young men who attempted to rob the store and steal a customer's purse, police said. The employee showed the gun and fired one shot during a struggle with one robber, apparently wounding him and sending the second robber fleeing. Police arrested the wounded robber and issued an arrest warrant for the second robber.

**March 10, Lee County, Virginia:** A man with a violent criminal history showed up to his in-laws' home intoxicated and armed with a knife, threatening to kill everyone as he tried to force his way inside. At one point, he was able to enter the residence and begin to violently drag his wife toward the door. The father-in-law acted quickly to save his daughter, fatally shooting her husband before he could leave, police said. Investigators cleared the father-in-law of wrongdoing, saying his use of deadly force was justified under state law.

**March 13, Lindale, Texas:** A man on the run from police knocked on a homeowner's door and demanded money. Police said the homeowner pulled out a revolver and pointed it at the man, who was wanted in the shooting of a woman, prompting him to flee. Police had been engaged in a large manhunt for the intruder, using bloodhounds and a helicopter to track him. They arrested him two days later.

**March 15, Newnan, Georgia:** A woman waiting in a McDonald's drive-through line was assaulted by a man who police said began to argue with her "for no apparent reason." At one point, the man reached inside her vehicle and began choking the woman, who drew her handgun and fired two shots into the air in self-defense. Police later arrested the man and charged him with aggravated assault.

**March 17, Cleveland, Ohio:** A St. Patrick's Day party turned deadly when a man ignored a restraining order barring him from contacting his ex-girlfriend and showed up looking for her. Another man got into an argument with the ex-boyfriend outside the residence and eventually went back inside and locked the door, police said. The ex-boyfriend attempted to kick in the door, prompting a third man inside to fire a single round through the door, fatally wounding the attacker. Police said the woman had reported that the ex-boyfriend had threatened to kill her and had been physically violent. She told police that he "was capable of

killing her" and "had access to weapons."

**March 21, Union County, North Carolina:** A resident used his rifle to defend himself and his household after two men—at least one armed—forced their way into the resident's home. The resident fired several rounds at the intruders, wounding one. Police arrested and charged one man and said they would arrest and charge the other man upon his release from a hospital.

**March 22, Lookeba, Oklahoma:** An observant homeowner armed himself after noticing two men circling his residence in a suspicious manner. His suspicions were confirmed a short time later when the two tried to kick in his door, police said. The homeowner fired a shot at the men, sending them running back to their car. They fired back at the homeowner and another family member as they fled. Police arrested them following an hours long manhunt after they crashed their car into a tree.

**March 25, Toledo, Ohio:** A concealed carry permit holder used his firearm to defend himself and his two young children during a road rage incident, exchanging 10 to 15 rounds with another driver who exited his car and began shooting at the permit holder. Other witnesses followed the initial shooter to take photos of his vehicle, police said, and no one appeared to have been injured.

**March 31, Manhattan, Kansas:** A driver used his firearm to protect himself and his girlfriend from an angry motorist who approached them wielding a crowbar. The driver pulled out his gun and wounded the would-be attacker before he could injure them.

Everyone wants Americans to be safe from violent crime. The good news is that despite last year's spike in homicide rates, Americans today remain significantly safer from gun crime and gun homicide than they were in the early 1990s.

This is true even though the number of privately owned guns per capita has skyrocketed and many states have loosened restrictions on the ability of law-abiding citizens to carry firearms in public.

Biden's gun control orders will do little to keep violent crime rates down. But his orders do show a contempt for the Second Amendment rights of responsible gun owners, including those who bought guns for the first time in 2020 because they felt the government could not or would not be there to protect them.

*This piece originally appeared in The Daily Signal.*

## These 11 Examples of Defensive Gun Use Undermine Push for More Gun Control

[heritage.org/firearms/commentary/these-11-examples-defensive-gun-use-undermine-push-more-gun-control](https://www.heritage.org/firearms/commentary/these-11-examples-defensive-gun-use-undermine-push-more-gun-control)

COMMENTARY Firearms

Mar 10th, 2021 5 min read

Commentary By

Emma Nietzsche

Spring 2021 member of the Young Leaders Program at The Heritage Foundation



Firearms are used far more often for lawful purposes than they are used to commit acts of criminal violence. victorass88 / Getty Images

### Key Takeaways

While COVID-19-related bills have taken up much of the national spotlight, several gun control bills are primed for passage this week in the House.

Almost every major study on the issue found that Americans use their firearms in self-defense between 500,000 and 3 million times a year.

The gun control bills currently before Congress would impose significant and unnecessary burdens on law-abiding Americans.

March is Women's History Month, yet Congress appears ready to celebrate in the worst way possible by creating more barriers for women who seek to exercise their Second Amendment right to keep and bear arms.

While COVID-19-related bills have taken up much of the national spotlight, several gun control bills are primed for passage this week in the House. This is hardly surprising, given that just last month, President Joe Biden called on Congress to enact a plethora of new federal gun legislation.

Unfortunately, however, none of these proposals is meaningfully directed at the root causes of gun violence. Many gun control advocates have fooled themselves—and far too many others—into believing that we create safer communities by placing increasingly burdensome restrictions on the Second Amendment rights of law-abiding citizens.

The reality, however, is that firearms are used far more often for lawful purposes than they are used to commit acts of criminal violence.

Almost every major study on the issue found that Americans use their firearms in self-defense between 500,000 and 3 million times a year, according to a 2013 report by the Centers for Disease Control and Prevention. We have good reason to believe that many of these defensive gun uses aren't reported to police, much less make the local or national news.

For this reason, The Daily Signal each month publishes an article highlighting some of the previous month's many news stories on defensive gun use that you may have missed—or that might not have made it to the national spotlight in the first place. (Read accounts from 2019 and 2020 [here](#).)

The examples below represent only a small portion of the news stories on defensive gun use that we found in February. You may explore more by using The Heritage Foundation's interactive Defensive Gun Use Database.

- **Feb. 1, Memphis, Tennessee:** A motorist was putting air in his tires at a gas station when a would-be carjacker jumped in the car and tried to use the remote starter, police said. When the driver leapt through the passenger-side window to stop the thief, he saw the man was armed. They fought over the gun until an armed customer drew his own firearm to defend the driver, spurring the carjacker to run.

- **Feb. 3, Las Vegas:** A man with a history of violence against police tried to steal another man's firearm at a gun range, prompting three armed employees to escort him from the building and call police. When two deputy sheriffs arrived, the man attacked one of them with a screwdriver, stabbing her and breaking a bone in her face. Three employees and the second deputy drew their firearms, fatally shooting the attacker. Assistant Clark County Sheriff Brett Zimmerman told reporters that the employees' actions "helped our officer and could've saved our officer's life."
- **Feb. 7, Mason, Tennessee:** A woman used her firearm to defend herself from her boyfriend during an ongoing dispute. The man—who reportedly was armed and had made threats of violence in the past—got into an altercation with the woman earlier in the day at her workplace, police said, but left before officers arrived. Later, in the middle of the night, the boyfriend showed up at her home and confronted her again. By the time police responded to the woman's call for help, she had fatally shot him.
- **Feb. 11, Molino, Florida:** A married couple found two men on their property whom they believed were trying to break in to their house. The two had pushed their disabled car behind the couple's home after breaking into a neighbor's truck, police said. The homeowner drew his handgun and detained the men while his wife called 911. When authorities arrived and arrested the men, they found loaded firearms, stolen items, and drugs in their car.
- **Feb. 13, Goldsboro, North Carolina:** Two masked intruders forced their way into an apartment, demanded money, and shot a 73-year-old woman in the leg, police said. The woman's 12-year-old grandson retrieved a firearm and shot at both intruders, who ran. Police soon caught a man with a gunshot wound who they suspected was one of the intruders. He died from the wound. His accomplice was not found.
- **Feb. 15, Aiken, South Carolina:** An armed man knocked on the door of an elderly couple's home and asked the woman who answered if she had seen his dog. When the woman said she hadn't and tried to close the door, police said, the man pushed her down, forced his way inside, and pulled a knife on her. The woman's husband, a Vietnam War veteran, grabbed a shotgun from a wall and used it to beat the intruder to death. The woman and her husband were injured but expected to recover.
- **Feb. 17, Scottdale, Pennsylvania:** A resident who discovered a man in his garage used a garden tool to detain the intruder while waiting for police. The intruder knocked down and injured the responding officer, however. He tried to flee in the resident's SUV, which he crashed as he backed down an embankment. A Marine Corps veteran, walking his dog, took notice of the thief as he tried to break into another home, police said. The veteran ordered his 4-month-old dog to attack the thief, then held him at gunpoint until police arrived to take him into custody.

- **Feb. 20, Metairie, Louisiana:** When a man entered a gun store with a loaded firearm, the store owner asked him to unload the weapon. With little warning, police said, the man fired into the air and then at customers and employees, killing two and wounding two. Armed employees drew their own guns and killed him in a shootout before he could harm anyone else.
- **Feb. 23, Butte, Montana:** A man was getting his kids ready for school when he heard gunshots. He grabbed his firearm and ran outside, where he saw a neighbor and his son struggling with a would-be car thief, police said. The man held the assailant at gunpoint. Police said the would-be thief had shot the neighbor in the hand before the neighbor's son rushed out and tried to disarm him.
- **Feb. 27, Loveland, Colorado:** Amid a heated child custody dispute, a woman brandished a handgun and threatened to kill her ex-husband. Fearing for his life and the lives of four other members of the household who were present, police said, the man retrieved his own firearm and fatally shot his ex-wife.
- **Feb. 28, Port Huron, Michigan:** A homeowner shot an intruder in the neck early in the morning after she heard him entering her house, where she had a small child, police said. Wounded, the intruder fled; officers quickly caught him.


Everyone wants communities that are safe from gun-related violence and to keep firearms out of the hands of those who are a danger to themselves or others.

But the gun control bills currently before Congress would impose significant and unnecessary burdens on law-abiding Americans who, like those highlighted above, simply desire an effective means of protecting their rights and liberties.

Worse, these gun control bills would not meaningfully reduce the risk that those rights and liberties indeed will need protection. That makes them both constitutionally suspect and bad policy.

*This piece originally appeared in The Daily Signal.*

## 11 Times a Gun Stopped Matters From Getting Worse

 [heritage.org/firearms/commentary/11-times-gun-stopped-matters-getting-worse](https://heritage.org/firearms/commentary/11-times-gun-stopped-matters-getting-worse)

COMMENTARY Firearms  
Feb 17th, 2021 5 min read

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COMMENTARY BY



The Lee bill also would Americans to surrender hundreds of millions of commonly owned, factory-standard ammunition magazines capable of holding more than 10 rounds. Hans Berggren / Getty Images

### Key Takeaways

Gun control advocates are back to their same tactics of wanting to make it much harder for law-abiding citizens to exercise their Second Amendment rights.



Almost every major study on the issue found that Americans use their firearms in self-defense between 500,000 and 3 million times a year.

In 2021, we must continue to ensure that the right to keep and bear arms remains the right of the people, not the privilege of the chosen elite.

We're in a new year, but gun control advocates are back to their same tactics of wanting to make it much harder for law-abiding citizens to exercise their Second Amendment rights.

Perhaps one of the worst offenders is Rep. Sheila Jackson Lee, D-Texas, who recently introduced a bill to create a national gun license and registration program that effectively would turn the right to keep and bear arms into a privilege for which citizens must prove their worthiness to the government.

The Lee bill also would force Americans to surrender hundreds of millions of commonly owned, factory-standard ammunition magazines capable of holding more than 10 rounds—severely handicapping their ability to defend themselves when outnumbered or outgunned.

Activists such as the Texas congresswoman probably genuinely believe that they're helping protect Americans. But in reality they would make it harder for most Americans to protect themselves.

According to a 2013 report by the Centers for Disease Control and Prevention, almost every major study on the issue found that Americans use their firearms in self-defense between 500,000 and 3 million times a year. We have good reason to believe that many of these defensive gun uses aren't reported to police, much less make the local or national news.

For this reason, The Daily Signal each month publishes an article highlighting some of the previous month's many news stories on defensive gun use that you may have missed—or that might not have made it to the national spotlight in the first place. (Read accounts from 2019 and 2020 [here](#).)

The examples below represent only a small portion of the news stories on defensive gun use that we found in January. You may explore more by using The Heritage Foundation's [Interactive Defensive Gun Use Database](#).

- **Jan. 3, Macon, Georgia:** An armed robber walked into a pizza restaurant and threatened to shoot employees if they didn't give him money, police said. The robber then decided he needed to use the bathroom[[KM1](#)], giving a restaurant employee time to grab a handgun. When the robber came out of the restroom, the employee held him at gunpoint until police arrived.

- **Jan. 7, Miami Beach, Florida:** Surveillance video captured a dramatic confrontation between an employee of a store and a man who threatened him with a firearm. The assailant initially left the scene after an argument with the employee, during which he brandished his gun, police said. He returned a short time later and the employee, fearing for his life, fired his own legally possessed handgun at the assailant's car, causing him to flee. Police later arrested and charged the assailant with aggravated assault.
- **Jan. 10, Cleveland:** A Lyft ride-sharing driver was forced to rely on her Second Amendment rights to defend herself when two male passengers viciously attacked her during the ride, police said. As one man began choking her from the back seat and the other punched her in the face, she was able to grab her handgun from the center console and fire six rounds at the men, who fled. When found, the men face charges of attempted kidnapping and attempted aggravated robbery. Unfortunately, even though the driver legally possessed the handgun and clearly acted in lawful self-defense, Lyft chose to fire her for violating the company's "zero tolerance" policy on drivers carrying firearms.
- **Jan. 11, Sausalito, California:** When a woman's ex-boyfriend—assisted by her own father and brother—attempted to kidnap her from her home at gunpoint, another resident armed himself and came to her rescue. Police said the woman's father and brother lured her out of the residence, and the ex-boyfriend threatened her with a firearm and tried to force her into his car. The other resident heard the commotion, grabbed his own handgun, and fired a warning shot to thwart the kidnapping.
- **Jan. 14, Crowder, Mississippi:** A woman shot and killed her abusive boyfriend as he forced his way into her home after assaulting her earlier in the week, police said. The boyfriend had smashed a whiskey bottle over her head and spent hours beating her, putting her in a hospital, investigators said. The woman sought a restraining order because she was fearful he would return. When he did, she shot him with her rifle in self-defense.
- **Jan. 15, Kerrville, Texas:** After two men got into a physical altercation in a restaurant, one pulled a knife and stabbed the other, police said. A good Samaritan who witnessed the stabbing retrieved a firearm from his vehicle, returned to the restaurant, and held the knife-wielding assailant at gunpoint until police arrived. The stabbing victim was expected to survive.
- **Jan. 19, Laurel, Mississippi:** A teenager shot and killed his mother's boyfriend after the man physically attacked her during a domestic dispute. Police said the mother and boyfriend had been arguing "for several days" leading up to the violent altercation.
- **Jan. 21, Daytona Beach, Florida:** A father heard his adult daughter screaming outside their home and ran out to see her bleeding from her mouth and face as her boyfriend assaulted her. The father tried to intervene and eventually fired a warning shot at the undeterred boyfriend. When the man attacked his girlfriend's mother, who had come outside to help, the father shot and wounded him.

- **Jan. 25, Harrison Township, Michigan:** Recordings of 911 calls captured the harrowing moments when a woman called to report that her ex-boyfriend was breaking into her home. Unfortunately, police could not arrive before the ex-boyfriend forced his way inside, and another resident shot the intruder several times, killing him. Police said they had been called to the residence several times before to “resolve disputes” between the woman and her boyfriend.
- **Jan. 28, Bellingham, Washington:** A man went into a sporting goods store and tried to smash a gun case with a hammer in an apparent attempt to steal a firearm. An armed employee with a concealed carry permit drew his weapon and shot the thief in the chest, wounding him. Police said the thief was a felon who could not legally possess firearms and was suspected of trying to rob another store earlier in the day.
- **Jan. 30, Ponca City, Oklahoma:** Police said a man with a history of domestic assault attacked his wife and stepson, splitting open the stepson’s head with a baseball bat and stabbing him several times before tying up his wife in a closet. Another adult stepson arrived and took his wounded brother to a hospital. He returned to check on his mother and was confronted by the stepfather, whom he ultimately shot in self-defense. The stepfather faced several serious felony charges.

If many gun control activists had their way, all of these law-abiding citizens would have first been required to face a plethora of expensive and time-consuming hurdles before being granted the privilege of defending themselves.

In 2021, we must continue to ensure that the right to keep and bear arms remains the right of the people, not the privilege of the chosen elite.

*This piece originally appeared in The Daily Signal.*

**NSSF FAST FACTS**

Despite the sensational headlines about cases of "undetectable" firearms, all firearms are heavily regulated under current federal law, regardless of how they are manufactured. The 1968 Gun Control Act, the 1988 Undetectable Firearms Act and other federal laws all govern firearms produced by a 3D printing process or any other process, just as they apply to conventional manufacturing processes using machine tools.

What does it mean for a firearm to be "undetectable?" Some headlines suggest that 3D printed firearms are undetectable, as they are primarily made of polymer materials, not metal. Others warn about scary-sounding "ghost guns" that cannot be traced by law enforcement due to a lack of a serial number.

**3D PRINTERS CANNOT PRODUCE AN UNDETECTABLE FIREARM**

Setting aside the fact that 3D printing is a high cost, limited production technology that does not present a public safety risk, it is already illegal under the federal Undetectable Firearms Act to manufacture, import, sell, ship, deliver, possess, transfer, or receive an undetectable firearm. Even firearms produced with 3D printing technology are required to include a component made of metal, and hence detectable by metal detectors and x-ray machines. In addition, ammunition cartridges are made with metal components that are detectable. Of course, even

without metal components, current Transportation Security Agency (TSA) screening machines will detect an object, regardless of its composition.

**GHOST GUNS ARE A GUN CONTROL BOOGEYMAN**

Americans have always had the ability to legally make firearms on their own and some choose to do so as a hobby. It has not created a wave of "ghost guns." It has allowed individuals who are passionate about building their own firearms to assemble them in their homes. This is the exception, not the rule. The overwhelming majority of firearms are bought through commercial sales, produced by manufacturers and sold by retailers that are federally licensed and regulated.

Due to the time consuming nature of 3D printing, hobbyists have sought more practical ways to create a firearm for personal use, primarily through utilization of "80% lowers". These frames are available for various models of firearms and are not processed enough to fall under the ATF's definition of a firearm. The 1968 Gun Control Act defines a firearm as - "Any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; or any destructive device."<sup>1</sup>

These "80% lowers" are closer to a hunk of plastic or metal than a working firearm receiver. End users are required to perform meticulous



drilling and labor with hand tools in order to create a working firearm component. It is important to note that this legal activity is still regulated by state and federal firearm laws, an obligation that hobbyists are responsible to know and conform to. The benefit to this hobby is being able to build a personalized firearm with the particular parts the owner wants rather than purchasing a fully functional firearm and incurring the added expense of swapping parts for a customized look and feel.

What is not legal, is manufacturing firearms intended for sale without a federal firearms license. As established by the Gun Control Act of 1968, federal law requires a license to engage in the business of dealing firearms.<sup>2</sup> The term at stake is "engaged in the business," which is defined in current Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) regulations. The term "engaged in the business," as applicable to a firearms dealer, is defined as a person who devotes time, attention, and labor to dealing in firearms as a regular course of trade or business with the principal objective of livelihood and profit through the repetitive purchase and resale of firearms, but such term shall not include a person who makes occasional sales,

continued →

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exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or who sells all or part of his personal collection of firearms.<sup>3</sup>

In order to comply with the law, a new "dealer" would need to apply for and obtain a license, including paying the required fees and submitting to a background check and fingerprinting, comply with state and local laws (including state licensing in the 15 states where required), local business laws, and zoning laws which may or may not allow the individual to operate what would likely be a home-based firearms business. The "licensed premises," likely the gun owner's private home, would have to be open to ATF inspection once a year.

ATF policy for many years has been that the licensed premises must be open to the public. Indeed, item 11 of ATF Form 7, Application for License, requires applicants to list hours of operation for all seven days. Applicants would have to get ATF approval to operate by appointment only.

Among myriad other requirements, the new licensee must keep and maintain for life federally mandated records on the acquisition

and disposition of firearms and must keep any form 4473 for at least 20 years.<sup>4</sup> All firearms in their collection which are for sale would have to be entered into the acquisition and disposition record. In addition, they would have to register with the Federal Bureau of Investigation's background check system, the National Instant Criminal Background Check System (NICS), request the FBI or Point of Contact (POC) state to run the background check for each transfer, report to ATF and their local chief law enforcement officer on the multiple sale of handguns to the same person within a 5 day period, report lost or stolen firearms to the ATF and to local authorities within 48 hours, and provide Youth Handgun Safety Act notices and a gun safety device with each handgun sold. When a licensee goes out of business, which might include any year that they would dispose of fewer firearms than the number established by regulation, it must send its required records to the ATF Out of Business Records Repository.

Firearms are not the only area where such a distinction exists between a hobby and a business. Consider the fact that it is perfectly legal to prepare dinner for one's

family and friends in one's home without a federal license. Yet, if the same person decides to open a restaurant and prepare the same food for others as a business, that business is subject to a set of laws and regulations designed to keep the restaurant industry safe. Federally licensed firearms retailers are committed to following the laws and regulations that apply to their businesses.

#### CRIMINALS BREAK THE LAW

If the argument is that criminals won't follow the existing laws and regulations, there is no evidence they will abide by new laws. By definition, criminals don't have respect for the law. According to a government survey of prison inmates, over 90 percent of inmates obtained their firearms from an illegal or black-market source or from friends and family. Enacting further laws at the state or federal level to make the possession of an illegal firearm more illegal will not deter criminal behavior.

Rather than layering another level of regulation on law-abiding hobbyists and businesses, lawmakers should seek enforcement of the existing stringent laws and regulations.

<sup>1</sup> Citation - Firearms - Guides - Importation & Verification of Firearms, Ammunition - Gun Control Act Definitions - Firearm. (2018, April 27). Firearms - Guides - Importation & Verification of Firearms, Ammunition - Gun Control Act Definitions - Firearm. <https://www.atf.gov/firearms/firearms-guides-importation-verification-firearms-ammunition-gun-control-act-definitions>

<sup>2</sup> Section 923(a), Title 18, U.S.C.

<sup>3</sup> 27 CFR 478.11

<sup>4</sup> FFL Record Retention Guide, National Shooting Sports Foundation, <https://www.nssf.org/factsheets/PDF/FFLRecordRetention.pdf>

**NSSF FAST FACTS**

The term "Assault Weapon", coined in the 1980's in an effort to ban semiautomatic rifles, has arguably become one of the most successful antigun public relations tools in modern history. The term "assault weapon" is now broadly used by antigun activists to describe any and all semiautomatic firearms as taboo and undesirable for private civilian ownership, despite being legally owned and used by millions of Americans. Antigun politicians and misinformed media have perpetuated this erroneous moniker for decades to drive public opinion of semiautomatic firearms into the gutter. As a result, many think that a semiautomatic firearm is a so-called "assault weapon" based on its cosmetic features or assume that the firearm is in fact a fully automatic machine gun.

What has incorrectly been termed an "assault weapon" is a semi-automatic firearm that fires just one bullet with each pull of the trigger (versus a fully automatic firearm — machine gun — which continues to shoot until the trigger is released). Specifically, legislation has incorrectly defined an "assault weapon" as a semi-automatic firearm that can accept a detachable magazine and has one or more of the following cosmetic features (it is these cosmetic features that


**BACKGROUND INFORMATION ON SO-CALLED "ASSAULT WEAPONS"**


***"The public's confusion over fully-automatic machine guns versus semi-automatic assault weapons — anything that looks like a machine gun is presumed to be a machine gun — can only increase the chance of public support for restrictions on these weapons."***

distinguish the firearm from other "non-assault weapons."):

- A folding or telescoping stock
- A pistol grip
- A bayonet mount
- A flash suppressor, or threads to attach one
- A grenade launcher

None of these features figure into the criminal misuse of firearms, regardless of their appearance.

**SEPARATING FACT FROM FICTION**

There is a tremendous amount of misinformation surrounding the issue of so-called "assault weapons." Below are several of the more misleading allegations related to these firearms followed by corresponding statements of fact:

**Claim:** A commercially-sold "assault weapon" is a machine gun and has no place in civilian hands.

**Fact:** A so-called "assault weapon" is NOT a machine gun or automatic firearm. Automatic firearms were

severely restricted from civilian ownership under the 1934 National Firearms Act. A so-called "assault weapon" is functionally no different than any other "legal" firearm. These guns fire in the same manner as any other semi-automatic firearm (one shot per trigger pull — no spray firing), they shoot the same ammunition as other guns of the same caliber and are no more powerful. What differentiates a so-called "assault weapon" from other guns is cosmetic; for example, the type of stock on the gun, which makes the conventionally operating firearm look more like a military firearm.

The gun-ban lobby understands that the confusion over what is and what is not an "assault weapon" only benefits them. Consider this statement from Josh Sugarmann of the Violence Policy Center:

"The public's confusion over fully-automatic machine guns versus

*continued* →

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semi-automatic assault weapons — anything that looks like a machine gun is presumed to be a machine gun — can only increase the chance of public support for restrictions on these weapons.”

**Claim: Semi-automatic “assault weapons” are high-powered guns that are meant for war.**

**Fact:** So-called “assault weapons” are more often than not less powerful than other hunting rifles. The term “assault weapon” was conjured up by anti-gun legislators to scare voters into thinking these firearms are something out of a horror movie. These guns are used for many activities. In fact, the Colt AR-15 and Springfield M1A, both labeled “assault weapons,” are the rifles most often used for marksmanship competitions in the United States. And their cartridges are standard hunting calibers, useful for game up to and including deer.

**Claim: The 1994 “assault weapons ban” helped to reduce violent crime.**

**Fact:** A recent comprehensive study by the Centers for Disease

Control — hardly a pro-gun entity — looked at the full panoply of gun control measures — including the “assault weapons ban” — and concluded that none could be proven to reduce crime. Homicide statistics demonstrate that the miniscule use of so-called “assault weapons” in crime (less than 1 percent) continued to decrease after the ten-year ban expired in 2004 and their manufacturing and sales resumed.

Another study, commissioned by Congress, found “the banned weapons and magazines were never used in more than a modest fraction of all gun murders.”

The report also noted that so-called “assault weapons” were “rarely used in gun crimes even before the ban.”

#### CONCLUSION

Legislation to ban so-called “assault weapons” typically targets rifles that are in common use and rarely used in crime. According to the 2019 FBI Uniform Crime Report, from 2015 – 2019: Knives, Blunt Objects, and Personal Weapons (fists and feet) exceeded rifles of all kinds for cause of death every year.<sup>1</sup>

Semiautomatic pistols, the

firearm of choice for conceal carry licensees, have recently garnered attention from antigun lawmakers, as evidenced by their inclusion under the “assault weapon” umbrella in legislation. This practice is becoming more commonplace as the efforts to conceal true intentions of banning all privately owned firearms are diminished. Banning all semiautomatic firearms is now the goal of the antigun lobby who know that the common criminal will not be affected by such bans and legislation. Labeling every semiautomatic firearm as an “assault weapon” plays on the emotional response of the public who may not be educated on how firearms work and their everyday use by law abiding citizens seeking to defend themselves and their families. Legislation to curb crime should be the priority, not laws that will only disarm and endanger those who follow the rules. Semiautomatic firearms are the most common type of firearm in the United States and are used for a wide variety of legitimate purposes, including hunting, small game control, target shooting, competition, and personal defense.

**They should not be banned.**

<sup>1</sup> <https://ucr.fbi.gov/crime-in-the-u.s/2019/crime-in-the-u.s.-2019/tables/expanded-homicide-data-table-8.xls>

**NSSF FAST FACTS**
**ANOTHER BAN ON  
“HIGH-CAPACITY” MAGAZINES?**
**THE EVIDENCE SHOWS IT WOULD NOT REDUCE CRIME RATES**

Magazines for firearms in common use on America's shooting ranges, kept at home, or lawfully carried by millions of citizens today vary in their ammunition-carrying capacity. Depending on the make and model of firearm, magazines provided by manufacturers as standard equipment for handguns and rifles often accommodate 15 to 30 rounds of ammunition.

These magazines offer recreational and competitive shooters, as well as those citizens exercising their right to carry a firearm or keep one at home for self-defense, the choice of magazine that should be theirs to make.

The average number of rounds fired in the course of a criminal shooting involving a semiautomatic pistol is between 3.2 and 3.7 rounds.<sup>1</sup> This falls well below the arbitrary 10 round limit imposed during the misleadingly named federal “Assault Weapon Ban” (AWB) of 1994-2004, and is even less than the capacity of an ordinary revolver. In fact, this average number of rounds fired is only about one shot higher than in the case of criminal misuse of revolvers.<sup>2</sup> A separate study, conducted for the National Institute of Justice, found that data

suggest “relatively few attacks involve more than 10 shots fired” and that studies on the number of shots fired “show that assailants fire less than four shots on average.”<sup>3</sup> Further, research has shown that criminal misuse with pistols is not significantly more likely to result in injuries or fatalities than in cases involving revolvers.<sup>4</sup>

While so-called “assault rifles” are rarely used in crime, those criminals using them were actually less likely to have fired the gun than those carrying a single-shot firearm.<sup>5</sup>

Banning magazines for firearms based on an arbitrary limit on capacity has often been proffered as a “common sense” measure to reduce crime rates, especially following deplorable and highly publicized tragedies. But a dispassionate look at the facts demonstrates that limiting magazine capacity by some arbitrary number of rounds of ammunition it can hold will not reduce the crime rate.

As part of the expired federal AWB, between 1994 and 2004, the production of newly manufactured magazines for both rifles and handguns was limited to a capacity of ten cartridges.<sup>6</sup> A comprehensive

study by the Centers for Disease Control (CDC) in 2003 looked at 51 studies covering the full panoply of gun-control measures, including the AWB, and was unable to show that the AWB and its



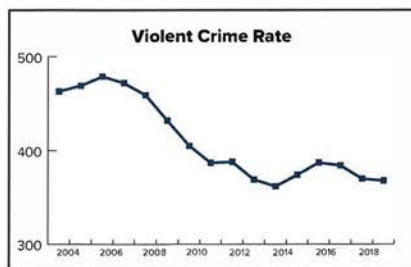
magazine capacity limitation had reduced crime.<sup>7</sup>

Another study, commissioned by Congress, found that these bans were not effective in reducing crime because “the banned weapons and magazines were never used

- According to studies by the Centers for Disease Control (CDC) and the Urban Institute the “Assault Weapon Ban” (AWB), which restricted magazine capacity, did not reduce crime rates.
- Since the AWB and its magazine capacity restriction expired in 2004 the U.S. violent crime rate has fallen by almost 21%.
- Since 2004, magazines with a capacity of more than ten rounds are again common and standard with most semiautomatic rifles and pistols sold. Millions of these magazines are safely and responsibly owned and used by law-abiding Americans. There are already roughly 304 million detachable magazines. Almost 80 million of these can accommodate more than 30 rounds.
- Criminals misusing pistols discharge on average fewer rounds than are held in an ordinary revolver and only about one more shot than those misusing revolvers.

continued →

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in more than a modest fraction of all gun murders.<sup>ix</sup> Since the AWB expired in 2004, the nation's violent crime rate has continued to drop by almost 21 percent and is now at the lowest levels since the early 1970s.<sup>x</sup> Advocates of "high-capacity" magazine bans claim that the elimination of possession or sale would reduce the rate of homicides by firearm. What they do not care to mention is that this topic has been independently studied, producing outcomes that do not support their ideology. These independent studies have reached the conclusion "that there is inconclusive evidence for the effect of high-capacity magazine bans on firearm homicides." The efforts to pass magazine capacity legislation under the guise of reducing rates of firearm homicides and/or violent crime are disingenuous and deceptive.<sup>x</sup>

Instead of appropriately focusing on the actions of mentally-disturbed individuals, the focus is again being shifted to legislation affecting law-abiding citizens. Like all Americans, we abhor the criminal misuse of firearms. Recent tragedies, however, were not caused by the characteristics of firearms, ammunition or magazines. Sadly, they were caused by the insane actions of the perpetrators.

Research was conducted into the actions of these criminals with respect to lethality and items used to commit

violent crime in mass shootings. The authors found, based on FBI data from 2000 to 2017, that there is a higher correlation between a shooter using multiple firearms and a high casualty count, than the type of firearm used. This study reinforces the fact that magazine capacity limits would do nothing to limit a criminal since they can circumvent that limitation by bringing multiple firearms. Law abiding citizens, however, would be dramatically affected across the nation in their ability to defend themselves and exercise their Second Amendment rights.<sup>xi</sup>

Any capacity-based ban on the manufacture and sale of magazines would be utterly arbitrary. Experience and independent studies have shown that it is not an effective means for reducing crime and keeping our communities safer. A ban would, however, limit the ability of millions of Americans who participate in the shooting sports to choose for themselves the firearm and magazine that meets their needs. It would infringe upon the Second Amendment rights of Americans by having the government limit their ability to defend themselves, their loved ones and their property.

Some have even called for the government to confiscate all lawfully owned magazines above a certain capacity. Aside from the serious

constitutional questions confiscation raise, how could a magazine round-up ever be practically achieved? The answer is simple: it couldn't.

What the media and gun control proponents label "high" or "large capacity" magazines are, in fact, standard capacity magazines shipped with commonly owned firearms across the pistol and rifle spectrum. There are already roughly 304 million detachable magazines. Almost 80 million of these can accommodate more than 30 rounds.<sup>xii</sup> Magazines manufactured before the 1994 ban remained widely available while the ban was in effect. We estimate that since 2004 several million more magazines of varying sizes of capacity have been manufactured and sold to law abiding Americans and used lawfully. These magazines are standard equipment for handguns and other firearms commonly owned by tens of millions of Americans. Should law-abiding Americans be able to choose magazines for their rifles or self-defense pistols, as they feel appropriate, or have that right infringed by arbitrary capacity limitations that contribute nothing to improving public safety?

America tried this gun control experiment for ten years. We already know it does not work. Why limit our freedoms again when we know it will not make our communities safer?

i Christopher S. Koper, "Impact of Handgun Types on Gun Assault Outcomes: a Comparison of Gun Assaults Involving Semiautomatic Pistols and Revolvers," *Injury Prevention*, 2003;9, p.151.

ii Christopher S. Koper, "Impact of Handgun Types on Gun Assault Outcomes: a Comparison of Gun Assaults Involving Semiautomatic Pistols and Revolvers," *Injury Prevention*, 2003;9, p.152.

iii Christopher S. Koper, "An Updated Assessment of the Federal Assault Weapons Ban: Impacts on Gun Markets and Gun Violence, 1994-2003," Report to the National Institute of Justice, United States Department of Justice, June 2004, p.90.

iv Christopher S. Koper, "Impact of Handgun Types on Gun Assault Outcomes: a Comparison of Gun Assaults Involving Semiautomatic Pistols and Revolvers," *Injury Prevention*, 2003;9, p.153.

v Caroline Wolf Harlow, Department of Justice, Bureau of Justice Statistics Special Report, "Firearm Use by Offenders: Survey of Inmates in State and Federal Correctional Facilities," NCJ 189369, November 2001 p.11.

vi The Public Safety and Recreational Firearms Use Protection Act, Title XI, Subtitle A, of the Violent Crime Control and Law Enforcement Act of 1994, P.L. 103-322, 108 Stat. 1996-2010.

vii Centers for Disease Control and Prevention "First Reports Evaluating the Effectiveness of Strategies for Preventing Violence: Firearms Laws. Findings from the Task Force on Community Preventative Services", *Morbidity and Mortality Weekly Reports (MMWR)*, 52(RR14), October 3, 2003.

viii Christopher S. Koper, "Impact Evaluation of the Public Safety and Recreational Firearms Use Protection Act

of 1994," *The Urban Institute*, March 13, 1997, p. 2.

ix NSSF analysis of Federal Bureau of Investigation, Uniform Crime Reporting Statistics, "Estimated Crime in the United States," <http://www.ucrdataatool.gov/>. Last accessed December 20, 2012.

x Morral, A. R. (2020, April 22). Effects of Assault Weapon and High-Capacity Magazine Bans on Violent Crime. RAND Corporation. <https://www.rand.org/research/gun-policy/analysis/ban-assault-weapons/violent-crime.html>

xi Blair JP, Sandel WL, Martindale MH. Correlates of the Number Shot and Killed in Active Shooter Events. *Homicide Studies*. November 2020. doi:10.1177/1088767920976727

xii NSSF estimates

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## That Time The CDC Asked About Defensive Gun Uses



Paul Hsieh Contributor

Health

*I cover health care and economics from a free-market perspective.*

This article is more than 3 years old.

Last month, I discussed the need for more robust and intellectually balanced research into gun use in the United States. In particular, I proposed that [“Any Study Of ‘Gun Violence’ Should Include How Guns Save Lives.”](#)

In particular, a [2013 study](#) ordered by the Centers for Disease Control and Prevention (CDC) and conducted by The National Academies’ Institute of Medicine and National Research Council reported that, “Defensive use of guns by crime victims is a common occurrence”:

Almost all national survey estimates indicate that defensive gun uses by victims are at least as common as offensive uses by criminals, with estimates of annual uses ranging from about 500,000 to more than 3 million, in the context of about 300,000 violent crimes involving firearms in 2008.

Subsequently, I learned of a recent paper by Florida State University professor Gary Kleck, [“What Do CDC’s Surveys Say About the Frequency of Defensive Gun Uses?”](#)

Kleck looked at some previously unpublished results from the CDC surveys

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states. Analysis of the raw data allows the estimation of the prevalence of DGU for those areas. Estimates based on CDC's surveys confirm estimates for the same sets of states based on data from the 1993 National Self-Defense Survey (Kleck and Gertz 1995). Extrapolated to the U.S. as a whole CDC's survey data imply that defensive uses of guns by crime victims are far more common than offensive uses by criminals. CDC has never reported these results.

Subsequently, Kleck removed this version of the paper, although a copy of the original [can be found here](#). As reported by *Reason* editor [Brian Doherty](#):

You will note the original link doesn't work right now. It was pointed out to me by Robert VerBruggen of National Review that Kleck treats the CDC's surveys discussed in this paper as if they were national in scope, as Kleck's original survey was, but they apparently were not. From VerBruggen's own looks at CDC's raw data, it seems that over the course of the three years, the following 15 states were surveyed: Alaska, Colorado, Hawaii, Kentucky, Louisiana, Maryland, Mississippi, Montana, Ohio, New Hampshire, New Jersey, New York, North Dakota, Pennsylvania, and West Virginia. (Those states, from 2000 census data, contained around 27 percent of the U.S. population.) Informed of this, Kleck says he will recalculate the degree to which CDC's survey work indeed matches or corroborates his, and we will publish a discussion of those fresh results when they come in. But for now Kleck has pulled the original paper from the web pending his rethinking the data and his conclusions.

Furthermore, economist Alex Tabarrok has noted an interesting issue of statistics in his blog post, "[Defensive Gun Use and the Difficult Statistics of Rare Events](#)":

People answering surveys can be mistaken and some lie and the reasons go both ways. Some people might be unwilling to answer because a defensive gun use might have been illegal (Would these people refuse to answer?). On the other hand, mischievous responders might report a defensive gun use just because that

makes them sound cool.

The deep problem, however, is not miscodings per se but that miscodings of rare events are likely to be asymmetric. Since defensive gun use is relatively uncommon under any reasonable scenario there are many more opportunities to miscode in a way that inflates defensive gun use than there are ways to miscode in a way that deflates defensive gun use... The bottom line is that it's good to know that the original Kleck and Gertz survey replicated — approximately 1% of adult Americans did report a defensive gun use in the 1990s — but the real issue is the interpretation of the survey and for that a replication doesn't help.

So what can Americans interested in rational gun policy make of this?

My own preliminary conclusions:

1) We still don't really know how many defensive gun uses (DGUs) there are each year.

Doherty offers his own analysis of reasons why reported numbers might be both too low or too high in his 2015 article, "[How to Count the Defensive Use of Guns.](#)"

2) The number of DGUs has likely increased since the 1990s.

The numbers of Americans with legal concealed weapons permits has [increased dramatically from the 1990s to today](#), as more states have adopted laws allowing such permits. It would make sense that the numbers of DGUs has likely increased as well.







CDC's "Tom Harkin Global Communications Center" located on the organization's Roybal Campus in... [+] (PUBLIC DOMAIN IMAGE, COURTESY WIKIPEDIA.)

3) We don't know why the CDC chose not to publish that data from the 1990s.

Kleck offers some ideas in his original paper. One possible explanation:

Another factor, however, might also have played a role in the decision of CDC personnel to not report the DGU findings. For CDC's own surveys to generate high estimates of DGU prevalence was clearly not helpful to efforts to enact stricter controls over firearms, since it implies that some such measures might disarm people who otherwise would have been able to use a gun for self-protection.

One CDC official in the 1990s [openly told the \*Washington Post\*](#) that his goal was to create a public perception of gun ownership as something "dirty, deadly — and banned." Given that history, I can't dismiss Kleck's critique.

4) The right to self-defense does not depend on statistics (echoing a point I made last month).

I especially like [Doherty's discussion](#) on this:

However interesting attempts to estimate the inherently uncountable social phenomenon of innocent DGUs (while remembering that defensive gun use generally does not mean defensive gun firing, indeed it likely only means that less than a quarter of the time), when it comes to public policy, no individual's right to armed self-defense should be up for grabs merely because a

social scientist isn't convinced a satisfyingly large enough number of other Americans have defended themselves with a gun.

In summary, the topics of “gun violence” and defensive gun uses are still topics worthy of objective scientific research. And again, [any study of ‘gun violence’ should include how guns save lives.](#)



Paul Hsieh

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## Priorities for Research to Reduce the Threat of Firearm-Related Violence

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**THE NATIONAL ACADEMIES**  
*Advisers to the Nation on Science, Engineering, and Medicine*

Mr. BIGGS. Thank you, Madam Chair.

I want to make one last point and then I will—there is so much to talk about. I really am sincerely grateful that everybody came in. We may differ on getting to it. I think there are some root causes that if we were to let down our partisan guard and our defensiveness, we might be able to reach some kind of accord on some things that might work.

Having said that, and I would refer people to Ms. Muller's written testimony which does have a series of proposed remedies that she advocates for. I remind everybody on this Committee that just a week ago our Chair wisely admonished our side from berating witnesses last week. Yet, today Chair Nadler attacked Ms. Muller.

In his statement before he got in his questioning, before he went asking any questions, he berated Ms. Muller.

Then I would say that my colleague from Rhode Island, Mr. Cicilline, in my opinion, he probably doesn't think so, but I think he misrepresented her view, and then followed up by saying that those points, which I think were misrepresented, were lunacy.

We have had one witness to say that arguments that disagreed with his are "B.S. arguments."

If you really want to get to a way to resolve issues, we need to move past this constant discarding of whatever the other side is saying. We are divided. There are two sides. There are probably places of finding accord. Defensiveness and ad hominem attacks are not successful.

That is why I thank the gentlelady for reminding us of last week. I wanted to just take the opportunity to remind us of a little bit this week on some of the talkers that we heard from some of my colleagues on the other side.

With that, Madam Chair, thank you again for the opportunity to take a moment. I yield back.

Ms. JACKSON LEE. I thank the Ranking Member. I wanted to extend to you the courtesies. I would just say for both of us, when Members are out of the room it is probably challenging for me to accept critiques if they are not here to respond. I thank you for your clarification.

I, too, have some concluding questions similar to take within my time frame here.

I do want to remind everyone that we came today to discuss the unending crisis and to find essential steps to reduce gun violence and mass shootings. So, I have some quick round robin for the witnesses that I did not get a chance to indicate a question. I will be very succinct. I ask the witnesses to be so.

I want to start with Representative Goodwin and to just ask her the question that the potential of permitless guns, will that, in your opinion, produce more death and more bloodshed?

Ms. GOODWIN. Absolutely, I believe so.

Ms. JACKSON LEE. Would it make Texas a more dangerous state?

Ms. GOODWIN. I believe so.

Ms. JACKSON LEE. Thank you for your work. We appreciate it.

With that, I want to introduce into the record a submission by Moms Demand Action, that works very hard, that has indicated the number of police associations, the Texas Municipal Police Association, Texas Police Chiefs, licensed carry instructors, faith leaders



who are against this legislation, including Moms Demand Action.  
That will be submitted into the record very quickly.  
[The information follows:]



**MS. JACKSON LEE FOR THE RECORD**

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Multiple Texas-based stakeholders have objected to permitless carry on an ongoing basis - especially law enforcement. This is one of the primary reasons permitless carry bills were killed in previous sessions before ever coming to the floor of either chamber for a vote.

This session is no different. Here is a fairly comprehensive list of the groups that have opposed permitless carry of handguns during the 2021 Texas legislative session.

- Texas League of Women Voters
- Texas Municipal Police Association
- Texas Police Chiefs Association
- License to Carry Instructors
- Faith Leaders, including the Texas Catholic Conference of Bishops and other Episcopal and Catholic faith leaders
- The Metropolitan Organization
- Moms Demand Action
- Everytown for Gun Safety
- Giffords Courage
- Brady
- Texas Gun Sense
- March for our Lives
- Students Demand Action
- NAMI Texas (National Alliance on Mental Illness)
- Domestic violence shelters from around the state
- Newspapers from around the state, including Houston, Dallas, Austin, San Antonio, Longview, Waco, and Amarillo.

According to recent polling, >80% of Texans support the current permitting system, which requires a person to pass a background check and take firearm training to carry a handgun in public. For years a majority of Republicans, Democrats and Independents, including gun owners, have all supported the current permitting system in polls and a solid majority of Texans continue to oppose permitless carry to this day.

During the 2021 session, Moms Demand Action supporters alone placed nearly 6,500 calls to elected Texas officials opposing permitless carry and sent over 4,500 emails. Other groups mobilized calls, emails and social media contact as well, including Texas Gun Sense, The Metropolitan Organization and League of Women Voters of Texas.

Moms Demand Action volunteers have conducted many interviews about the dangers of permitless carry by phone, at the capitol, in-person and from their homes via Zoom this year. Volunteers have also submitted more than 25 Letters to the Editor and Opinion essays against permitless carry bills to newspapers and online media across the state, as Moms Demand Action volunteers and as themselves.

This is not the first legislative session in which gun rights groups have pushed forward an extremist agenda despite consistent opposition from stakeholders. In 2017, law enforcement

agencies including CLEAT, the Dallas County Sheriff's Office, and the Houston Police Department opposed permitless carry legislation, pointing out that it would make the jobs of officers more difficult and potentially aggravate already dangerous situations. The Texas Association of Business also voiced their opposition to the bill.

The contrast between those who support permitless carry and those who oppose could not be more stark. Members of groups such as Gun Owners of America arrived at the Capitol to testify in support of this legislation wearing shirts that read "Victory or Death" on the back, many with their firearms visibly holstered. Their testimonies often included references to their "God-given right" to carry a gun anywhere without any common-sense public safety laws and unfounded claims that more guns make us safer.

The push behind extremist legislation such as permitless carry is fraught with a history of threats and intimidation. In 2019, gun rights extremists went to the home of House Speaker Bonnen and other prominent House members to bully them into supporting their agenda. This was not unlike the actions of gun extremists who, in 2015, threatened and intimidated a State Representative at his Capitol office, prompting the House to allow members to bill the state to install panic buttons in their offices.

Despite an outpouring of opposition from voters, law enforcement, and stakeholders, some Texas lawmakers have sided with extremist groups rather than common sense, often using false narratives to back up their position. During the House hearing for permitless carry last month, HB 1927's author Matt Schaefer argued his bill under the pretense that it will make women safer. In actuality, women in domestic violence situations are five times more likely to be killed when a gun is present. During the hours-long hearing, not a single female lawmaker spoke in favor of this legislation.

This session, the Texas Legislature has doubled down on their efforts to suppress the voices of Texans who represent the majority of the state in opposing dangerous, extreme gun bills. From committee hearings that stretched 18 hours, to outright lying to constituent gun violence survivors, to inviting debunked researcher John Lott as an "expert witness," Texas lawmakers have shown their contempt for gun safety advocates in ways both subtle and flagrant. House Member Brooks Langraf repeatedly lied to the sister of Joey Griffith, who was killed in the Midland-Odessa spree shooting, by assuring her via text that he would work to stop Permitless Carry - he was, in fact, an author of one of the 4 Permitless bills in the House. When confronted by his constituent, he blocked further contact. The House Homeland Security and Public Safety Committee heard police reform and Permitless Carry bills in a marathon hearing that began at 10:00am and ended after 5AM the next morning. Gun safety advocates had been in attendance for over 12 hours by the time that Permitless Carry bills were brought to the dais after 11pm.

Gun violence prevention should not be a partisan issue, but in the Texas Legislature it has become a deeply divisive issue along party lines. Republican members often assign gun safety advocacy meetings to interns or outright refuse to schedule meetings at all. For working Texans with families, attending hearings is onerous at best and impossible for most. For advocates who

are able to attend to testify, it means finding childcare or eldercare, taking time away from work, planning travel, sitting for hours in hearing rooms filled with openly armed individuals, and being overtly dismissed by the legislators who are elected to serve us. The system is deeply flawed and excludes or discourages Texans from advocating for themselves and their families.

The rate of gun deaths in Texas has increased 16% from 2010 to 2019. This represents an increase of 969 gun deaths over this period in Texas. Our rate of gun suicide increased 9% and gun homicide increased 27% from 2010 to 2019. These numbers have gone up as the GOP-run Texas Legislature has weakened gun laws every session - including open carry, campus carry, arming of school personnel, reduced training hours and fees and expansion of places to legally carry. Texans do not want to eliminate background checks and minimal training requirements for carrying loaded handguns in public.

Make no mistake: permitless carry is reckless, dangerous, and out of step.

Signed,

Nicole Golden - Austin, TX  
 Norri Leder - Houston, TX  
 Becca DeFelice - San Antonio, TX  
 Molly Bursey - New Braunfels, TX  
 Elizabeth Hanks - Houston, TX

Ms. JACKSON LEE. Pastor Grady, thank you. I am sure you know many of the pastors in my community. You answered it, but I would appreciate it if you would say it again.

Your daughter still suffers from wounds that she was a victim of during that heinous shooting. Are those wounds including mental challenges? When I say that, her having to go through again, so these are long-lasting impacts when you are a gun violence victim? Pastor Grady.

Mr. GRADY. Yes, Congresswoman, that is correct. Those challenges every day Michelle goes through the struggle with the emotional, psychological baggage that came with this horrendous attempt to take her life. She works through it. She has an advocate, of course.

She is also involved at using her story about her overcoming and being intentional about healing. So, yes, those will be a part of her life, and part of our life forever, I believe. She is working through it. She is courageous. She has a great support system here in place as well, as do the other survivors of this horrendous crime that took place in our city.

Ms. JACKSON LEE. Thank you so very much. So, the pain of those families who have lost a loved one, and then the pain of those families who are now taking care of a victim who is resilient but still has this impact.

Mr. Skaggs, if I might.

Mr. GRADY. Yes.

Ms. JACKSON LEE. Thank you so very much, Pastor Grady.

If I might, I have been doing this for 27 years, longer, because I authored the first gun ordinance in the city of Houston that was ever past, and that was holding parents responsible for not storing their guns and generating the loss of little ones in the home.

Can you present for me legally the 2nd amendment and its ability to stand alongside of those of us who are advocates for gun safety, are we arguing against the 2nd amendment when we argue against ghost guns, argue for storage, argue for background checks, argue for banning assault weapons? Is the 2nd amendment compatible with gun safety?

Mr. SKAGGS. I very much believe that it is.

In the 2008 decision, *District of Columbia v. Heller*, the Court made clear that while the 2nd amendment protects an individual right, it is not an absolute or unlimited right. It doesn't extend the right to carry any weapon whatsoever in any manner whatsoever and for whatever purpose.

The decision specifically made clear with regard to storage, that nothing in the 2nd amendment is in conflict with laws that prevent child accidents by requiring guns to be stored. That is in the Heller decision itself.

It said a wide variety of additional laws were also fully constitutional and fully permissible.

So, what we at Giffords are trying to do is find the evidence-based solutions that will both save lives, that the evidence shows us will save lives, and are also fully consistent with the right to keep and bear arms.

Ms. JACKSON LEE. I think there are many articles consistent with that.

I would assume you would also add extreme risk orders are likewise not contrary to the 2nd Amendment. I understand working with my local law enforcement they are heavily concerned about individuals' conditions—with certain conditions having guns.

Is that inconsistent?

Mr. SKAGGS. That is not inconsistent.

Ms. JACKSON LEE. Thank you.

Let me submit into the record a study by Johns Hopkins that found strong support among gun owners and non-gun owners for more than twenty gun-violence prevention policies, including extreme risk orders, protection orders.

I will submit that into the record, without objection.

[The information follows:]



**MS. JACKSON LEE FOR THE RECORD**

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September 9, 2019

## Majority of Americans, Including Gun Owners, Support a Variety of Gun Policies

### SURVEY FINDS STRONG SUPPORT AMONG GUN OWNERS AND NON-GUN OWNERS FOR MORE THAN TWENTY GUN VIOLENCE PREVENTION POLICIES- INCLUDING EXTREME RISK PROTECTION ORDERS

A new national public opinion survey conducted by researchers at Johns Hopkins Bloomberg School of Public Health finds widespread agreement among gun owners, non-gun owners, and across political party affiliations for many U.S. gun violence prevention policies.

The survey, fielded in January 2019, measured support for over two dozen gun-related policies and found high levels of support for most measures, including purchaser licensing (77 percent), universal background checks of handgun purchasers (88 percent), and two key elements of extreme risk protection policies, also known as "red flag" laws:

- Authorizing law enforcement officers to temporarily remove guns from individuals determined to pose an immediate threat of harm to self or others was supported by 76 percent of adults overall, and by majorities of gun owners (66 percent) and non-gun owners (80 percent)
- Allowing family members to ask a court to temporarily remove guns from a relative believed to be at risk of harming self or others was supported by 80 percent of adults overall, and by majorities of gun owners (72 percent) and non-gun owners (82 percent)

The study, published online September 9 in the journal *Health Affairs*, is part of *Health Affairs'* October issue focused on violence.

Johns Hopkins researchers have tracked Americans' support through the Johns Hopkins National Survey of Gun Policy every two years during the month of January dating back to 2013. The 2019 survey includes 1,680 respondents including 610 gun owners and 1,070 non-gun owners. The breakdown by political party affiliation of survey respondents was 499 Republicans, 531 Democrats and 650 Independents. Findings from the 2019 survey are consistent with prior survey waves conducted in 2017, 2015, and 2013, and trends over time suggest growing national support for a number of policies to reduce the toll of gun violence in the U.S. Between 2015 and 2019, public support increased significantly for policies requiring purchaser licensing, safe gun storage, universal background checks, and extreme risk protection orders.

The Labor Day weekend mass shooting in west Texas that killed at least seven people and injured 22 follows on the heels of the August back-to-back mass shootings in El Paso, Texas, and Dayton, Ohio, that killed 31 people and injured dozens more have heightened national interest in policies to address gun violence. Gun policy is already a focus in the 2020 election cycle.

"Our study offers strong evidence that there are many policies with broad support among the American public that lawmakers can consider to reduce gun violence," says lead author Colleen Barry, PhD, MPP, Fred and Julie Soper

Professor and Chair of the Department of Health Policy and Management at the Johns Hopkins Bloomberg School of Public Health. "In the face of highly contentious political debate, this study points to important areas where there is broad agreement among the public." Barry is also a core faculty member at the Johns Hopkins Center for Gun Policy and Research, based at the Bloomberg School.

The 2019 National Survey of Gun Policy survey examined for the first time public support for a range of concealed-carry policies. High levels of public support were found for requiring safety training when applying for a concealed carry license overall (81 percent), among both gun owners (73 percent) and non-gun owners (83 percent). There were greater differences between views of gun owners and non-gun owners on concealed-carry restrictions unrelated to safety training:

36 percent of the public supported allowing concealed carry on college or university campuses, with higher support among gun owners (55 percent) than non-gun owners (29 percent).

31 percent of the public supported allowing those who are licensed to carry concealed guns on school grounds from kindergarten through 12<sup>th</sup> grade, with higher support among gun owners (47 percent) than non-gun owners (25 percent).

22 percent of the public supported allowing concealed carry of a handgun in public without a license, with higher support among gun owners (34 percent) than non-gun owners (18 percent).

The survey also examined for the first time support for a number of other gun policies including prohibiting a person from making or carrying a gun without a serial number, such as a 3D-printed gun (75 percent support), and requiring the owner of semi-automatic rifle to be at least 21 (73 percent support).

The researchers combined survey data collected in 2013, 2015, 2017, and 2019 to examine geographic variation by state in support of certain gun policies including universal background checks, assault weapon bans, purchaser licensing, and safe gun storage laws. Universal background checks were supported by three-quarters or more of respondents in all states examined (the 39 states with large enough state-level sample sizes). Majorities in 38 of 39 states supported requiring a person to obtain a license from a local law enforcement agency, and over 75 percent of those surveyed supported purchaser licensing in 23 of these states. More geographic variation in public support at the state level was found for licensing policies, safe storage policies, and assault weapon bans.

Ms. JACKSON LEE. Then I want to take note of a renowned expert, David Hemingway, not that Hemingway but David Hemingway, that noted rather than rely on the blame game, the public health approach to reducing gun violence seeks to bring people and institutions together to get to work on the problem. It invites everyone to join the effort as part of the solution.

My Ranking Member made that in his final remarks. Then I am looking for us to be able to join together, maybe on the storage bill, or other bills that might be helpful.

The scientific evidence indicates that all other things equal, places with stronger firearm laws have fewer gun problems and suffer fewer violent deaths than places with weaker laws.

Let me conclude with you, Mr. Guttenberg. Let me indicate that your member, who has been so much a champion, had rain delay. That is, of course, Mr. Deutch, who is a member of this committee, and extends his best wishes by way of his staff. I want that to be noted on the record.

You suffered an unspeakable pain, Congresswoman McBath as well, children being lost, another child dealing with it but living his full life. How do you speak to those who would suggest that your pain and advocacy is anti-police, that you are a defund the police advocate, and that you cannot see the value of good policing, good police conduct?

I know there were some, there are long issues that we could talk about response and schools, but I want you to talk about your pain as we conclude this hearing, and that you find—I don't want to put words in your mouth—that your work is not inconsistent with your ability to work with good policing, good police conduct, and support the idea of protect and serve, but also want to ensure that we end the proliferation of guns and bloodshed on the streets of America?

Mr. GUTTENBERG. Thank you so much for asking me that.

Anyone who follows my story knows I am actually very connected to law enforcement and our first responder community.

Anyone who follows my story knows my brother died, as have many first responders, because of his service in 9/11.

Anyone who follows my story has heard me talk about the law enforcement officers who have been and continue to be a part of my life.

I will answer your question really simply: Gun safety is police safety. If we do more to deal with the reality of the guns and gun violence, we will save the lives of law enforcement, we will save the lives of the Members of our community. The less at-risk people feel, the less there is going to be a risk of gun violence.

It gets back to the earlier question you also asked on extreme risk-protection orders. Law enforcement really appreciates them for a reason: Because it does help them take weapons from those who intend harm to others. Had extreme risk-protection orders been in place before the Parkland shooting, it is likely that shooting never would have happened. It is the reason we passed it in Florida three weeks after Parkland.

So, what I would say to anyone who would suggest that because I believe in gun safety, that I have some aversion to law enforcement, I would simply argue I actually care more about their lives than you do.

Ms. JACKSON LEE. We care about the experiences that you have had as well.

As I close this hearing, we have many views in America: People who believe that police should be reimagined—and I respect them all; and funds should be used to help end violence and promote community groups. That does not suggest that they are defunding, they are imaging, reimagining. We have all voices in this room.

Today's hearing was about ending the crisis, senseless crisis of gun violence. That is what I hope we have garnered. We will look at everyone's testimony and find common ground. I hope my Ranking Member will take his own words, which is to find a way that we can work together.

I thank all the Members that were kind enough to stay. I thank all the witnesses that have presented us with an excellent record that we can proceed on. I think the real question now is for us to get the job done.

Thank you so very much. This meeting is adjourned.

[Whereupon, at 2:08 p.m., the Subcommittee was adjourned.]



## **APPENDIX**

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**COMMITTEE ON PRIORITIES FOR A PUBLIC HEALTH  
RESEARCH AGENDA TO REDUCE THE THREAT OF  
FIREARM-RELATED VIOLENCE**

**ALAN I. LESHNER** (*Chair*), American Association for the Advancement of Science, Washington, DC

**LOUIS ARCANGELI**, Georgia State University, Atlanta

**ALFRED BLUMSTEIN**, Carnegie Mellon University, Pittsburgh, PA

**C. HENDRICKS BROWN**, University of Miami Miller School of Medicine, Miami, FL

**DONALD CARLUCCI**, Picatinny Arsenal, Rockaway Township, NJ

**BG (Ret.) RHONDA CORNUM**, TechWerks, North Middletown, KY

**PAUL K. HALVERSON**, Indiana University Richard M. Fairbanks School of Public Health, Indianapolis

**STEPHEN W. HARGARTEN**, Medical College of Wisconsin, Milwaukee

**RONALD C. KESSLER**, Harvard Medical School, Boston, MA

**GARY KLECK**, Florida State University, Tallahassee

**JOHN A. RICH**, Drexel University School of Public Health, Philadelphia, PA

**JEFFREY W. RUNGE**, Biologues, Inc., Chapel Hill, NC

**SUSAN B. SORENSON**, University of Pennsylvania, Philadelphia

**DAVID VLAHOV**, University of California, San Francisco

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**ARLENE F. LEE**, Board Director, Committee on Law and Justice



## Reviewers

This report has been reviewed in draft form by individuals chosen for their diverse perspectives and technical expertise, in accordance with procedures approved by the National Research Council's Report Review Committee. The purpose of this independent review is to provide candid and critical comments that will assist the institution in making its published report as sound as possible and to ensure that the report meets institutional standards for objectivity, evidence, and responsiveness to the study charge. The review comments and draft manuscript remain confidential to protect the integrity of the deliberative process. We wish to thank the following individuals for their review of this report:

**Jeremiah A. Barondess**, New York Academy of Medicine  
**Carl C. Bell**, Community Mental Health Council, Inc.  
**Paul Blackman**, Criminal Justice Independence Institute  
**Charles Branas**, University of Pennsylvania  
**John Donohue**, Stanford University  
**Jeffrey Gunzenhauser**, Los Angeles County Department of  
Public Health  
**L. Rowell Huesmann**, University of Michigan  
**Nadine Kaslow**, Emory University School of Medicine  
**Arthur L. Kellermann**, RAND Corporation  
**Hyla S. Napadensky**, Napadensky Energetics, Inc.  
**Charles H. Ramsey**, Philadelphia Police Department  
**Robert J. Sampson**, Harvard University  
**Donald Sebastian**, New Jersey Institute of Technology

Although the reviewers listed above have provided many constructive comments and suggestions, they were not asked to endorse the conclusions or recommendations, nor did they see the final draft of the report before its release. The review of this report was overseen by **Enriqueta C. Bond**, Burroughs Wellcome Fund, and **Johanna T. Dwyer**, Tufts Medical Center. Appointed by the National Research Council and the Institute of Medicine, they were responsible for making certain that an independent examination of this report was carried out in accordance with institutional procedures and that all review comments were carefully considered. Responsibility for the final content of this report rests entirely with the editors and the institution.

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## Summary

Individuals use firearms legally for a variety of activities, including recreation, self-protection, and work. However, firearms can also be used to intimidate, coerce, or carry out threats of violence. Fatal and nonfatal firearm violence<sup>1</sup> poses a serious threat to the safety and welfare of the American public. Although violent crime rates have declined in recent years, the U.S. rate of firearm-related deaths is the highest among industrialized countries. In 2010, incidents in the United States involving firearms injured or killed more than 105,000 individuals; there were twice as many nonfatal firearm-related injuries (73,505) than deaths. Nonfatal violence often has significant physical and psychological impacts, including psychological outcomes for those in proximity to individuals who are injured or die from gun violence. The recent, highly publicized, tragic mass shootings in Newtown, Connecticut; Aurora, Colorado; Oak Creek, Wisconsin; and Tucson, Arizona, have sharpened the public's interest in protecting our children and communities from the effects of firearm violence.

In January 2013, President Obama issued 23 executive orders directing federal agencies to improve knowledge of the causes of firearm violence, the interventions that might prevent it, and strategies to minimize its public health burden. One of these executive orders noted that “in addition to being a law enforcement challenge, firearm violence is also a serious public health issue that affects thousands of individuals, families,

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<sup>1</sup>For the purposes of this report, the terms “firearm violence,” “gun violence,” and “firearm-related violence” refer to morbidity and mortality associated with the possession and use of firearms. Firearms use a propellant or powder charge to fire a projectile and are distinct from other guns, such as BB, pellet, and other airsoft guns.

## 2 RESEARCH TO REDUCE THE THREAT OF FIREARM-RELATED VIOLENCE

and communities across the Nation,” and directed the Centers for Disease Control and Prevention (CDC), along with other relevant federal agencies, to immediately begin identifying the most pressing firearm-related violence research problems.

The CDC and the CDC Foundation<sup>2</sup> requested that the Institute of Medicine (IOM), in collaboration with the National Research Council (NRC), convene a committee of experts to develop a potential research agenda focusing on the public health aspects of firearm-related violence—its causes, approaches to interventions that could prevent it, and strategies to minimize its health burden. In accordance with the CDC’s charge, the committee did not focus on public health surveillance and potentially related behavioral/mental health issues, as these will be addressed separately. The research program envisioned by the committee, which is designed to produce impacts in 3-5 years, focuses on

- the characteristics of firearm violence,
- risk and protective factors,
- interventions and strategies,
- gun safety technology, and
- the influence of video games and other media.

The committee identified potential research topics by conducting a survey of previous relevant research, considering input received during the workshop, and using its expert judgment. The committee was not asked to consider funding for the research agenda, and in addition to the CDC, it is likely that other agencies and private foundations will also implement the research agenda. Consequently, the committee identified a full range of high-priority topics that could be explored with significant progress made in 3-5 years. Research on these topics will improve current knowledge of the causes of firearm violence, the interventions that prevent firearm violence, and strategies to minimize the public health burden of firearm violence. To allow the research community flexibility in designing the research protocols, the report does not specify the methodologies that should be used to address the research topics.

The evidence generated by implementing a public health research agenda can enable the development of sound policies that support both

<sup>2</sup>The CDC Foundation’s support originated from The Annie E. Casey Foundation, The California Endowment, The California Wellness Foundation, The Joyce Foundation, Kaiser Permanente, the Robert Wood Johnson Foundation, and one anonymous donor.

*SUMMARY*

3

the rights and the responsibilities central to gun ownership in the United States. In the absence of this research, policy makers will be left to debate controversial policies without scientifically sound evidence about their potential effects.

#### **FIREARM-RELATED VIOLENCE AS A PUBLIC HEALTH ISSUE**

The public health field focuses on problems that are associated with significant levels of morbidity and mortality. The complexity and frequency of firearm-related violence combined with its impact on the health and safety of the nation's residents make it a topic of considerable public health importance and suggest that a public health approach should be incorporated into the strategies used to prevent future harm and injuries. A public health approach involves three elements: (1) a focus on prevention, (2) a focus on scientific methodology to identify risk and patterns, and (3) multidisciplinary collaboration to address the issue. Public health strategies are designed to interrupt the connection between three essential elements: (1) the "agent" (the source of injury [weapon or perpetrator]), (2) the "host" (the injured person), and (3) the "environment" (the conditions under which the injury occurred). This public health approach has produced successes in reduction of tobacco use, unintentional poisoning, and motor vehicle fatalities.

#### **CHARACTERISTICS OF FIREARM VIOLENCE**

In order to develop relevant research questions and interventions intended to prevent firearm-related violence, it is important to understand what is and is not known about the general characteristics of both fatal and nonfatal firearm violence.

Gun type and intended use vary; so do the manifestations of firearm violence. Some firearm violence results in death, but most does not. There are important disparities across socioeconomic and ethnic groups in overall mortality rates from firearm violence. Further, there is substantial variation within each type of violence: suicide, homicide, unintentional injuries, and fatalities. For example, suicides in youth may be motivated by very different factors from those for suicides in older

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adults. This kind of difference will affect the success of any prevention strategy.

It is ultimately important, of course, to understand the unique characteristics of all types and subtypes of violence. However, resources focused on three specific populations—(1) the general population, (2) the general youth population, and (3) the offender population—should yield actionable information over the short term. The exact number and distribution of guns and gun types in the United States are unknown, but for each of these populations it would be valuable to have counts of total guns owned, their attributes (i.e., general type, caliber, firing mechanism), how the guns were acquired (i.e., purchased, received as a gift, traded for, stolen, etc.), and information on the sources of the guns (i.e., licensed gun dealers, friends or relatives, gun traffickers, owners of stolen guns, and so on). It also would be valuable to better understand both the violent and relevant nonviolent and self-protective behaviors of individuals with firearms.

The committee identified the following key research topics as priorities for research on characteristics of firearm violence.

- **Characterize the scope of and motivations for gun acquisition, ownership, and use, and how they are distributed across subpopulations.**
- **Characterize differences in nonfatal and fatal gun use across the United States.**

## RISK AND PROTECTIVE FACTORS

The risk posed by guns is affected by a number of modifiable and unmodifiable factors, ranging from how securely guns are stored to complex society-, community-, situational-, and individual-level predictors. Society-level correlates of increased rates of firearm violence include, but are not limited to, cultural norms that support violence as an acceptable way to resolve conflicts; attitudes that regard suicide as inevitable instead of a preventable act of violence; and health, educational, economic, and social policies that maintain high levels of economic or social inequality among groups in society.

At the community level, a range of factors appears to be related to high levels of gun use. These factors include high rates of poverty, illicit drug trafficking, and substance use. For example, increased firearm vio-



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lence has been associated with drug markets. A number of situational-level factors are also associated with increased risk of violence in general and firearm violence in particular. For example, the presence of drugs or alcohol increases the risk of firearm violence. Moreover, criminals often engage in violence as a means to acquire money, goods, or other rewards.

A number of individual behaviors and susceptibilities are associated with firearm violence and injury. Impulsivity, low educational attainment, substance use, and prior history of aggression and abuse are considered risk factors for violence (for both perpetrators and victims). Suicide is often associated with mental and physical health problems, financial strain, veteran status, and relationship problems. Some studies have tried to provide accurate estimates of the proportions of the general population and subpopulations with access to firearms. Less is known about the types of weapons obtained, the means of acquisition, the frequency of gun carrying in public, community-level risk and protective factors (such as the role of social norms), and degree of knowledge about and skill in firearm operation and safety, as well as how these risk and protective factors are affected by the social environment and neighborhood/community context.

The committee identified the following key research topics as priorities for research on risk and protective factors.

- **Identify factors associated with youth having access to, possessing, and carrying guns.**
- **Evaluate the potential health risks and benefits (e.g., suicide rates, personal protection) of having a firearm in the home under a variety of circumstances (including storage practices) and settings.**
- **Improve understanding of risk factors that influence the probability of firearm violence in specific high-risk physical locations.**

#### FIREARM VIOLENCE PREVENTION AND OTHER INTERVENTIONS

Research findings have been mixed on the effectiveness of interventions to prevent firearm violence. Successful interventions to reduce firearm-related injuries, as with many other examples in public health,

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must involve the health and public safety communities, educators, and other community groups. As part of a public health approach, interventions may target

- the “agent,” meaning the gun or its possessor;
- the “host,” or the victim(s) of firearm-related violence; and
- the “environment,” including social, physical, or virtual environments that may shape gun policies, norms, and behavior.

Unauthorized gun possession or use is associated with higher rates of firearm violence than legal possession of guns. Controlling access to guns through background checks or restrictions on particular types of firearms remains controversial, and the effectiveness of various types of control is inadequately researched. Research on the impact of imposing additional penalties for firearm use in illegal activities has also produced mixed results. Studies on the impact of right-to-carry laws on firearm violence also have inconsistent results and have been debated for a decade.

**Interventions Focused on Potential Perpetrators  
and Victims of Firearm Violence**

In 2010, incidents involving firearms injured or killed more than 105,000 individuals in the United States, including approximately 19,000 suicides. Understanding differences among subpopulations with access to guns and targeting interventions to their particular risk factors may confer a public health benefit. For example, alcohol use is attributed with increased levels of firearm-related violence. However, state laws designed to ameliorate the risk of firearm use by those that abuse alcohol differ, and there is a lack of data on the basis for these laws or on their effectiveness. Risk stratification with respect to mental health and the use of firearms is imprecise and not well understood. Although the risk associated with some specific psychiatric diagnoses is better understood now than in the past, mental health issues that foster a propensity toward violence and risk taking are not well defined and not readily recognized by authorities.

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**Interventions Focused on Social, Physical, and Virtual Environments**

It is unclear whether modifications in the physical and social environment have been effective in reducing firearm violence. Community-based programs and focused policing interventions in general have been found to be effective in reducing violence in some settings (e.g., high-risk physical locations) and appear to be more effective than prosecutorial policies, including mandatory sentences. Moreover, regulations that limit hours for on-premise alcohol sales in pubs, bars, and nightclubs have been associated with reduced violence.

Firearm safety education programs are widespread in public schools, but they are inadequately studied and the few evaluations that have been conducted provide little evidence of effectiveness. No conclusive data exist about interventions intended to reduce the number and impact of mass shootings. Additionally, although communities, schools, and campuses have developed myriad safety plans, there is very little information available about their effectiveness.

The committee identified the following key research topics as priorities for research on prevention and other interventions.

- **Improve understanding of whether interventions intended to diminish the illegal carrying of firearms reduce firearm violence.**
- **Improve understanding of whether reducing criminal access to legally purchased guns reduces firearm violence.**
- **Improve understanding of the effectiveness of actions directed at preventing access to firearms by violence-prone individuals.**
- **Determine the degree to which various childhood education or prevention programs reduce firearm violence in childhood and later in life.**
- **Do programs to alter physical environments in high-crime areas result in a decrease in firearm violence?**

**IMPACT OF GUN SAFETY TECHNOLOGY**

Technologies that can reduce firearm violence offer further opportunities to reduce the burden of product-related injuries. Research from the injury prevention field indicates that changing products to make them safer is frequently more effective at reducing injury and death than trying

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to change personal behavior. Several objectives of these gun technologies are to prevent unintentional shootings, often by very young children; the shooting of police officers by assailants using the officers' own weapons; and suicides, especially by teenagers. In addition, these prevention technologies offer the prospect of reducing firearm-related crime by rendering a gun unusable to an unauthorized person.

There are both active and passive technologies that may have an impact. Passive technologies—for example, technologies that recognize person-specific features such as voice, hand geometry, iris scans, and fingerprints—are those that confer a safety benefit without requiring any specific action by a user. Active technologies require a specific action by a user to enable the technology—for example, to activate a firearm a user has to produce an item that activates the firearm (e.g., tokens, magnetic stripe badges, or proximity cards). The development and application of these technologies to guns has been an intermittent and fragmented process complicated by the diversity in firearms themselves. Technology adoption can be facilitated or hindered by a variety of factors. To achieve a reduction of preventable deaths and injuries related to firearms, future research should examine how product safety measures are accepted and used at a population level. This includes improving understanding about factors that promote consumer adoption of gun technologies and identifying lessons learned from public health successes across states and countries.

The committee identified the following key research topics as priorities for research on gun safety technology.

- **Identify the effects of different technological approaches to reduce firearm-related injury and death.**
- **Examine past consumer experiences with accepting safety technologies to inform the development and uptake of new gun safety technologies.**
- **Explore individual state and international policy approaches to gun safety technology for applicability to the United States as a whole.**

## VIDEO GAMES AND OTHER MEDIA

The vast majority of research on the effects of violence in media has focused on violence portrayed in television and the movies, although

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more recent research has been expanded to include music, video games, social media, and the Internet. Interest in media effects is fueled by the fact that youth are spending more time engaging with media that portrays increasing amounts of violence. Although research on the effects of media violence on real-life violence has been carried out for more than 50 years, none of this research has focused on firearm violence in particular as an outcome. As a result, a direct relationship between violence in media and real-life firearm violence has not been established and additional research is necessary.

The committee identified the following key research topic as a priority for research on video games and media.

- **Examine the relationship between exposure to media violence and real-life violence.**

**RESEARCH DESIGN AND DATA**

High-quality data that are usable, credible, and accessible are fundamental to both the advancement of research and the development of sound policies. Anonymous data are sufficient for these purposes, and in fact anonymized data should be used to protect civil liberties. Basic information about gun possession, distribution, ownership, acquisition, and storage is lacking. No single database captures the number, locations, and types of firearms and firearm owners in the United States. Because different forms of firearm violence respond to different strategies, without good data it is virtually impossible to answer fundamental questions about occurrence and risk factors or to effectively evaluate programs intended to reduce violence and harm. Data about the sources of guns used in crimes are important, given that studies suggest that the mechanism by which an individual acquires a gun may predict future violent use of that gun. The National Violent Death Reporting System is a beginning, but it covers only one-third of U.S. states (CDC, 2013a).

Additionally, the lack of comprehensive datasets and the wide variety of sources and the fact that the data lead to contradictory conclusions call into question the reliability and validity of gun-violence data. Technological opportunities and recent advances that can enhance linkages among datasets from other federal, state, and local sources may enable better predictive analytics, real-time information sharing, and reduction of data noise.

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The predominant use of research study designs that have limited ability to study causality, like case-control and ecological studies that aggregate data from sources and levels, have compounded the challenge faced by researchers and policy makers alike. Progressing to other experimental and quasi-experimental designs that have better ability to study causality and utilizing interdisciplinary partnerships and consultations with academics, practitioners, and community members would strengthen research.

These issues related to research design and data, if not addressed, will limit the ability of researchers to perform rigorous studies, as well as the ability of policy makers to use research to inform the development and evaluation of future policies. The CDC, in collaboration with its federal and state partners, can improve the reliability and accuracy of data and research about firearm-related violence.

**CONCLUSION**

The research agenda proposed in this report is intended as an initial—not a conclusive or all-encompassing—set of questions critical to developing the most effective policies to reduce the occurrence and impact of firearm-related violence in the United States. No single agency or research strategy can provide all the answers. This report focuses on the public health aspects of firearm violence; the committee expects that this research agenda will be integrated with research conducted from criminal justice and other perspectives to provide a much fuller knowledge base to underpin our nation's approach to dealing with this very important set of societal issues.

## Priorities for Research to Reduce the Threat of Firearm-Related Violence

### INTRODUCTION

On January 16, 2013, President Barack Obama announced *Now Is the Time*, a plan to address firearm violence<sup>1</sup> in order “to better protect our children and our communities from tragic mass shootings like those in Newtown, Aurora, Oak Creek, and Tucson” (White House, 2013a, p. 2). These multiple-victim homicides, because of their shocking nature, have commanded the attention of the public, the media, and policy officials, even though they are relatively rare and account for a small proportion of all firearm-related injuries and deaths in the United States. Mass shootings are part of a larger, complex firearm violence burden that encompasses nonfatal and unintentional injuries, homicides, suicides, and crimes involving firearms. In the past decade, firearm-related violence has claimed the lives of more than a quarter-million people in the United States.<sup>2</sup> By their sheer magnitude, injuries and deaths involving firearms constitute a pressing public health problem.

Firearm-related injuries and deaths have devastating health consequences for individuals, families, and communities. In addition to these individual, familial, and community effects, public mass shootings have huge consequences for the larger society as it attempts to respond to such

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<sup>1</sup>For the purposes of this report, the terms “firearm violence,” “gun violence,” and “firearm-related violence” refer to morbidity and mortality associated with the possession and use of firearms. Firearms use a propellant or powder charge to fire a projectile and are distinct from other guns, such as BB, pellet, and other airsoft guns.

<sup>2</sup>NCIPC (National Center for Injury Prevention and Control). 2013. *WISQARS injury mortality reports: Firearm deaths and rates per 100,000—2000-2010, United States, all races, both sexes, all ages* (accessed May 1, 2013).

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tragedies. All these events occur in the context of a civil society that has millions of guns lawfully owned by citizens who use them for protection, hunting, sport, or work. There are also an unknown number of guns in the hands of criminals and others who are prohibited by law from possessing them.

To help minimize future firearm-related deaths, President Obama issued 23 executive orders directing federal agencies to improve knowledge of the causes of firearm violence, the interventions that prevent firearm violence, and strategies to minimize the public health burden of firearm violence (White House, 2013b). One of these executive orders, Action #14, noted that “in addition to being a law enforcement challenge, gun violence is also a serious public health issue that affects thousands of individuals, families, and communities across the Nation” (White House, 2013b). This order directed the Centers for Disease Control and Prevention (CDC), along with other relevant federal agencies, to immediately begin identifying the most pressing research problems in firearm-related violence with the greatest potential for broad public health impact. Based on this directive, the CDC and the CDC Foundation<sup>3</sup> requested that the Institute of Medicine (IOM), in collaboration with the National Research Council (NRC), identify questions that would define a public health research agenda for firearm violence prevention and intervention. Broadly, the committee was charged with identifying the most critical research questions in the following areas:

- The characteristics of firearm violence
- Risk and protective factors
- Interventions and strategies
- Gun safety technology
- The influence of video games and other media

The evidence generated by implementing a public health research agenda can enable the development of sound policies that support both the rights and the responsibilities central to gun ownership in the United States. In the absence of this research, policy makers will be left to debate controversial policies without scientifically sound evidence about their potential effects.

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<sup>3</sup>The CDC Foundation’s support originated from The Ann E. Casey Foundation, The California Endowment, The California Wellness Foundation, The Joyce Foundation, Kaiser Permanente, the Robert Wood Johnson Foundation, and one anonymous donor.



### Scope of the Public Health Problem

#### *Injuries and Fatalities*

Unintentional injury is the leading cause of death in Americans aged 1 to 44 (NCHS, 2012). Firearm-related injury, in particular, is a serious threat to the health of the nation, with direct costs to the victims of violence as well as societal costs to families, friends, and communities. In 2010, there were twice as many nonfatal firearm-related injuries (73,505) as deaths.<sup>4,5</sup>

Between the years 2000 and 2010, firearm-related suicides significantly outnumbered homicides for all age groups, annually accounting for 61 percent of the more than 335,600 people who died from firearm-related violence in the United States.<sup>6,7</sup> The number of public mass shootings of the type that occurred at Sandy Hook Elementary School accounted for a very small fraction of all firearm-related deaths. Specifically, since 1983 there have been 78 events in which 4 or more individuals were killed by a single perpetrator in 1 day in the United States, resulting in 547 victims and 476 injured persons (Bjelopera et al., 2013).

Although overall crime rates have declined in the past decade and violent crimes, including homicides specifically, have declined in the past 5 years (FBI, 2011a), crime-related deaths involving firearms remain a serious threat. According to the Federal Bureau of Investigation's (FBI's) Uniform Crime Reporting Program, 68,720 people were murdered in firearm-related violence between 2007 and 2011. During that same time frame, firearms accounted for more than twice as many murders as all other weapons combined (FBI, 2011b). More than two-thirds of victims murdered by a spouse or ex-spouse died as a result of a gunshot wound (Cooper and Smith, 2011). More than 600,000 victims of

<sup>4</sup>NCIPC. 2013. *WISQARS nonfatal injury reports: Overall firearm gunshot nonfatal injuries and rates per 100,000—2010, United States, all races, both sexes, all ages* (accessed May 1, 2013).

<sup>5</sup>NCIPC. 2013. *WISQARS injury mortality reports: Overall firearm gunshot nonfatal injuries and rates per 100,000—2010, United States, all races, both sexes, all ages* (accessed May 1, 2013).

<sup>6</sup>NCIPC. 2013. *WISQARS injury mortality reports: Suicide firearm deaths and rates per 100,000—2000-2010, United States, all races, both sexes, all ages* (accessed May 1, 2013).

<sup>7</sup>NCIPC. 2013. *WISQARS injury mortality reports: Firearm deaths and rates per 100,000—2000-2010, United States, all races, both sexes, all ages* (accessed May 1, 2013).

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robbery and other crimes reported that they faced an assailant armed with a gun (Truman and Rand, 2010).

*Demographic Characteristics of Victims in the United States*

There are major disparities among subpopulations of people in the United States in terms of mortality rates from firearm violence. The patterns for homicide and suicide are vastly different depending on economic conditions and geography, with homicides occurring more frequently among youth in high-poverty urban environments and suicides occurring more frequently among middle-aged males in rural areas. Inclusive of homicide, suicide, and unintentional death, African American males have the highest overall rate of firearm-related mortality: 32 per 100,000,<sup>8</sup> twice that of white, non-Hispanic males (at 16.6 per 100,000),<sup>9</sup> and three times that of Hispanic and American Indian males (at 10.4<sup>10</sup> and 11.8<sup>11</sup> per 100,000, respectively). The rate of mortality by firearm for Asian/Pacific Islander males is 4.2 per 100,000.<sup>12</sup> The rates of mortality for females are much lower, ranging from a low of 0.6 per 100,000 for Asian/Pacific Islander females<sup>13</sup> to 3.3 per 100,000 for African American and 3.0 for white, non-Hispanic females.<sup>14</sup> As will be discussed in further

<sup>8</sup>NCIPC. 2013. *WISQARS injury mortality reports: Overall firearm gunshot fatal injuries and rates per 100,000—2010, United States, black, males, all ages* (accessed May 15, 2013).

<sup>9</sup>NCIPC. 2013. *WISQARS injury mortality reports: Overall firearm gunshot fatal injuries and rates per 100,000—2010, United States, white, non-Hispanic, males, all ages* (accessed May 15, 2013).

<sup>10</sup>NCIPC. 2013. *WISQARS injury mortality reports: Overall firearm gunshot fatal injuries and rates per 100,000—2010, United States, Hispanic, males, all ages* (accessed April 30, 2013).

<sup>11</sup>NCIPC. 2013. *WISQARS injury mortality reports: Overall firearm gunshot fatal injuries and rates per 100,000—2010, United States, American Indian/Alaskan Native, males, all ages* (accessed May 15, 2013).

<sup>12</sup>NCIPC. 2013. *WISQARS injury mortality reports: Overall firearm gunshot fatal injuries and rates per 100,000—2010, United States, Asian/Pacific Islander, males, all ages* (accessed April 30, 2013).

<sup>13</sup>NCIPC. 2013. *WISQARS injury mortality reports: Overall firearm gunshot fatal injuries and rates per 100,000—2010, United States, Asian/Pacific Islander, females, all ages* (accessed April 30, 2013).

<sup>14</sup>NCIPC. 2013. *WISQARS injury mortality reports: Overall firearm gunshot fatal injuries and rates per 100,000—2010, United States, black, females, all ages* (accessed April 30, 2013); NCIPC. 2013. *WISQARS injury mortality reports: Overall firearm gunshot fatal injuries and rates per 100,000—2010, United States, white, non-Hispanic, females, all ages* (accessed May 15, 2013).

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detail later in the report, the reasons for these differences may include a variety of factors such as socioeconomic status, urban/rural factors, and crime and policing in neighborhoods. Individual factors that may influence these differences include age; substance use; engagement or association with risky, delinquent, violent, or unlawful behaviors; propensity for suicide; and whether the perpetrator of a homicide is a family member, acquaintance, or stranger. Many of these factors are confounding, and careful analysis is required to understand the independent and interactive effects, supporting the need for rigorous research.

*Availability of Firearms*

Guns are widely used for recreation, self-protection, and work in the United States. However, it is difficult to determine the exact number and distribution of guns currently in homes and communities due to lack of data. Between 1986 and 2010, the domestic production of firearms increased by 79 percent, firearm exports increased by 11 percent, and firearm imports increased by 305 percent (ATF, 2012). A December 2012 poll found that 43 percent of those surveyed reported having a gun in the home (Gallup, 2013).

*Defensive Use of Guns*

Defensive use of guns by crime victims is a common occurrence, although the exact number remains disputed (Cook and Ludwig, 1996; Kleck, 2001a). Almost all national survey estimates indicate that defensive gun uses by victims are at least as common as offensive uses by criminals, with estimates of annual uses ranging from about 500,000 to more than 3 million (Kleck, 2001a), in the context of about 300,000 violent crimes involving firearms in 2008 (BJS, 2010). On the other hand, some scholars point to a radically lower estimate of only 108,000 annual defensive uses based on the National Crime Victimization Survey (Cook et al., 1997). The variation in these numbers remains a controversy in the field. The estimate of 3 million defensive uses per year is based on an extrapolation from a small number of responses taken from more than 19 national surveys. The former estimate of 108,000 is difficult to interpret because respondents were not asked specifically about defensive gun use.

A different issue is whether defensive uses of guns, however numerous or rare they may be, are effective in preventing injury to the gun-wielding crime victim. Studies that directly assessed the effect of actual

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defensive uses of guns (i.e., incidents in which a gun was “used” by the crime victim in the sense of attacking or threatening an offender) have found consistently lower injury rates among gun-using crime victims compared with victims who used other self-protective strategies (Kleck, 1988; Kleck and DeLone, 1993; Southwick, 2000; Tark and Kleck, 2004). Effectiveness of defensive tactics, however, is likely to vary across types of victims, types of offenders, and circumstances of the crime, so further research is needed both to explore these contingencies and to confirm or discount earlier findings.

Even when defensive use of guns is effective in averting death or injury for the gun user in cases of crime, it is still possible that keeping a gun in the home or carrying a gun in public—concealed or open carry—may have a different net effect on the rate of injury. For example, if gun ownership raises the risk of suicide, homicide, or the use of weapons by those who invade the homes of gun owners, this could cancel or outweigh the beneficial effects of defensive gun use (Kellermann et al., 1992, 1993, 1995). Although some early studies were published that relate to this issue, they were not conclusive, and this is a sufficiently important question that it merits additional, careful exploration.

### Firearm-Related Violence as a Public Health Issue

The public health field focuses on problems that are associated with significant levels of morbidity and mortality. The complexity and frequency of firearm-related violence combined with its impact on the health and safety of the nation’s residents make it a topic of considerable public health importance and suggest that a public health approach should be incorporated into the strategies used to prevent future harm and injuries. Violence, including firearm-related violence, has been shown to be contagious. Recognizing this, the academic community has suggested that research examine violence much like is done for contagious diseases (IOM, 2013).

In the past, responses to firearm violence typically have been based in the criminal justice system, which is crucial to public safety, but a more comprehensive and multidisciplinary approach is necessary to reduce the burden of firearm-related violence on individuals, families, communities, and general society (Kellermann et al., 1991). Public health approaches focus efforts on the prevention of violence by characterizing the scope or magnitude of the problem, evaluating potential risk

and protective factors associated with specific outcomes, and developing and evaluating interventions to affect these risk factors (Satcher, 1995).

Topics previously viewed as purely criminal in nature, such as firearm-related violence, require a multidisciplinary approach (Kellermann et al., 1991) because, frequently, health and crime share the same risk and protective factors, or complex determinants (Akers and Lanier, 2009; Akers et al., 2013). Public health and behavioral and social science (to include criminology) are two compatible disciplines that together can aid understanding and address broad challenges to health and safety, as both disciplines benefit from scientific methods and from each other's perspectives. A recent example of this synergism is reflected in a bulletin by the Department of Justice devoted to the application of public health principles to violent crime (Markovic, 2012).

Developing an integrated and collaborative public health and criminal justice injury prevention paradigm will improve interventions to reduce harms associated with firearm-related violence. This approach was suggested in the 1985 *Surgeon General's Workshop on Violence and Public Health* (HHS and DOJ, 1996) and in a 1985 NRC and IOM report *Injury in America: A Continuing Public Health Problem*. This recommended strategy has been reaffirmed and reinforced over the years, including in a 1999 IOM report *Reducing the Burden of Injury: Advancing Prevention and Treatment*, which argued that "the injury field has much to contribute to scientific understanding of firearm injuries and to the prevention of violence, complementing the contributions made by criminal justice, mental health, and other approaches" (p. ix).

#### **Applying Public Health Strategies to Reducing Firearm Violence**

A public health approach involves three elements: (1) a focus on prevention, (2) a focus on scientific methodology to identify risk and patterns, and (3) multidisciplinary collaboration to address the issue (IOM, 2008). The ecological framework, a tool used in both criminology and public health, may further guide the analysis of potential interventions to achieve the necessary scale to prevent or reduce firearm violence. The sheer number of firearm-related injuries and fatalities, coupled with the broad range of settings and circumstances under which firearm violence can occur, requires a multidimensional approach based on the interrelation among individual characteristics, family history and

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dynamics, community context and gun availability, and national or international influences. This multidimensional approach is necessary in order to direct an intervention at the level of influence necessary to bring about the desired change.

Assessing and ultimately implementing public health strategies to deal with societal problems requires a comprehensive research agenda with contributions from the many scientific disciplines relevant to understanding the complex etiology and prevention of firearm violence (Hemenway and Miller, 2013). For example, public health outcomes research may include an investigation of product safety options combined with strategies to change the “prevalence, social norms, and cultures of harmful behaviors” (Mozaffarian et al., 2013, p. 551; see also Hemenway, 2001; Mozaffarian et al., 2012).

Beginning in the late 1960s, a comprehensive approach was adopted based largely on the work of William Haddon, who developed a model for the systematic exploration of causation and countermeasures based on the epidemiological triangle of host, agent, and environment in the pre-event, event, and post-event phases (Haddon, 1967, 1968, 1980). Such strategies are designed to interrupt the connection among three essential elements: (1) the “agent” (the source of injury [weapon or perpetrator]), (2) the “host” (the injured person), and (3) the “environment” (the conditions under which the injury occurred). This public health approach has produced successes in reduction of tobacco use, unintentional poisoning, and motor vehicle fatalities. These successes suggest the following strategies for reducing firearm-related injuries:

- Individual- and family-level interventions focused on the victim (host) pre-event:
  - Routine primary care counseling
  - Education
  - Family risk factors
- Individual-, family-, or community-level interventions focused on the perpetrator or gun (agent) pre- or post-event:
  - Recognition of at-risk behaviors
  - Early detection of risk factors
  - Safety standards
  - Active protection (requires an overt action by the user)
  - Passive protection (requires no action by the user)
- Community- and society-level interventions focused on the environment pre- or post-event:

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- Hotlines
- Licensing
- Public education and media campaigns
- Economic development (to decrease concentrated disadvantage)
- Physical environment (e.g., converting vacant lots to green spaces)

Motor vehicle–related injury reduction provides a useful analogy for using a public health approach to a problem that also has criminal justice considerations. For example, in both motor vehicle and gun use, there is a need to balance health and safety with the practical reality of a potentially dangerous tool that is embedded in U.S. society.

Efforts to reduce motor vehicle–related injuries were limited initially to improving driver skills (licensing in the 1930s) and evolved to include safety technology (collapsible steering columns, shatter-resistant glass, and seat belts in the 1950s and 1960s). This approach resulted in a multifaceted effort based on

- thorough data analysis and surveillance systems—tracking trends and patterns in injuries and identifying research questions;
- performance standards—setting safety standards for vehicles;
- research in behavioral human factors and engineering—examining the host, agent, and environment (injury mechanisms, crashworthiness, vehicle safety countermeasures, road characteristics);
- state and local programs addressing equipment and human factors such as fatigue and alcohol; and
- public education and law enforcement programs.

A similar multifaceted program, through the development of a public health research agenda, is needed to ultimately reduce the burden of gun violence.

### Study Goals, Methods, and Organization of the Report

#### *Study Process and Methods*

The committee was charged with articulating the topics that should make up a public health firearm violence research agenda (see Box 1). The charge to the committee included conducting an expert assessment

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of critical research questions, developing guidance, and recommending priorities for the CDC within a 3-month time frame. To meet this obligation the committee held a single 4-day meeting on April 22-25, 2013. The meeting included a public workshop and closed sessions of the committee for deliberations and report drafting (see Appendix B for the open agenda). The workshop was organized in order to hear from a range of authorities in the area of firearm violence research; policy makers and advocates with long-standing interest in gun policy; and researchers with expertise in injury prevention, media influences, and firearms technology, as well as to seek general public comment about the development of a public health research agenda to reduce firearm-related violence.

In addition, the committee performed a literature review on the specific research areas to be addressed. The committee also considered the data and research methodology challenges in the area of firearm-related violence. The committee identified potential research topics by conducting a survey of previous relevant research, considering input received during the workshop, and using its expert judgment. The committee was not asked to consider funding for the research agenda, and in addition to the CDC, it is likely that other agencies and private foundations will also implement the research agenda. Consequently, the committee identified a full range of high-priority topics that could be explored with significant progress made in 3-5 years. Research on these topics will improve current knowledge of the causes of firearm violence, the interventions that prevent firearm violence, and strategies to minimize the public health burden of firearm violence. To allow the research community flexibility in designing the research protocols, the report does not specify the methodologies that should be used to address the research topics. However, the committee does provide examples of specific questions that could be explored under each research topic.



### BOX 1 Statement of Task

An ad hoc committee will be appointed to develop for the Centers for Disease Control and Prevention a proposed public health research agenda to improve knowledge of the causes of gun violence, the interventions that prevent gun violence, and strategies to minimize the public health burden of gun violence. Consideration of optimal methodological approaches to address gaps in knowledge is also important.

The proposed agenda should identify the most critical research questions that can be answered in the short term (particularly within a 3-year time frame). In the view of the committee, the answers to the questions should be those with the potential for the greatest public health impact and shed light on the characteristics of gun violence and the potential to prevent gun violence. As general guidance on the extent of the envisioned research program, the proposed agenda should be one that could be completed in 3-5 years:

- **Characteristics of gun violence:** Identify research questions necessary to improve understanding of the characteristics of both fatal and non-fatal gun violence.
- **Interventions and strategies:** Identify research questions that are necessary to improve understanding of the effectiveness of interventions and strategies to prevent or reduce gun-related injuries. These may include, but should not be limited to, research questions related to the impact of public education campaigns, youth access to and use of guns, safe storage practices, access to guns, and improved personal protection.
- **Technology:** Identify research questions related to the impact of potential technologies that may reduce gun-related violence, including how guns and ammunition can be designed and engineered to improve safety and prevent misuse.
- **Video games and other media:** Identify questions that improve the understanding and impact of violence in video games, the media, and social media on real-life violence.
- **Risk and protective factors:** Identify research questions that will assess potential risk and protective factors and other critical issues, such as the socioeconomic and socio-cultural environment.

With respect to the scope of the recommended research agenda, the areas of public health surveillance and behavioral/mental health should not be a focus of the committee's work. Additionally, questions related to clinical practice and treatment should not be a focus. The committee will produce a brief consensus report that may include a summary of the most significant research gaps, a consolidation of committee findings, and the identification of proposed research questions to inform the public health approach to preventing gun violence.

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*Organization of the Report*

The section that follows discusses issues related to research design and data and their impact on being able to undertake a public health research agenda. Subsequent sections discuss sequentially each of the five specific research areas the committee was charged with examining

1. characteristics of firearm violence,
2. risk and protective factors,
3. interventions and strategies,
4. gun technology, and
5. influence of video games and other media.

Each section includes an abbreviated summary of background, past and ongoing research, major issues and controversies, and the challenges going forward. Following the overview of each of these research domains, the committee identifies the topics that should constitute a public health research agenda to reduce and prevent firearm-related injuries and fatalities.

#### AN OVERARCHING ISSUE: RESEARCH DESIGN AND DATA

Throughout its deliberations, the committee identified a series of issues related to data and research methods that would impact the design and implementation of its proposed research agenda. These issues related to research design and data, if not addressed, will limit the ability of researchers to perform rigorous studies as well as limit the ability of policy makers to use research to inform the development and evaluation of future policies.

The CDC, by working with its federal and state partners, can improve the reliability and accuracy of data and research about firearm-related violence. An interagency approach is necessary because the data currently used in research on firearm violence come largely from datasets developed for other purposes, such as crime and health research, and cover topics that are broader than firearm violence. Technological opportunities and recent advances that can enhance linkages among datasets from other federal, state, and local sources may enable better predictive analytics, real-time information sharing, and reduction of nonessential

data and inconsistencies and thereby improve the quality of firearm-related research.

### Impact of Existing Federal Restrictions on Firearm Violence Research

There are many legal and responsible uses for guns; an individual's right to own and possess guns was established in the U.S. Constitution and affirmed in the 2008 and 2010 Supreme Court rulings in *District of Columbia v. Heller*<sup>15</sup> and *McDonald v. City of Chicago*.<sup>16</sup> However, the scarcity of research on firearm-related violence limits policy makers' ability to propose evidence-based policies that reduce injuries and deaths and maximize safety while recognizing Second Amendment rights. Since the 1960s, a number of state and federal laws and regulations have been enacted that restrict government's ability to collect and share information about gun sales, ownership, and possession, which has limited data collection and collation relevant to firearm violence prevention research. Among these are the amendments to the Gun Control Act of 1968,<sup>17</sup> which prohibits the federal government from establishing an electronic database of the names of gun purchasers and requires gun dealers to conduct annual inventories of their firearms.

In addition to the restrictions on certain kinds of data collection, congressional action in 1996 effectively halted all firearm-related injury research at the CDC by prohibiting the use of federal funding "to advocate or promote gun control."<sup>18</sup> In 2011, Congress enacted similar restrictions affecting the entire U.S. Department of Health and Human Services.<sup>19</sup> The net result was an overall reduction in firearm violence research (Kellermann and Rivara, 2013). As a result, the past 20 years have witnessed diminished progress in understanding the causes and effects of firearm violence.

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<sup>15</sup>554 U.S. 570 (2008).

<sup>16</sup>561 U.S. 3025 (2010).

<sup>17</sup>Public Law 90-618, 82 Stat. 1213 (October 22, 1968).

<sup>18</sup>Omnibus Consolidated Appropriations Act, 1997, Public Law 104-208, 104th Cong., 110 Stat. 3009, p. 244 (September 30, 1996).

<sup>19</sup>Consolidated Appropriations Act 2012, Public Law 112-74, 112th Cong., 125 Stat. 786, Sec. 218, p. 1085 (December 23, 2011).

### **Data Quality, Accessibility, and Aggregation**

High-quality data that are usable, credible, and accessible are fundamental to both the advancement of research and the development and evaluation of sound policies. Policy makers need a wide array of information, including community-level data and data concerning the circumstances of firearm deaths, types of weapons used, victim–offender relationships, role of substance use, and geographic location of injury—none of which is consistently available. The absence of these kinds of appropriate baseline data make it difficult to answer fundamental questions about prevalence, determine etiology, or effectively evaluate programs for potential reduction of harm and injury. Given civil liberty concerns, it will be important that all data used in research be anonymized.

Some data related to firearm violence may not reflect the full scope of the problem. Firearm violence research is based on statistically uncommon events, which would require very large sample sizes to measure effects in small geographic units of analysis. Consequently, researchers often rely on aggregated (at the national or state level) or proxy measures of gun ownership and violence (NRC, 2005). The result is a lack of individual-level data that could reveal more useful information about local trends and causes of firearm violence.

### **Data to Assess Gun Acquisition and Storage**

Basic information about gun possession, acquisition, and storage is lacking. No single database captures the total number, locations, and types of firearms and firearm owners in the United States (NRC, 2005). Data about the sources of guns used in crimes are important because the means of acquisition may reveal opportunities for prevention of firearm-related violence. Currently, such information is collected predominantly by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), which traces weapons submitted by police agencies. The ATF tracks firearm possession and subsequent use only after a gun is used in a crime. Even if the ATF is able to successfully trace a firearm from its original point of purchase, the firearm may have changed hands many times without a paper trail (both legally and illegally) after its original purchase. As a result, the sources identified when guns are traced by the ATF are unrepresentative of the proximate sources of guns used in crimes, and ATF data may exaggerate the share of guns that have attri-

butes associated with gun trafficking, such as quick movement from first retail sale to recovery by police in connection with a crime (Kleck and Wang, 2009). Improving the representativeness of ATF tracing data might help researchers better understand the link between gun sources and gun crime.

#### **Data Fragmentation and Standardization**

Existing data are housed in a number of discrete databases (NRC, 2005; Zawitz, 1995), which contributes to data limitation and fragmentation. One attempt to remedy the fragmentation is the CDC's National Violent Death Reporting System (NVDRS). The system provides information about firearm deaths in the context of all violent deaths, including child abuse, intimate partner homicide, and suicide, but is limited to only 18 U.S. states (CDC, 2013a). Some localities, but not all, use the Weapon Related Injury Surveillance System (WRISS), which is a surveillance system that standardizes the collection of data on individuals treated for gunshot wounds and assaults in emergency departments (Massachusetts Executive Office of Health and Human Services, 2013). However, although there is a need, none of the existing databases, alone or combined, provide "comprehensive, timely, and accurate data needed to answer many important questions pertaining to the role of firearms in violent events," as was called for in a 2005 NRC report (p. 48).

The lack of standardization across databases limits their comparability (NRC, 2005). The absence of clearly defined concepts complicates data collection and interpretation. For example, definitions of "self-defense" and "deterrence" are ambiguous (NRC, 2005; Weiner et al., 2007). There is no standardized method for data collection or collation, which prevents researchers from harnessing the potential power of data across multiple datasets.

#### **Research Methods and Challenges**

Research on firearm violence that addresses the causal chain for tying a cause to an effect will provide important insights. This is especially true regarding research on gun availability and homicide. The widespread use of research study designs that have limited ability to study causality, like case-control and ecological studies, which aggregate data

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from sources and levels, poses challenges for interpretation among both researchers and policy makers. Moving forward it will be important to utilize other experimental and quasi-experimental designs that have better ability to study causality, including, for example, longitudinal studies. Firearm-related research would be strengthened through interdisciplinary partnerships and consultations among academics, practitioners, and community members. Research activities should be designed to ensure that findings will help to illuminate and estimate the prevalence and distribution of risk and protective factors and aid in evaluation of programs. There are important testable questions regarding adoption, fidelity, adaptation, sustainability, and scale-up of programs that necessitate collaboration between researchers and the practitioners who will use the findings to inform implementation strategies.

## CHARACTERISTICS OF FIREARM VIOLENCE

Fatal and nonfatal firearm violence poses a serious threat to the safety and welfare of the American public. As discussed in the Introduction, there are legal and responsible uses for firearms, including law enforcement, self-defense, and recreational uses. However, the presence of guns in civil society can also lead to firearm-related violence. Although violent crime rates have declined in recent years (Truman, 2011), the U.S. rate of firearm-related homicide is higher than that of any other industrialized country: 19.5 times higher than the rates in other high-income countries (Richardson and Hemenway, 2011). In 2010, incidents involving firearms injured or killed more than 105,000 individuals in the United States.<sup>20</sup> A recent estimate suggested that firearm violence cost the United States more than \$174 billion in 2010 (Miller, 2010). However, it is essentially impossible to quantify the overall physiological, mental, emotional, social, and collateral economic effects of firearm violence, because these effects extend well beyond the victim to the surrounding community and society at large (IOM, 2012).

Very little is understood about the exact scope and nature of firearm violence in the United States, including the distribution of guns. The cir-

<sup>20</sup>NCIPC. 2013. *WISQARS injury mortality reports: Overall firearm gunshot nonfatal injuries and rates per 100,000—2010, United States, all races, both sexes, all ages* (accessed April 30, 2013); NCIPC. 2013. *WISQARS injury mortality reports: 2010, United States, firearm deaths and rates per 100,000—all races, both sexes, all ages* (accessed April 30, 2013).

cumstances under which firearm violence occurs vary widely. Mortality rates associated with firearm violence differ based on the shooter's intent, the type of firearm used, and the specific nature of the injury (Beaman et al., 2000).

In order to develop relevant research questions and targeted interventions to prevent firearm-related violence, it is important to understand what is and is not known about the general characteristics of both fatal and nonfatal firearm violence.

### Types and Numbers of Firearms

No one knows exactly how many guns exist in the United States. In 2007, one estimate placed the total number of firearms in the country at 294 million: "106 million handguns, 105 million rifles, and 83 million shotguns" (Krouse, 2012, p. 8). Based on this estimate, the United States has the most guns per capita of any nation in the world<sup>21</sup> (Karp, 2007). U.S. gun owners typically own more than one gun (Cook and Ludwig, 1996; Hepburn et al., 2007).

In general, there are three characteristics that define individual guns: gun type, firing action, and ammunition. "Gun type" distinguishes guns by external physical characteristics; for instance, "handguns" are designed to be gripped with one hand and "long guns" are designed to be fired from the shoulder. In 2004, handguns made up approximately 40 percent of all firearms owned in the United States (Hepburn et al., 2007). For both handguns and long guns, the firing action ranges from manual to semiautomatic to automatic, reflecting the mechanism by which successive shots are fired. Guns with manual firing actions are capable of one shot at a time with a delay for manual loading of the individual bullets; semiautomatic guns can fire shots in rapid sequence but require individual trigger pulls for each shot; and automatic guns can reload and fire many bullets with a single pull of the trigger, delayed only by the automatic ejection of the spent casing and loading of a fresh cartridge. Finally, different guns use different ammunition. The "caliber" of a gun refers to the internal diameter of the bore of the weapon. The "gauge" of a shotgun refers to the number of bore-fitting balls that equal 1 pound.

Gun preference typically depends on the gun's intended use. For example, hunters typically use long guns. Surveys of felons found a prefer-

<sup>21</sup> Averaging 88.8 guns per 100 people. Serbia has the second greatest number of guns per capita, averaging 59 guns per 100 people.

ence for larger-caliber handguns that are easily concealable (Sheley and Wright, 1995; Wright and Rossi, 1986). Handguns are used in more than 87 percent of violent crimes (BJS, 2010).

### Types of Firearm Violence

At the broadest level, firearm violence is either fatal or nonfatal. Within the category of fatal incidents, types of violence include suicides, homicides, and unintentional fatalities. Mass shootings may be considered either a separate category or a subset of homicides. Those types of firearm violence vary substantially with respect to the typical shooter, intent, and population affected. Similarly, there is substantial variation among the types of nonfatal violence, which encompass unintentional and intentional injuries, threats, and defensive use of guns. Thus, it is important to understand the distinctive characteristics of the various types and subtypes of violence. For example, suicides in youth may be motivated by very different factors from those in older adults, a divergence that will affect the design of any prevention strategy. However, suicides and homicides share a very important characteristic that is important here, namely, that most acts appear to be reactive and unplanned.

#### *Suicide*

Firearm-related suicides—though receiving far less public attention—significantly outnumber homicides for all age groups, with suicides accounting for approximately 60 percent of all firearm injury fatalities in the United States in 2009 (Kochanek et al., 2011). In 2010, suicide was the 10th leading cause of death among individuals in the United States over the age of 10 (CDC, 2012a). Although the U.S. population's age-adjusted, firearm-related suicide rate had been generally declining since 1999, it slowly began to rise again after 2006.<sup>22</sup> Rural areas tend to have higher rates of firearm suicides than urban areas, while urban areas have higher rates of firearm homicides (Branas et al., 2004). However, differences in suicide

<sup>22</sup>NCIPC. 2013. *WISQARS injury mortality reports: 1999-2010, United States, suicide firearm deaths and rates per 100,000—all races, both sexes, all ages, output by year, age-adjusted* (accessed April 30, 2013).



rates in urban versus rural areas may also be related to socioeconomic differences among those areas.<sup>23</sup>

The public health burden of suicide varies by subpopulation. Males are more likely than females to die by suicide, and firearms are the most common method of suicide for males (CDC, 2012a). Between 2005 and 2010, firearm suicide rates were greatest for whites, followed by blacks, American Indians/Alaskan Natives, and Asians/Pacific Islanders.<sup>24</sup> Moreover, certain age groups are associated with higher suicide rates. In 2009, suicide was the third leading cause of death for American youth between the ages of 15 and 19 (Heron, 2012), but overall firearm suicide rates were highest for individuals over the age of 75 between 2005 and 2010.<sup>25</sup> In contrast to urban areas, rural areas tend to have lower rates of firearm homicide and higher rates of firearm suicide; this urban-rural disparity is, however, not evident for non-firearm suicide (Branas et al., 2004; Hirsch, 2006; Singh and Siahpush, 2002).

In 2010, firearms were used in the majority of the 38,364 suicide deaths in the United States (Hoyert and Xu, 2012). A wide array of other lethal measures, such as hanging, suffocation, and jumping from heights, are available for suicide. For example, between 2005 and 2009, for every 100 suicide attempts in which a firearm was used, more than 83 ended in death, but the fatality rate for suffocation was similar, at almost 80 per 100 (CDC, 2013b). Because firearms are only one lethal method for committing suicide, it is not clear how public health initiatives to reduce firearm-related suicides will affect the total public health burden of suicide. Further, it is not understood how frequently firearms are associated with premeditated or impulsive suicides. Therefore, additional data about context of suicides are required to develop and evaluate interventions that are designed to reduce the burden of firearm-related suicides and suicides in general.

<sup>23</sup>NCHS (National Center for Health Statistics). 2013. *Underlying cause of death, 1999-2010, intentional self-harm, African American, grouped by urbanization*. <http://wonder.cdc.gov> (accessed May 15, 2013). Data from CDC WONDER online database, released 2012. Data are from the Multiple Cause of Death Files, 1999-2010, as compiled from data provided by the 57 vital statistics jurisdictions through the Vital Statistics Cooperative Program.

<sup>24</sup>NCIPC. 2013. *WISQARS injury mortality reports: 2005-2010, United States, suicide firearm deaths and rates per 100,000—all races, both sexes, all ages, output by race, age-adjusted* (accessed April 30, 2013).

<sup>25</sup>NCIPC. 2013. *WISQARS injury mortality reports: 2005-2010, United States, suicide firearm deaths and rates per 100,000—all races, both sexes, ages 0 to 85+, output by age-group* (accessed May 15, 2013).

*Homicide*

According to the FBI's Uniform Crime Report, 46,313 people were murdered in incidents involving firearms between 2007 and 2011 (FBI, 2011b). During that same time, firearms accounted for more than twice as many murders as all other weapons combined (FBI, 2011b). Approximately 3 percent of firearm-related assaults known to the police (which represent a portion of total firearm-related assaults) are fatal (computed from FBI, 2011c).

The risk of homicide by firearm is not distributed equally across the U.S. population. Individuals living in urban areas experience higher rates of firearm-related homicides than individuals in rural areas (Branas et al., 2004). Both victims and perpetrators of firearm-related homicides tend to be male (Cooper and Smith, 2011). In the vast majority of murders for which the victim-offender relationship is known, the victim is a member of the same race as the offender and is acquainted with the offender (Cooper and Smith, 2011). Homicides by a stranger, friend, or acquaintance are more likely to involve a gun than those committed by an intimate partner or family member (Cooper and Smith, 2011). An important subset of fatal firearm-related incidents involves domestic violence. A study by Sorenson (2006) found that guns are used more often than other types of weapons when females are the victims of intimate partner homicide.

The risk of homicide by firearm varies by race and ethnicity. In 2010, the firearm-related homicide rate was significantly higher for blacks than Asian/Pacific Islanders, whites, and American Indian/Alaskan Natives.<sup>26</sup> Studies have shown that racial differences in socioeconomic status, residential segregation, or neighborhood environmental hazards account for some or all of the overall racial differences in homicide (Greenberg and Schneider, 1994; Howard et al., 2000; Onwuachi-Saunders and Hawkins, 1993). Additionally, younger populations represent a large proportion of homicide victims and perpetrators (Cooper and Smith, 2011).

Handguns account for the vast majority of firearm-related homicides; in 2011, "handguns comprised 72.5 percent of the firearms used in murder and non-negligent manslaughter incidents" (FBI, 2011b, p. 2). On the other hand, rifles and shotguns are less frequently used to commit homicides (U.S. Census Bureau, 2012), although they are more lethal than handguns (Kleck, 1984).

<sup>26</sup>NCIPC. 2012. *WISQARS injury mortality reports: 2010, United States, homicide firearm deaths and rates per 100,000—all races, both sexes, all ages, grouped by race, age-adjusted* (accessed April 30, 2013).

*Unintentional Fatalities*

Unintentional firearm-related deaths have steadily declined during the past century.<sup>27</sup> The number of unintentional deaths due to firearm-related incidents accounted for less than 1 percent of all unintentional fatalities in 2010 (Hoyert and Xu, 2012). Despite this progress, more than 600 people in the United States died as a result of an unintentional discharge of a firearm in 2010 (Hoyert and Xu, 2012). Risks are highest among adolescents and young adults. Approximately 10 percent of unintentional deaths in 2010 involved children under age 15 (Hoyert and Xu, 2012).

About half of unintentional firearm-related fatalities are self-inflicted (Hemenway et al., 2010). Unintentional firearm-related deaths caused by someone other than the victim are primarily committed by friends or family members (Hemenway et al., 2010). Only 2 percent of unintentional firearm-related deaths were connected with self-defense (Hemenway et al., 2010). Rates of unintentional firearm death are significantly higher in rural than in urban counties (Carr et al., 2012).

*Mass Shootings*

According to the Congressional Research Service, public mass shootings “have claimed 547 lives and led to an additional 476 injured victims” since 1983 (Bjelopera et al., 2013, pp. 7-8). Mass shootings are a highly visible and moving tragedy, but represent only a small fraction of total firearm-related violence. Although it may seem that protection against such an event is nearly impossible, proactive law enforcement activities, including community policing and intelligence-led policing, may help prevent some mass shootings (Bjelopera et al., 2013). Analyzing the details of a prevented event against those of a realized event might provide guidance to schools and other locations with large groups of people about efficient and effective ways to avoid such an event. Proactive mental health risk assessment and interventions may also prevent some mass shootings. It is also apparent that some mass murder incidents are associated with suicides (Bell and McBride, 2010). However,

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<sup>27</sup>The CDC’s WISQARS (Web-based Injury Statistics Query and Reporting System) website cautions against comparing the number of deaths and death rates from 1998 and earlier with data from 1999 and later due to significant changes in mortality data coding (CDC, 2011a).

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the characteristics of suicides associated with mass murders are not understood.

*Nonfatal Firearm Violence*

Homicides, suicides, and accidental deaths do not capture the full impact of firearm violence. In 2010, nonfatal firearm violence, including intentional and unintentional injuries, affected almost 24 out of every 100,000 individuals,<sup>28</sup> including 15,576 children and adolescents under the age of 20.<sup>29</sup> Individuals seen in hospitals for unintentional firearm injuries are usually male (Sinauer et al., 1996). As with suicides, rural areas tend to have higher rates of firearm-related unintentional injuries than urban areas (Nance et al., 2002). Most suicide attempts involving a gun end in death; few nonfatal gunshot injuries result from this cause.

Guns also can be used to intimidate and coerce through threats of violence. In 2010, firearms were involved in less than 6 percent of the total 3,148,250 reported aggravated or simple assaults (Truman, 2011). Similarly, less than 7 percent of all rapes or sexual assaults in 2010 involved a firearm (Truman, 2011).

*Sources of Guns*

To address the criminal misuse of firearms leading to death or injury, it is important to understand how “firearms move from lawful commerce into the hands of criminals” (ATF, 2011, p. i). A survey of gun owners between 2005 and 2010 found that an average of 232,400 guns were stolen each year (Langton, 2012). Although research in the 1980s suggested that criminals acquired guns primarily through theft (Wright and Rossi, 1986), more recent prisoner surveys suggest that stolen guns account for only a small percentage of guns used by convicted criminals (Harlow, 2001; Zawitz, 1995). It is, however, unclear whether prisoners are willing to admit to gun thefts in government-conducted surveys. According to a 1997 survey of inmates, approximately 70 percent of the guns used or possessed by criminals at the time of their arrest came from family or friends,

<sup>28</sup>NCIPC. 2012. *WISQARS injury mortality reports: Overall firearm gunshot nonfatal injuries and rates per 100,000—2010, United States, all races, both sexes, all ages, age-adjusted* (accessed April 30, 2013).

<sup>29</sup>NCIPC. 2012. *WISQARS injury mortality reports: Overall firearm gunshot nonfatal injuries and rates per 100,000—2010, United States, all races, both sexes, 0-19, age-adjusted* (accessed April 30, 2013).

drug dealers, street purchases, or the underground market (Harlow, 2001). Another 14 percent of those surveyed bought or traded guns at retail stores, pawnshops, flea markets, or gun shows (Harlow, 2001). However, some experts question the validity of commonly used research methodologies for identifying crime-gun-trafficking prevalence, arguing that trafficking is more closely associated with gun scarcity than inappropriate acquisition from licensed gun dealers (Kleck and Wang, 2009). A better understanding of the validity of different methods to evaluate the sources of crime guns would help inform policies aimed at disrupting the flow of guns to criminals.

### Research Questions

There is a pressing need to obtain up-to-date, accurate information about how many guns are owned in the United States, their distribution and types, how people acquire them, and how they are used. Policies that seek to reduce the health burden of firearm-related violence can be strengthened by being grounded in sound information about the possession of guns for nonviolent as well as violent purposes. This kind of information should be obtained for three broad populations of interest: (1) the general population of the United States, (2) the youth population of the United States, and (3) offenders. To help achieve a better understanding of the characteristics of gun violence, the following two research topics were identified as priorities.

**Characterize the scope of and motivations for gun acquisition, ownership, and use, and how are they distributed across sub-populations.**

Examples of information that could be examined:

- Collect data about gun ownership, acquisition, and use for various groups within the U.S. general population.
  - Focus on those at greatest risk of causing injury.
  - Focus on those at greatest risk of injury—urban and rural youth, racial/ethnic minority populations, and those living in concentrated poverty.

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- Collect data about the sources (e.g., gifts, purchases), means (e.g., theft, trafficking), and legality of possession by various groups, particularly offenders.

**Characterize differences in nonfatal and fatal gun use across the United States.**

Examples of topics that could be examined:

- What are the characteristics of non-self-inflicted fatal and nonfatal gun injury?
  - What attributes of guns, ammunition, gun users, and other circumstances affect whether a gunshot injury will be fatal or nonfatal?
  - What characteristics differentiate mass shootings that were prevented from those that were carried out?
  - What role do firearms play in illicit drug markets?
- What are the characteristics of self-inflicted fatal and nonfatal gun injury?
  - What factors (e.g., storage practices, time of acquisition) affect the decision to use a firearm to inflict self-harm?
  - To what degree can or would prospective suicidal users of firearms substitute other methods of suicide?
- What factors drive trends in firearm-related violence within subpopulations?
- What factors could bring about a decrease in unintentional firearm-related deaths?

**RISK AND PROTECTIVE FACTORS ASSOCIATED WITH FIREARM-RELATED VIOLENCE**

Trends in firearm-related injury and death differ by type of violence. Between 2005 and 2010, the percentage of firearm-related violent victimizations remained generally stable (Truman, 2011). As stated above, overall firearm-related suicide rates generally declined between 1999 and

2006, but then began to climb.<sup>30</sup> Additionally, firearm-related death rates for youth ages 15-19 declined from 1994 to 2009 (Dowd and Sege, 2012). The reasons for the decline in firearm-related youth violence are unclear, although some experts credit improving socioeconomic conditions, general violence prevention programs, a declining crack/cocaine market, and increased community policing (Dowd and Sege, 2012).

It is important to understand how certain factors can affect the risk of different types of violence. As set forth below, a number of modifiable and unmodifiable factors affect the risks posed by possession and use of guns, including factors as straightforward as how guns are stored and as complex as society-, community-, situational-, and individual-level predictors.

### Society-Level Factors

At the societal level, income inequality emerges as a powerful predictor of firearm homicide and violent crime. Research suggests that income inequality undermines social cohesion and social capital, which in turn, increases firearm violence (Kennedy et al., 1998). Other studies have shown that high-income countries with high levels of firearm availability also have higher rates of female homicide, after controlling for income inequality (Hemenway et al., 2002). Research on international variation in homicides also shows a link with income inequality possibly mediated by low levels of trust, a proxy for social capital (Elgar and Aitken, 2011). Poor mental health, chronic environmental and social stressors, racial and income inequalities, gender inequalities, high rates of unemployment, and a lack of educational and employment opportunities are all associated with higher rates of firearm violence (WHO, 2002).

Violence prevention programs, legislative reforms, and declines in firearm availability may contribute to decreased firearm violence (Dowd and Sege, 2012). Some studies identify an association between increased firearm legislation (including firearm purchase background checks) (Sumner et al., 2008) and lower rates of fatal firearm violence (Fleegler et al., 2013), while other studies have not found this correlation (Hahn et al., 2005).

<sup>30</sup>NCIPC. 2013. *WISQARS injury mortality reports: 1999-2010, United States, suicide firearm deaths and rates per 100,000—all races, both sexes, all ages, output by year, age-adjusted* (accessed April 30, 2013).

### Community-Level Factors

At the community level, a range of factors appears to be related to high levels of violence, consistent with the previously introduced concept of the contagion of violence. These include high rates of residential mobility, social isolation, unemployment, and illicit drug trafficking. For example, increased firearm violence has been associated with drug markets (Blumstein and Cork, 1996; Goldstein, 1985; Kennedy et al., 1996). This prevalence could be a consequence of drug dealers carrying guns for self-defense against thieves or other adversaries who are likely to be armed. Furthermore, in communities with street drug markets, especially those where such markets are ubiquitous, individuals not involved in the drug markets have similar incentives for possessing guns (Blumstein, 1995; Blumstein and Cork, 1996).

With regard to exposure to violence, “the burden of neighborhood risk falls unambiguously on minorities” (Zimmerman and Messner, 2013, p. 441), contributing to observed racial and ethnic disparities. These disparities, however, are largely accounted for by family/individual factors (lower levels of household socioeconomic status, higher rates of violent peer exposure and previous violent behavior) and neighborhood risk factors (high levels of concentrated disadvantage, deficiency of youth services) (Zimmerman and Messner, 2013). Additionally, low collective efficacy (defined as “social cohesion among neighbors combined with their willingness to intervene on behalf of the common good” [Sampson et al., 1997, p. 918]), is negatively associated with perceived violence, victimization, and homicide (Sampson et al., 1997). In turn, “concentrated disadvantage, immigrant concentration, and residential instability explain most of the variation” (Sampson et al., 1997, p. 922) (70 percent) in measures of collective efficacy. Much of the racial variation (more than 60 percent) in perpetration of violence “is explained by immigration status, marriage, length of residence, verbal/reading ability, impulsivity, and neighborhood context” (Sampson et al., 2005, p. 231), with neighborhood context being the most important (Sampson et al., 2005). Diminished economic opportunities, high concentrations of impoverished residents, high levels of transiency, high levels of family disruption, low levels of community participation, and socially disorganized neighborhoods are risk factors for youth violence overall.



### Situational Factors

A number of situational factors are also associated with increased firearm violence. The presence of, or use of, drugs or alcohol is associated with assaultive and firearm violence (Garbarino et al., 2002; Nielsen and Martinez, 2003; Scribner et al., 1995; Shepherd et al., 2006). Moreover, criminals often engage in violence as a means to acquire money, goods, or other rewards; however, many instances of violence often are impulsive, angry responses to perceived or experienced social or physical threats (Connor et al., 2003). Some social and psychological research suggests that the need to defend social status may increase the likelihood and severity of response to provocation in the presence of an audience (Griffiths et al., 2011; Papachristos, 2009). Strong evidence also exists that observing a gun can “prime” aggressive behavior in certain situations, especially among those prone to aggression (Anderson et al., 1998; Berkowitz and LePage, 1967). Drinking to excess, drug use, recreational pursuit of fun (Jensen and Brownfield, 1986), involvement in drug dealing or group drug use (Sparks, 1982), gang membership (Jensen and Brownfield, 1986), involvement in minor or violent offending (Sampson and Lauritsen, 1990), and other lifestyle factors increase the risk of victimization. Other studies have delineated the finding that there is often significant overlap between victims and offenders in that they may share a set of routine activities (Osgood et al., 1996) or lifestyles (Hindelang et al., 1978) or have high levels of aggression or low self-control (Jennings et al., 2010), or that offenders may victimize one another because they believe they can do so with impunity from law enforcement (Sparks, 1982). Other situational factors, such as excessive heat (Anderson et al., 1995) or the presence of community disorder (or “broken windows”) (Wilson and Kelling, 1982), have been cited as contributors to violence, although research is conflicting (Anderson et al., 1995; Butke and Sheridan, 2010).

Specific locations may also be more closely tied to certain types of firearm-related violence. Based on 2008 data from the NVDRS, almost half of firearm homicides occurred in a house, apartment, or surrounding property; one-quarter occurred on public streets or highways; and natural areas, vehicles, parking lots, parks or athletic areas, hotels/motels, and commercial areas accounted for most of the remaining murder scenes (Karch et al., 2011).

### Individual-Level Factors

Individual behaviors and susceptibilities are associated with firearm violence and injury. In general, “impulsivity, low educational attainment, substance use, and prior history of aggression and abuse are considered” (WHO, 2002, p. 13) risk factors for violence, for both victims and perpetrators. Substance use, especially alcohol use, and isolation are risk factors for firearm violence (WHO, 2002). Suicide is associated with living alone, substance use, depressive symptoms (Kung et al., 2003), unemployment (Reeves et al., 2012), recent military active duty status (Gibbons et al., 2012), acute crises, and relationship problems (Kaplan et al., 2009).

Certain behaviors and characteristics associated with adolescence are also positively correlated with increased risk for firearm violence. Youth firearm ownership is associated with antisocial behavior (such as bullying, theft, vandalism, violence, substance abuse, and school misbehavior) (Cunningham et al., 2000). Studies have shown that weapon carrying among youth is closely related to having been victimized or having witnessed violence and having high levels of aggression (Fitzpatrick, 1997; Webster et al., 1993). There is also evidence that youth who carry guns may do so because they feel vulnerable to victimization (Simon et al., 1997), although other studies have found gun carrying to be a component of highly aggressive delinquency (Webster et al., 1993).

Risk factors for unintentional firearm-related fatalities include carelessness; reckless activities (e.g., playing with guns); ignorance (“I didn’t know the gun was loaded”); a prior history of traffic citations, drunk driving, and arrests (Kleck, 1991); and alcohol and drug use (Ruddell and Mays, 2004). Research on victims of penetrating injury has found 5-year reinjury rates as high as 44 percent, with a 20 percent overall mortality rate (Sims et al., 1989). In addition, the risk of future gun carrying (Champion and DuRant, 2001; Spano et al., 2012) and future violence is associated with exposure to violence in general (Ehrensaft et al., 2003; Finkelhor et al., 2009; Spano et al., 2010) and firearm-related violence in particular (Bingenheimer et al., 2005; Slovak and Singer, 2001). Indirect exposure to violence, such as living in a particularly violent neighborhood, is also associated with individual behavioral health risk factors for violence, including anxiety, depression, and posttraumatic stress disorder (PTSD), which can lead to interpersonal or self-inflicted gun violence (Buka et al., 2001; Sharkey et al., 2012).

Conversely, various “direct protective” and “buffering protective” factors may minimize the effects of certain risk factors (Hall et al., 2012, p. S3). For example, high grade point average; religiousness; consistent, close, respectful relationships with parents; and involvement in social activities are protective factors against violence among youth (CDC, 2011b).

### Research Questions

Three important research topics were identified by the committee: (1) factors associated with youth having access to, possessing, and carrying guns; (2) the impact of gun storage techniques on suicide and unintentional injury; and (3) “high-risk” geographic/physical locations for firearm violence.

#### *Factors Associated with Youth Having Access to, Possessing, and Carrying Guns*

In 2010, firearms accounted for 84 percent of youth (ages 10-19) homicides, and guns are the most frequent suicide method (39 percent).<sup>31</sup> In 2011, the Youth Behavioral Risk Survey revealed that almost 17 percent of high school students had carried a firearm, knife, or club in the past 30 days. More than 5 percent had carried a gun. The same survey showed that 15.8 percent of high school students surveyed had seriously considered attempting suicide in the previous year, and 7.8 percent had actually made a suicide attempt (CDC, 2012b).

Among rural youth, firearm ownership levels are high. Studies among rural youth reveal that about half of students in some rural communities own guns, with almost 80 percent of rural males reporting gun ownership and often multiple gun ownership (58 percent) (Slovak and Carlson, 2004). Other studies have associated youth exposure to violence

<sup>31</sup>NCIPC. 2013. *WISQARS injury mortality reports: Homicide injury deaths and rates per 100,000—2010, United States, all races, both sexes, ages 10 to 19* (accessed May 8, 2013); NCIPC. 2013. *WISQARS injury mortality reports: Homicide firearm deaths and rates per 100,000—2010, United States, all races, both sexes, ages 10 to 19* (accessed May 8, 2013); NCIPC. 2013. *WISQARS injury mortality reports: Suicide injury deaths and rates per 100,000—2010, United States, all races, both sexes, ages 10 to 19* (accessed May 8, 2013); NCIPC. 2013. *WISQARS injury mortality reports: Suicide firearm deaths and rates per 100,000—2010, United States, all races, both sexes, ages 10 to 19* (accessed May 8, 2013).

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with higher levels of anger, dissociation, PTSD, higher levels of violent behaviors, and lower levels of parental monitoring (Buka et al., 2001; Fowler et al., 2009; Slovak and Singer, 2001; Zona and Milan, 2011).

Methods that may be used to investigate these questions include ethnographic and qualitative research strategies, survey methods (including the Youth Behavioral Risk Survey), and community-based participatory approaches.

**Identify factors associated with juveniles and youths having access to, possessing, and carrying guns.**

Examples of topics that could be examined:

- Which individual and/or situational factors influence the illegal acquisition, carrying, and use of guns by juveniles?
- What types of weapons do youths obtain and carry?
- How do youths acquire these weapons (e.g., through legal or illegal means)?
- What are key community-level risk and protective factors (such as the role of social norms), and how are these risk and protective factors affected by the social environment and neighborhood/community context?
- What are key differences between urban and rural youth with regard to risk and protective factors for firearm-related violence?

*Impact of Having a Firearm at Home*

A recent Pew Foundation report found that “the vast majority of gun owners say that having a gun makes them feel safer. And far more today than in 1999 cite protection—rather than hunting or other activities as the major reason for why they own guns” (Pew Research Center, 2013). Despite gun owners’ increased perception of safety, research by Kellermann et al. (1992, 1993, 1995) describes higher rates of suicide, homicide, and the use of weapons involved in home invasion in the homes of gun owners. However, other studies conclude that gun ownership protects against serious injury when guns are used defensively (Kleck and Gertz, 1995; Tark and Kleck, 2004).

Additional research is needed to weigh the competing risks and protective benefits that may accompany gun ownership in different communities. This information will be invaluable to individuals wanting to

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make an informed decision about the benefits and risks of keeping a gun in their home versus other self-protection strategies such as with nongun weapons, stalling/reasoning/arguing tactics, or calling police. The possibility for increased risk of harm in some fraction of homes will be important to understand in designing effective harm mitigation strategies, such as the use of lockboxes or gun safes for weapon storage (Grossman et al., 2005; Johnson et al., 2006).

**Evaluate the potential health risks and benefits (e.g., suicide rates, personal protection) of having a firearm in the home under a variety of circumstances (including storage practices) and settings.**

Examples of topics that could be examined:

- What are the associated probabilities of thwarting a crime versus committing suicide or sustaining an injury while in possession of a firearm?
- What factors affect this risk/benefit relationship of gun ownership and storage techniques?
  - What is the impact of gun storage methods on the incidence of gun violence—unintentional and intentional—involving both youths and adults?
  - What is the impact of gun storage techniques on rates of suicide and unintentional injury?

*Public Health Approaches to Firearm Violence Focused on Particular Types of Locations*

Public health approaches to ameliorating gun violence have built upon models from other public health successes, such as tobacco control and automobile safety. These successful models have used population-based approaches such as taxation, public education, efforts to change social norms, and engineering safety. But violence, and firearm-related violence in particular, is not evenly distributed in the population. Violence may concentrate geographically (Cusimano et al., 2010; Sparks, 2011), including in areas of “concentrated disadvantage,” where a collection of social and economic indicators correlate strongly with a wide variety of indicators of poor health outcomes (Ross and Mirowsky, 2001). Although violence can lead to direct health outcomes—e.g., homicides and suicides—exposure to violence can also affect other health

outcomes (Wilson et al., 2004; Wright and Steinbach, 2001; Ylikoski, 1995), possibly mediated by stress and a reduced sense of safety that inhibits preventive or health-seeking behaviors.

Criminologists and law enforcement officials have identified “hotspots,” or high-risk physical locations, for violent crime. A number of police and criminal justice programs, such as Operation CeaseFire, Cure Violence, Project Exile, and Project Safe Streets, have attempted to reduce gun-related violence in those neighborhoods. In addition, efforts to improve the physical environment through “greening” of vacant lots have led to a decrease in gun crime, vandalism, stress, and physical inactivity in urban neighborhoods (Branas et al., 2011).

Although rates of homicide are monitored, the impact of such programs on other forms of violence and other health outcomes receives less attention (Wilson et al., 2004). While these hotspot locations tend to be located in areas of concentrated disadvantage, not all such areas have high rates of violence-related outcomes. Research is needed to better characterize these hotspot areas by the range and levels of risk—across geographic space, temporal space, situations, and relationships—and health-related outcomes including, but not limited to, violence.

A research agenda should examine communities that show positive health-related outcomes and identify modifiable risk factors that may impact both gun-related violence and other associated health risks at the neighborhood or sub-neighborhood levels. Such factors may include policing and criminal justice programs as well as other inherent social and physical environments or health services features that can be affected through programs and policies. Methodological approaches that may be used to address these questions include geospatial and social network analyses and ethnographic research.

**Improve understanding of risk factors that influence the probability of firearm violence in specific high-risk physical locations.**

Examples of topics that could be examined:

- What are the characteristics of high- and low-risk physical locations?
- Are the locations stable or do they change?
- What factors in the physical and social environment characterize neighborhoods or sub-neighborhoods with higher or lower levels of gun violence?

- Which characteristics strengthen the resilience of specific community locations?
- What is the effect of stress and trauma on community violence, especially firearm-related violence?
- What is the effect of concentrated disadvantage on community violence, especially firearm-related violence?

#### **FIREARM VIOLENCE PREVENTION AND OTHER INTERVENTIONS**

Successful interventions to reduce firearm-related injuries, like many other public health efforts, must involve the health and public safety communities, educators, and other community groups. During the past 20 years, significant declines in death and injury from automobile crashes, fires, and drowning have been achieved through comprehensive prevention strategies that recognize the characteristics of the agent, the victim, and the physical and social environment in which the injury occurred. A similar public health framework may be particularly effective in the case of gun violence (Hemenway, 2001; Hemenway and Miller, 2013) if the interactions of these characteristics are analyzed.

Prevention strategies may affect one or all of these players through a systems or holistic approach, and they can be applied at the time and location of imminent risk (e.g., removing guns temporarily when suicide risk is high), at times of transition (e.g., under an order of protection for domestic violence), or prior to periods of high risk (e.g., interventions for young children).

For more than two decades, research findings on the effectiveness of interventions to prevent firearm violence have been mixed. Gun possession is associated with violence, but direct causation is difficult to establish. A paucity of reliable and valid data, as discussed in the sections above, is a major barrier to the development of the most effective policies, strategies, and interventions for prevention of firearm violence. Nonetheless, many interventions have been developed and studied, and they point to areas requiring important additional research.

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**Targeting Unauthorized Gun Possession or Use***Reducing Unauthorized Access*

Whether gun restrictions reduce firearm-related violence is an unresolved issue. One recent study found that the states with the most firearm legislation have a smaller number of firearm fatalities (Fleegler et al., 2013). It is not clear whether this legislation is affecting firearm violence directly or whether states where there is less firearm violence tend to pass more laws related to guns. Analysis of unintentional gun fatalities in 50 states revealed positive associations between the number of guns and the number of fatalities (Miller et al., 2001). Other studies found that gun restrictions had no net impact on major violence and crime (Kleck and Patterson, 1993).

Background checks are intended to curtail gun sales to prohibited persons, such as felons, the severely mentally ill, domestic violence perpetrators, and minors. But prohibited individuals may obtain firearms without background checks through unlicensed sellers at gun shows and private sales or through straw purchases.<sup>32</sup> Most felons report obtaining the majority of their firearms from informal sources (NRC, 2005).

There is empirical evidence that gun turn-in programs are ineffective, as noted in the 2005 NRC study *Firearms and Violence: A Critical Review*. For example, in 2009, an estimated 310 million guns were available to civilians in the United States (Krouse, 2012), but gun buy-back programs typically recover less than 1,000 guns (NRC, 2005). On the local level, buy-backs may increase awareness of firearm violence. However, in Milwaukee, Wisconsin, for example, guns recovered in the buy-back were not the same guns as those most often used in homicides and suicides (Kuhn et al., 2002).

*Prosecutorial Interventions*

Research on the impact of issuing sentences with additional penalties for using a firearm in the commission of a crime has revealed mixed results (McDowall et al., 1992). Most studies found that enhanced sentencing did not affect crime rates (Marvell and Moody, 1995). Other studies found decreases in some types of crimes (Abrams, 2012; NRC, 2005). In Boston, where both mandatory sentences for illegal carrying and enhanced sentenc-

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<sup>32</sup>A “straw purchase” occurs when the buyer of a firearm would not pass required background checks or does not want his or her name associated with the purchase of the firearm and therefore uses someone else to make the actual purchase.



ing for use of firearms were in place at the same time, it was difficult to attribute impact to any particular policy (NRC, 2005).

Research results on the impact of right-to-carry laws on firearm violence are also inconsistent and have been debated for a decade. The 2005 NRC study found no persuasive evidence from available studies that right-to-carry laws decreases or increases violent crime.

“Gun courts,” which are set up specifically to try firearm-related crimes, have not been studied adequately (NRC, 2005). In Birmingham, Alabama, gun courts have sped up the trial process, involved parental education, provided boot camp for youth, and given judges authority to impose consequences. Gun courts have been established in Brooklyn and Queens, New York; Cambridge, Massachusetts; Philadelphia, Pennsylvania; and Providence, Rhode Island.

### Individual Risk and Protective Factors

#### *Protective Effects of Gun Ownership*

Estimates of gun use for self-defense vary widely, in part due to definitional differences for self-defensive gun use; different data sources; and questions about accuracy of data, particularly when self-reported. The NCVS has estimated 60,000 to 120,000 defensive uses of guns per year. On the basis of data from 1992 and 1994, the NCVS found 116,000 incidents (McDowall et al., 1998). Another body of research estimated annual gun use for self-defense to be much higher, up to 2.5 million incidents, suggesting that self-defense can be an important crime deterrent (Kleck and Gertz, 1995). Some studies on the association between self-defensive gun use and injury or loss to the victim have found less loss and injury when a firearm is used (Kleck, 2001b).

#### *Risk Factors Associated with Gun Possession*

Certain aspects of suicide, homicide, and unintentional injury may be amenable to public health research. Some studies have concluded that persons who keep a firearm in the home may have a greater risk of suicide and homicide (Kellermann et al., 1993). Homicide by individuals possessing guns illegally is of special interest. The public health burden of interpersonal firearm violence and the interactions of substance use, abuse, and trafficking deserve specific attention.

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Two-thirds of homicides of ex- and current spouses were committed with firearms (Fox and Zawitz, 2007). In locations where individuals under restraining orders to stay away from current or ex-partners are prohibited from access to firearms, female partner homicide is reduced by 7 percent (Vigdor and Mercy, 2006). Research on restricted access to firearms in 46 large U.S. cities from 1979 to 2003 indicated that restricted access was associated with reduced firearm and total intimate partner homicide (Zeoli and Webster, 2010).

Most firearm-related deaths are suicides. Fifty percent of suicides are by firearm and 60 percent of firearm deaths are suicides (Law Center to Prevent Gun Violence, 2013). Research demonstrates that the proportion of suicide by firearm is greater in areas with higher household gun ownership (NRC, 2005). Further, two studies found “a small but significant fraction of gun suicides are committed within days to weeks after the purchase of a handgun, and both [studies] also indicate that gun purchasers have an elevated risk of suicide for many years after the purchase of the gun” (NRC, 2005, p. 181).

### Social, Physical, and Virtual Environmental Interventions

#### *Community Programs and Targeted Policing*

Strengthened community policing and place-based interventions in certain “hotspots” have shown effective and compelling results in several places: Indianapolis, Kansas City, Missouri, and Pittsburgh are notable examples (NRC, 2005). Despite being well designed, however, evaluations of these interventions could not link all the changes to the programs. In addition, these interventions were limited, making long-term results difficult to predict.

Operation Cure Violence (previously referred to as CeaseFire) is a multicity, community-based violence prevention program that reaches out to gangs and other high-risk groups and individuals to interrupt disputes and violence (NIJ, 2008). Although not specific to firearm violence, Cure Violence has had some success in reducing overall violence in Chicago. In six of seven sites evaluated, attempted and actual shootings declined from 24 to 17 percent (Skogan et al., 2008). A meta-analysis by Arizona State University and the University of Cincinnati found that law enforcement efforts, such as place-based policing and probation with frequent contact with police, had more impact than prosecutorial policies, including stiff sentences (Makarios and Pratt, 2012).

In Boston, a problem-oriented “Gun Project” targeting serious youth offenders was implemented under the Cure Violence model. There was a significant decrease in homicides among youth, but the difficulty of controlling for all environmental factors that may have affected crime rates prevented a firm conclusion about exactly what contribution the interventions made (Fox and Zawitz, 2007). Effective place- and problem-oriented policing is aimed at all violence, not just firearm-related violence.

Regulations that limit the hours for on-premise alcohol sales in pubs, bars, and nightclubs have been associated with reduced violence. A quasi-experimental design based on data from Norwegian cities where the closing hours for on-premise alcohol sales were reduced demonstrated an impact on violence. For each additional hour of alcohol sales availability, violence increased by 16 percent (Rossow and Norstrom, 2012). Assault by firearm was 9.34 times more likely among heavy drinkers near off-premise alcohol points of sale than among nondrinkers in areas of low off-premise alcohol availability (Branas et al., 2009).

To date, there is little information about the potential role of mobile phone interventions or other electronic interventions in preventing firearm violence, although the combined use of mobile technology, including SMS (short message service) and GPS (global positioning system) has highlighted, in real time, the locations of violence against women in Cairo and Delhi (HarassMap, 2013).

#### *Public Education and Warnings*

Firearm safety education is intended to address the risk of unintentional injury and is particularly important when guns are kept in the home. Although firearm injury prevention education programs are widespread in public schools, they are inadequately studied and the few evaluations that have been conducted provide little evidence of effectiveness. It has been suggested that school-based prevention programs could actually glamorize guns among youth; however, information on childhood gun safety provided to parents by physicians may be effective (Dowd and Sege, 2012).

Regarding interventions for public mass shootings, there is no conclusive information about which policies and enforcement and prevention strategies might be effective. There have been analyses of these shootings (Bjelopera et al., 2013), but little has been done to compare them with those that were successfully averted. Although communities,

schools, and campuses have developed myriad safety plans, there is very little information available about their effectiveness.

Community-based programs and targeted policing interventions in general have been found to be effective in reducing violence in some settings. Results of research on the effectiveness of prosecutorial interventions such as enhanced sentencing are weak. Controlling access to guns through background checks or restrictions on particular types of firearms remains controversial and requires additional research. Concerns about privacy regarding gun ownership, as well as individuals' mental health records, encumber data collection and research on firearm violence. The best way to protect children from unintentional firearm-related injuries remains elusive, but technology interventions appear to offer significant opportunities (see the section "Impact of Gun Safety Technology"). One study found a decrease in gun violence rates in Philadelphia by "greening" vacant lots, a community blight reduction strategy that may have enhanced informal policing by residents and reduced opportunities for the storage or disposal of illegal firearms (Branas et al., 2011).

### Research Questions

There is limited research on the effectiveness of interventions and strategies to prevent firearm violence, and where there has been research, stakeholders often disagree about its implications. Two of the most challenging and important issues are the inadequacy of or lack of access to data (Weiner et al., 2007) and the use of study designs that have limited ability to establish causality. Data used in research on firearm violence are largely taken from datasets developed for other purposes. Methodological challenges include privacy and confidentiality concerns, non-comparability of datasets, definitional differences, and unreliability in self-reporting. The following four research topics were identified as priority areas:

#### *Evaluate Interventions Aimed at Reducing Illegal Access and Possession of Firearms*

Illegal access to and use of firearms is an important factor in our nation's risk from firearm violence. Fundamental questions about the effectiveness of interventions—both social and legal—remain unanswered.

Almost all guns used in criminal acts enter circulation via an initial legal transaction. Background checks at the point of sale may be effective at preventing illegal access to firearms, but these checks are not required for all gun sales or transfers. This, plus the fact that guns are frequently transported across state lines, despite provisions in the 1968 Gun Control Act,<sup>33</sup> may limit the effectiveness of the current system. The result of these inefficiencies is that illegal firearms are readily available to those with criminal intent. In 1998, 1,020 of 83,272 federally licensed retailers (1.2 percent) accounted for 57.4 percent of all guns traced by the ATF (Wintemute et al., 2005). Gun sales are also relatively concentrated: approximately 15 percent of retailers request 80 percent of background checks on gun buyers conducted by the National Instant Criminal Background Check System (NICS) (Wintemute et al., 2005). However, this information requires further study because Wintemute and colleagues (2005) also found that the share of crime gun traces attributed to these few dealers only slightly exceeded their share of handgun sales, which are almost equally concentrated among a few dealers.

**Improve understanding of whether interventions intended to diminish the illegal carrying of firearms reduce firearm violence.**

Examples of research questions that could be examined:

- What is the degree to which background checks at the point of sale are effective in deterring acquisition of firearms by those who are legally disqualified from owning one?
- What is the public health impact of removing firearms from persons who develop a disqualifying characteristic, for example, mental illness with potential for violence?
- Do programs that focus on changing norms in a community decrease illegal gun carrying?

**Improve understanding of whether reducing criminal access to legally purchased guns reduces firearm violence.**

Examples of topics that could be examined:

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<sup>33</sup>Public Law 90-618, 82 Stat. 1213 (October 22, 1968).

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- Are there methods to enhance the reporting of stolen guns in order to reduce illegal access?
- To what degree would mandatory reporting of transfer of private ownership of guns be effective in reducing illegal access?
- To what extent do focused interventions (e.g., “server training,”<sup>34</sup> straw-purchase<sup>35</sup> stings) targeted at high-risk retailers found to be disproportionately associated with gun crimes reduce illegal access?
- How do firearms move from federal firearms-licensed dealers to high-risk/criminal possessors? How can we develop detailed analyses of this illegal area of firearm distribution?

*Evaluate Programs to Reduce Injuries by Legally Possessed Firearms*

In 2010, there were approximately 19,000 suicides by firearm in the United States,<sup>36</sup> and 606 people were killed by a firearm unintentionally.<sup>37</sup> Thousands more were injured and survived with various degrees of disability. Stratifying risk among people with access to guns and reducing that risk may confer a public health benefit. The interaction of alcohol and gun use has been a subject of attention. There is an inconsistent patchwork of state laws to ameliorate the risk of firearm use by those that abuse alcohol. There is a lack of data on the basis for these laws or on their effectiveness.

Risk stratification with respect to mental illness status and the use of firearms is imprecise and not well understood. Although the risk associated with certain specific psychiatric diagnoses is better understood than it has been in the past, conditions that foster a propensity toward violence

<sup>34</sup>Server training is an intervention used to provide staff of establishments that serve alcohol the knowledge and skills to ensure that they serve alcohol in a responsible manner and that they meet their legal responsibilities. Similar interventions may be used in firearm retail establishments.

<sup>35</sup>A “straw purchase” occurs when the buyer of a firearm would not pass required background checks or does not want his or her name associated with the purchase of the firearm and therefore uses someone else to make the actual purchase.

<sup>36</sup>NCIPC. 2013. *WISQARS injury mortality reports: 2010, United States, suicide firearm deaths and rates per 100,000—all races, both sexes, all ages* (accessed April 30, 2013).

<sup>37</sup>NCIPC. 2013. *WISQARS injury mortality reports: 2010, United States, unintentional firearm deaths and rates per 100,000—all races, both sexes, all ages* (accessed April 30, 2013).

and risk taking are not well defined and may not be noticed by authorities in a way that would trigger a prohibition of sale of a firearm.

**Improve understanding of the effectiveness of actions directed at preventing access to firearms by violence-prone individuals.**

Examples of topics that could be examined:

- What would be the effects of altering environmental alcohol availability, such as reducing the number of off-premise alcohol outlets, on firearm violence?
- How effective are policies and enforcement of laws preventing gun sales to people with specific psychiatric diagnoses?
- To what extent does enforcement of laws requiring removal of firearms from the homes of people with a history of intimate partner violence reduce homicide and injury?

*Reduce Harm to Children and Youth*

The risk to young people from firearms falls into three categories: self-injury, including suicide; harm to others, including homicide; and unintentional injury. Although the CDC has devoted significant efforts toward violence reduction, the interaction of guns and violent behavior reduction has not been a focus.

Unintentional firearm injury to children deserves special attention due to the uniquely vulnerable nature of this population, although these incidents are relatively infrequent compared with other types of firearm violence and thus do not constitute a large burden of disease. Young children cannot decide for themselves whether to live in a home with a firearm or whether to store weapons and ammunition safely. Much like other injury countermeasures designed with the vulnerability of children in mind (e.g., rear cameras in vehicles to reduce backover injuries), which have been mandated by Congress irrespective of disease burden, attention should be given to performing research that will inform how to protect this population. Rigorous studies evaluating youth intervention programs is also required to assess the benefits and impact on a youth's interest and comfort in carrying a firearm (Farah et al., 1999; Jackman et al., 2001).

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**Determine the degree to which various childhood education or prevention programs reduce firearm violence in childhood and later in life.**

Examples of topics that could be examined:

- Are school-, family-, and community-based risk-reduction and health-promotion programs effective in reducing firearm violence?
- Are gun safety programs effective in reducing unintentional injury to children from firearms?
- Are school personnel (e.g., nurses, resource officers, teachers) effective at detecting students at risk of causing firearm violence?

*Make High-Risk Environments Less Conducive to Firearm Violence*

Improvements to the environment in “hotspot” areas, including remediation of vacant lots and abandoned buildings, has shown some promise (Branas et al., 2011) in reducing neighborhood firearm violence, but the reasons are not known. Conversely, high-risk neighborhoods with ready access to alcohol for off-premises consumption may face increased risk of alcohol-related violence (Branas et al., 2009). Programs known as “community policing” have resulted in decreased violence beyond arrest and enforcement effects (NRC, 2005).

**Do programs to alter physical environments in high-crime areas result in a decrease in firearm violence?**

Examples of topics that could be examined:

- Is there a correlation between alcohol sales for off-premises consumption and firearm violence in high-risk neighborhoods? Do laws and enforcement regarding sales of alcohol affect gun violence?
- What are the effects on firearm violence of community engagement programs to improve the physical environment? Is there a reduction in firearm violence among youth living in neighborhoods where community policing is practiced?



- For community programs that are considered to have sufficient effectiveness in reducing gun violence, what are the factors that affect adoption, fidelity vs. adaptation, and sustainability or scale-up of programs so that they have a public health impact?

### IMPACT OF GUN SAFETY TECHNOLOGY

One technique that could be used to reduce the number of firearm-related injuries and deaths—intentional or unintentional—is to make guns safer. From a public health perspective, this would involve learning how to interrupt the connection between the agent (the gun or gun user), the host (victim), and the high-risk environment (Runyan, 1998). This is consistent with public health strategies to reduce the burden of product-related injuries, such as safety designs in cars and medicine (Hemenway and Miller, 2013). Research from the injury prevention field indicates that changing products to make them safer is frequently more effective at reducing injury and death than trying to change personal behavior (Teret and Culross, 2002, p. 120). For example, product-safety solutions to reduce childhood poisoning from medicines, such as changes in packaging, have resulted in fewer childhood deaths from medicinal poisoning. Similarly, making guns a safer consumer product would include design or technology improvements that reduce firearm-related deaths and injury.

### Gun Technology Safety Features

The purpose of gun safety technologies is to prevent unintentional “shootings, usually by very young children; the shooting of police officers by assailants using the officers’ own weapons; [and] suicides, especially by teenagers” (NAE, 2003, p. 2). In addition, in some cases this prevention strategy offers the prospect of reducing firearm-related crime by rendering a gun unusable to an unauthorized person.

Safety features in guns are not new. For example, Smith and Wesson firearm manufacturers developed a grip safety for children in the 1880s (Teret et al., 1998). There are both active and passive technologies that may have an impact. Passive technologies—for example, technologies that recognize person-specific features such as voice, hand geometry, iris scans, and fingerprints—are those that confer a safety benefit without requiring any specific action by a user. Active technologies require a

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specific action by a user to enable the technology—for example, to activate a firearm a user has to produce an item that activates the firearm (e.g., tokens, magnetic stripe badges, or proximity cards). Recently, gun safety technologies have focused on solutions that involve advanced technologies, passive, and person-specific approaches, such as “smart guns.” The term “smart gun” is used as an overarching concept to cover all weapons that have some level of user authorization. Types of user authorization include technologies that require

- a user to provide information through mechanisms such as combinations, personal identification numbers, and passwords;
- a user to produce an item that activates the firearm—e.g., tokens, magnetic stripe badges, or proximity cards; or
- an individual recognition—e.g., technologies that recognize person-specific features such as voice, hand geometry, iris scans, and fingerprints (Weiss, 1996).

A personalized smart gun is defined as one that is designed to be fired only by an authorized user, automatically recognizes the user, automatically reverts to a locked state without requiring any overt action (beyond grasping or releasing the weapon), and can be programmed or reprogrammed for different users (Weiss, 1996).

#### Overview of Past and Ongoing Research on Gun Safety Technology

In 1994 and 2001, two studies commissioned by the National Institute of Justice (NIJ)<sup>38</sup> identified 14 potential user-authorized technologies for further exploration. Of those, radio frequency identification (RFID) was determined to be the most viable (Weiss, 1996; Wirsbinski, 2001), but biometric approaches have continued to be explored (see Table 1).

Biometric recognition technology involves the automated verification “of a living person in real time based on a physical characteristic” (Jaiswal et al., 2011, p. 20). These systems rely on recognition of a unique physical characteristic of an individual, such as face, voice, fingerprint, hand geometry, iris, retina, or DNA. Common applications of

<sup>38</sup> Although the research in this area began in order to address a risk to law enforcement, in subsequent years the deaths of police officers by their own weapons have decreased, possibly due to improved training, body armor, and secure holsters (FBI, 2011d).

this technology include ATMs, immigration and border control, fraud protection, privacy of medical records, physical access control, time and attendance records, computer security, telecommunications, and criminal investigations (Jain et al., 2012). Five biometric technologies may be effective in firearms; of those, only two may be adaptable to handguns (NAE, 2005).

### Challenges to Developing Gun Safety Technologies

There are approximately 1,000 patents on record for various designs to prevent access to a firearm by unauthorized users, but many are untested. The patents address a range of unauthorized user prevention devices and methods, such as electronically activated holsters, firearm holster locks with fingerprint identification, audio-controlled gun-locking mechanisms, biometrically activated locks and enablement systems, voice-activated weapon-lock apparatuses, RFID, and various other designs (see Table 1) (PatentStorm, LLC, 2013). Barriers to development of these and other user-authorized technologies include lack of funding and standards:

- **Funding for smart-gun research** largely has come from the federal government, although New Jersey committed some state funding to support the work of the New Jersey Institute of Technology. Together, the state and federal money totaled approximately \$12 million from 1994 to 2005, with no follow-up funding planned at that time. Despite the need for greater research, development efforts will be delayed without ongoing federal support or direct investments by gun manufacturers (NAE, 2005).
- **Safety standards for firearms** are not regulated by the Consumer Product Safety Commission due to a prohibition enacted in 1976 (Teret et al., 1998). Standards and regulations for smart-gun technology are important and consistent with President Obama's plan to protect our children and communities by reducing firearm violence (White House, 2013a).

In addition to these barriers, the development and application of smart-gun technologies have been complicated by problems such as recognition failures due to dirt on fingertips or the use of gloves, voices

or body heat altered by stress, sweat interrupting direct connection with a device, and limited battery life. More work is needed to integrate fully functional technological solutions to particular prevention challenges, improve reliability, and ensure that these technologies are designed to reduce or eliminate the disabling of safety features by unauthorized users.

There is also the challenge of consumer acceptance and adoption of these safety measures. Safety features such as seat belts are sometimes disabled by the consumer, despite widespread public awareness of the risks. Individuals may also “offset the safety gains ... by reducing precautions or taking greater risks” (IOM, 1999, p. 122). Further, due to the costs associated with performing research on new technologies and the implementation of new technologies in the manufacturing of firearms, there is the potential for higher incurred costs by the gun purchasers that may also impact consumer adoption (NAE, 2003). Table 1 includes a broad range of conceivable gun safety technologies, without regard to current technological feasibility, cost, or consumer acceptance.

**TABLE 1** Gun Safety Technology: Examples

<b>Safety Mechanisms</b>	<b>Mechanical Mechanisms</b>	Safety levers on weapons, push-button safeties, magazine disconnects, and firing pin blocks (widely available).
	<b>External locking devices</b>	Prevents the firing of a weapon through an external mechanism that encloses part of or the entire firearm, such as trigger locks, gun lockboxes, locking holsters, and personalized retention holsters or gun lockboxes that use biometrics (fingerprints) to identify authorized users (widely available).
	<b>Key or combination lock</b>	A lockable gun has an integrated or internal mechanism that prevents the locked firearm from being discharged until the user is recognized. A lockable gun requires an overt action by the user to both lock and unlock the firearm (once unlocked, the firearm can be fired by anyone until it is relocked). The locking mechanism may be mechanical, electromechanical, or electronic, such as a key, combination, or access-code technology using a pin number to activate the handgun (widely available).

<b>“Smart” Technologies</b>	<b>Radio frequency identification (RFID)</b>	Integrated data read by radio waves (similar to merchandise control tags commonly used in stores). Data could be stored in a variety of ways, such as on a magnetic strip or memory chip. An example for use in gun technology is embedding a data chip in a watch or ring, with a reader embedded in the firearm. The firearm “recognizes” the user via the data chip, the safety disengages, and the gun can be fired. When originally examined by Colt, the iGun technology was designed for long guns; the project has largely been abandoned. Another version of this approach, called TriggerSmart, is under development by the Georgia Institute of Technology in Ireland. A design feature under development, known as “wide area control,” would allow a receiving device embedded in the firearm to be enabled or disabled remotely when entering designated areas, which has possible military application.
	<b>Magnetic encoding</b>	Magnetically locks mechanisms of the gun and will unlock when in close proximity to the magnetic device, such as a magnetic ring. Existing technology is commercially available as retrofit installations under trade names such as Magloc and Magna Trigger.
	<b>Biometric systems</b>	Automated devices that measure unique physical characteristics to identify and authenticate the authorized user. A number of different systems have been examined, including grip-pattern verification, fingerprint identification, and voice recognition. One system developed by the New Jersey Institute of Technology uses a grip-verification approach called Dynamic Grip Recognition.

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<b>Location awareness</b>	Although still a theory and not currently under development, with a tracking device embedded in the firearm, GPS (global positioning system) technology could allow guns to know their own location and the location of other guns within a certain range. This has the potential, for example, to reduce unintentional injuries for hunters or intentional injuries of police officers by armed assailants.
<b>Target recognition</b>	Still a theory and not currently under development, target-sensing technology could prevent a gun from being fired if a child is within the target field.

SOURCES: Chen and Recce, 2007; NAE, 2005; Newcombe, 2013; Valenta et al., 2013; Weiss, 1996.

### Current and Ongoing Research

Like past technologies that reduce injury, the development of “smart” or user-authorized guns has progressed and likely will have an impact on firearm violence. The research to date illustrates three common conclusions:

1. It is unlikely that one technology will address all circumstances and requirements.
2. Connecting particular technologies with specific scenarios is critical.
3. Technologies will always vary in simplicity, cost, effectiveness, and reliability.

The current state of smart-gun technology appears to be reaching a level of maturity at which private-industry adoption is important and necessary to move the technology to broader use. For example, a smart gun developed in Germany has been approved for importation to the United States (Bulwa, 2013; Teret, 2013). The committee did not determine the exact status of smart-gun technology, but instead focused on the potential public health benefits of such technological developments. A determination of the state of the technology is part of President Obama’s 2013 executive orders to reduce firearm violence; a directive under Ac-

tion #2 directs the attorney general to “issue a report on the availability and most effective use of new gun safety technologies and challenge the private sector to develop innovative technologies” (White House, 2013a, p. 10).

In addition to user-authorization technologies, there are active measures (requiring an overt action by the consumer, such as gun locks, gun safeties, and trigger locks) that responsible gun owners can use to reduce unauthorized access to firearms and help reduce firearm-related deaths (Grossman et al., 2005). Other technologies, such as less-than-lethal weaponry, video surveillance, micro-stamping of ammunition, and gunshot recognition systems using acoustics triangulation, were not considered by this committee. However, technologies that can reduce firearm violence are critically important to complement behavioral and population-level interventions.

### Research Questions

Outstanding research questions include an examination of the most effective application of gun safety technology, the potential for general acceptance and usage of the safety features, and different policy approaches to implementation. In order to address the gaps in knowledge related to public health, the committee has identified three priority areas for research:

1. the effect of specific gun safety technologies on firearm-related injuries and deaths;
2. past consumer adoption lessons to address the challenge of consumer acceptance of gun safety features; and
3. the experiences of various states and countries with gun safety technology to identify effective methods for introducing and disseminating gun safety technologies.

#### *The Effect of Specific Technological Approaches to Reducing Firearm-Related Injuries and Deaths*

Injury prevention science has compared the strengths and limitations of various active strategies to control injuries and has found that passive strategies have a greater effect than attempts to change individual behavior (Teret and Culross, 2002). Therefore, passive strategies, such as per-

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sonalized guns, show promise in reducing firearm violence and may have benefits across multiple public health contexts. In addition, passive strategies may also reduce the incidence of stolen guns and the resulting crimes (NAE, 2003). More data are needed to examine the potential impact of personalized guns in several areas of public health interest.

**Identify the effects of different technological approaches to reduce firearm-related injury and death.**

Examples of topics that could be examined:

- What is the projected impact of passive technologies on reduction of firearm violence, and which of the technologies will have the greatest impact on one or more of the types of harm from firearm violence (i.e., homicide, suicide, unintentional injury)?
  - Are there feasible mechanisms to child-proof, and what is the projected impact of these technologies?
- How would potential technologies impact professional sectors (e.g., police and private security) in performing their duties effectively?
- How compliant would firearm owners be with safety technologies, or would owners disable technologies to assure their ability to use the firearms in an emergency?

*Past Consumer Acceptance Experiences to Inform the Development and Dissemination of Gun Safety Technology*

Previous successful injury prevention strategies have been informed by examining consumer acceptance challenges (Braitman et al., 2010). The integration of passive safety systems in cars, such as airbags, required many years of technology development as well as many years of public discussions before airbags became fully integrated and accepted in the United States. Improved understanding of how product safety measures are accepted and used at the population level is critical to ultimately achieving a reduction of preventable deaths and injuries related to firearms through gun safety technologies.



**Examine past consumer experiences with accepting safety technologies to inform the development and uptake of new gun safety technologies.**

Examples of topics that could be examined:

- Are there lessons from the adoption of other public health interventions involving passive technology improvements that could facilitate the acceptance and dissemination of passive gun safety technologies? Would consumer engagement accelerate acceptance and dissemination of gun safety technologies?
- What were the key factors that led to eventual population-level acceptance of various public safety technologies? Were these factors different for passive versus active technology changes? Were these factors different when active and passive technologies were combined?
- In previous product safety efforts, how long did it take for the safety feature to become reliable and how did that time frame impact consumer acceptance? Would this experience of timing and acceptance impact projections of gun safety technology implementation?
- To what extent did additional costs associated with safety features influence consumer acceptance and adoption?

*State and International Experiences with Gun Safety and Technology*

Another challenge is the implementation of new technologies through various policy mechanisms. There is a range of approaches being adopted by U.S. states and other countries, from mandating that all firearms sold include passive safety features immediately upon availability to requiring that all transfers of firearms include provision of a locking mechanism. Dissemination and adoption levels across states and countries for active strategies, such as gun locks and safeties, as well as for passive strategies, such as personalized guns, are largely unknown. Comparative analyses of state and international policy approaches to implementing active and passive gun safety strategies will improve the understanding of the impact of these interventions and help determine the resulting effect on rates of firearm-related injuries and deaths.

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**Explore individual state and international policy approaches to gun safety technology for applicability to the United States as a whole.**

Examples of topics that could be examined:

- What can be learned from various state or international policy approaches to implementing passive and active gun technology changes, and what has been the impact of these changes on firearm violence?
  - What can be learned about the effects of these changes on the types of firearm-related injuries and deaths?
  - What was the impact of these approaches on consumer adoption and acceptance?
- What have been the adoption rates and effectiveness of active protection technologies among law enforcement users?

However, cross-national comparisons, as suggested here, are susceptible to large ecological biases and unmeasured confounding biases, and therefore conclusions from these studies may not apply to individuals.

#### VIDEO GAMES AND OTHER MEDIA

Although research on the effects of media violence on real-life violence has been carried out for more than 50 years (Cook et al., 1983; Eron and Huesmann, 1980; Eron et al., 1972; Huesmann, 1986; Huesmann and Miller, 1994; Huesmann et al., 2003; McIntyre et al., 1972; Milavsky et al., 1982; Robinson and Bachman, 1972; Rubenstein, 1983; Surgeon General's Scientific Advisory Committee on Television and Social Behavior, 1972), little of this research has focused on real-life firearm violence in particular (Boxer et al., 2009; Huesmann et al., 2003; Ybarra et al., 2008). As a result, a direct relationship between media violence and real-life firearm violence has not been established. Although the bulk of past media violence research has focused on violence portrayed in television and film, more recent research has expanded to include music, video games, social media, and the Internet. Interest in media effects is fueled by the fact that youth spend an increasing amount of time engaging with media. The most recent estimates indicate that 8- to 18-year-olds in the United States spend an average of 7.5 hours per day using

entertainment media, including television, movies, music, cell phones, video games, and the Internet (Kaiser Family Foundation, 2010). Media content is also a concern: more than 800 violent acts are shown on television each hour in the United States; about 15 percent of music videos portray interpersonal violence (Beresin, 2010); and two-thirds of the 97 percent of children who play video games play games that may include violence (Lenhart et al., 2008). However, data on the prevalence of firearm violence in the media are absent. The following section reviews potential associations of exposure to media violence and violent acts, but is not specific to firearm violence.

### **Overview of Past and Ongoing Research on Media Violence and Violent Acts**

#### *Short-Term Experimental Studies on Exposure to Media Violence*

The vast majority of research on the effects of media violence is based on short-term laboratory or field experiments. These studies examine short-term effects of media exposure on physical and verbal aggressive behavior, thoughts, and emotions; hostility; fearful behaviors; physiological arousal (e.g., changes in heart rate); the tendency to mimic behavior; and changes in helpful behaviors, empathy, and pro-social behaviors in both males and females (Anderson, 2004; Anderson and Bushman, 2001; Anderson and Dill, 2000; Anderson et al., 2003, 2010; Bartholow et al., 2005; Browne and Hamilton-Giachritsis, 2005; Bushman and Huesmann, 2006; Fuld et al., 2009). Fewer studies examine the link between short-term exposure to media violence and violent behaviors such as arguing, fighting, aggravated or sexual assault, shooting, stabbing, and robbery (Gentile et al., 2004; Ybarra et al., 2008).

These short-term experimental studies consistently document significant effects of experimentally manipulated media exposure on a wide range of short-term outcomes. Results are broadly similar in studies of television and film violence (Bandura et al., 1963; Bushman and Huesmann, 2001; Huesmann et al., 2000; Paik and Comstock, 1994; Wood et al., 1991) and violent video games (Anderson, 2004; Anderson and Bushman, 2001; Anderson and Dill, 2000; Bartholow et al., 2005; Gentile et al., 2004). However, effects vary as a complex function of interactions among media content, viewer characteristics, and social contexts (Anderson et al., 2003) and are open to a number of interpretations other than those

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avored by the majority of researchers in the area, such as the suggestion that portrayals of competitiveness, rather than violence, account for these negative effects of media exposure (Adachi and Willoughby, 2011a,b; Przybylski et al., 2010).

*Copycat Behaviors as a Result of Media Violence*

Some research suggests that media violence may be imitated or copied in real life, especially in cases of suicide (which may or may not involve a gun) (Bollen and Phillips, 1982; Chen et al., 2012; Gould et al., 2003; Phillips, 1982; Pirkis et al., 2006; Stack, 2003, 2005; Tousignant et al., 2005). Research has shown an increase in suicide attempts after the publicized suicide of a political or entertainment celebrity (Chen et al., 2012; Stack, 2003, 2005; Tousignant et al., 2005), as well as publicity surrounding mass suicides or murder-suicides (Pirkis et al., 2006). A dose-response relationship has also been documented between the intensity of media exposure and the number of subsequent presumably copycat suicides (Etzersdorfer et al., 2001). Evidence has also been found for consistencies between the methods of suicide detailed in media stories and presumably imitative suicides that occur in the wake of media stories (Etzersdorfer et al., 2001; Tousignant et al., 2005), adding to the plausibility of the interpretation that these events are copied. Research has also shown that the strength of effects on presumably imitative suicides varies by type of media, with television publicity sometimes seeming to result in more suicide imitators (Pirkis et al., 2006) and sometimes fewer (Stack, 2003, 2005) than if the suicide was publicized in newspapers.

Although there is not much research in this area, the existing research on broad patterns of presumably copycat acts is sufficiently strong to suggest that it might be useful to carry out more in-depth studies, such as retrospective case-control psychological autopsy studies, in an effort to learn more about the characteristics of people who are susceptible to such media effects and determine if there are any modifiable risk factors that could provide insights on effective preventive interventions. Such in-depth studies might also produce insights that could advise media purveyors about changes in frequency or type of violent content to help reduce copycat effects or encourage help-seeking behaviors (Pirkis et al., 2006; Stack, 2003).

In addition to concerns about direct imitations of media violence, there are other possible adverse effects of media stories such as evening news reports about violent incidents in the community and ongoing sen-

sationalized stories about high-profile murders and mass shootings (i.e., the “mean world syndrome” [Gerbner et al., 1980, 1986]). Some evidence exists that these types of news stories are associated with unrealistic perceptions of low community safety (Chiricos et al., 2000; Ditton et al., 2004; O’Keefe, 1984) as well as, in some cases, secondhand trauma-related fear, depression, feelings of vulnerability, and PTSD (Ahern et al., 2002; Bernstein et al., 2007; Comer et al., 2008; Fremont et al., 2005; Otto et al., 2007; Saylor et al., 2003). The extent to which high exposure to such stories leads to changes in proneness to violence for the exposed individuals, though, has not been the subject of systematic research.

#### **Longer-Term Longitudinal Studies in Youth on Exposure to Media Violence**

A number of longitudinal studies document long-term associations between violent media exposure in childhood and the later occurrence of real-life aggression or violence (Anderson et al., 2010; Boxer et al., 2009; Browne and Hamilton-Giachritsis, 2005; Eron and Huesmann, 1980; Eron et al., 1972; Huesmann, 1996; 2007; Huesmann and Taylor, 2006; Huesmann et al., 1984; Krahé and Möller, 2010; Savage, 2004; Savage and Yancey, 2008; Slater et al., 2003). Some studies have shown that children who favor violent television, movies, or video games or who are heavily exposed to these types of media have elevated rates of later aggression and violence, such as bullying, physical fights, spousal abuse, responding to insults with violence, committing and being convicted of crimes, violent delinquency, and committing moving traffic violations (Anderson et al., 2008; Hopf et al., 2008; Huesmann et al., 2003; Olson et al., 2009). However, the fact that these studies are nonexperimental introduces uncertainties in interpreting the associations they document because of the possibility that unmeasured common causes could account for the associations. Advocates of a causal interpretation of these associations have argued that a causal link is indirectly supported by evidence of dose-response relationships between the magnitude of exposure and subsequent violence (Anderson and Dill, 2000; Anderson et al., 2008; Huesmann et al., 2003) and by the fact that associations persist after introducing statistical controls for plausible confounders (Anderson et al., 2008, 2010; Huesmann et al., 2003; Olson et al., 2009). However, the adequacy of these controls has been disputed by critics (Ferguson, 2011; Ferguson et al., 2008, 2012; Savage, 2004).

Causal interpretations of long-term associations between habitual exposure to media violence and later real-life violence are based on the observational learning process (Carroll and Bandura, 1987) that media violence leads to children learning long-term “aggressive scripts, interpretational schemas, and aggression-supporting beliefs about social behavior” (Anderson et al., 2003, p. 8) that result in more aggressive personalities (Anderson and Bushman, 2001; Bushman and Huesmann, 2006). Children observe others behaving violently, encode scripts for behaving violently themselves, and encode beliefs that violence is normal, increasing the risk that they will act aggressively or violently. Some studies suggest that repeated exposure to media violence may result in desensitization or a decrease in negative emotional response to violence (Anderson et al., 2003, 2010; Bartholow et al., 2005, 2006; Carnagey and Anderson, 2004; Carnagey et al., 2007; Fuld et al., 2009; Funk et al., 2004; Krahé et al., 2011), thereby reducing psychological barriers to committing violent acts. These theories are in line with some naturalistic specifications of the long-term associations documented in studies, such as the finding that associations are stronger for children than for adults (Bushman and Huesmann, 2006). As previously discussed, some mass murders may in fact be suicides preceded by mass murders. It is not, however, understood if media reporting events such as the ones that occurred in Columbine High School; Platte Canyon High School; an Amish school in Nickel Mines, Pennsylvania; Virginia Tech; and Northern Illinois may inadvertently promote these behaviors (IOM, 2013). Further, no experimental or quasi-experimental research (only research based on observational longitudinal and survey studies) has been carried out to provide definitive evidence that the long-term associations are causal rather than due to unmeasured common causes that select violence-prone youth into high levels of exposure to media violence. However, data from existing studies have shown that long-term associations cannot be solely explained by these unmeasured common causes.

### Research Question

The limited evidence reviewed above is quite clear in arguing that significant relationships exist between violent media exposure and some measures of aggression and violent behavior. For example, it seems clear that there is a relationship between news stories of suicide and imitative suicides. The experimental literature is also very convincing in document-

ing effects of short episodes of violent media exposure on short-term outcomes, although, as noted above, some question the assumption that it is the violence of the media content that is the active component in these effects (Adachi and Willoughby, 2011a,b; Przybylski et al., 2010). There is also controversy about the extent to which evidence of such short-term effects is relevant to the long-term associations found between persistent violent media exposure in youth and subsequent real-life violence (Browne and Hamilton-Giachritsis, 2005; Ferguson, 2011; Ferguson et al., 2013; Savage, 2004); the absence of experimental data renders it impossible to make unequivocal interpretations of these long-term associations (Ferguson, 2009; Grimes et al., 2008; Gunter and Daly, 2012). Critics note additional limitations of studies documenting long-term associations between violent media exposure and real-life violence, including poorly validated outcome measures and inconsistent measures across studies of aggression, childhood media exposure, and later violence (Ferguson, 2011; Ferguson and Kilburn, 2009; Kutner and Olson, 2008; Savage, 2004).

The number and variety of long-term prospective studies are sufficient to warrant systematic parallel secondary analyses to address criticisms regarding appropriateness of measures and adequacy of controls. Appropriateness of measures could be addressed by sensitivity analyses to examine variation in results, based on recoding the baseline measures of media exposure and refining outcomes to focus on the subset of violent behaviors with more public health significance. Concerns about adequacy of controls in original analyses could be addressed by applying consistent methods of control analysis using modern statistical methods for supporting causal inferences based on non-experimental data.

**Examine the relationship between exposure to media violence and real-life violence.**

Examples of topics that could be examined:

- Synthesize evidence from existing studies and relevant databases that would reveal long-term associations between violent media exposure in childhood and subsequent adolescent or adult firearm-related violence. Studies should focus on evidence regarding the consistency and strength of these associations and the sensitivity of effect-size estimates.

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- Is there a relationship between long-term exposure to media violence and subsequent firearm-related violence? To what degree do violence-prone individuals disproportionately expose themselves to media violence?
- If such a relationship exists, is it causal and who is most susceptible?
- If a plausible case can be made that the relationship is causal, what kinds of people are most susceptible to the effects of media violence?
- If the relationship is causal, which dimensions of media exposure are driving the relationship (e.g., competitiveness, violence, particular violence subtypes or contexts)?
- Are the magnitude and consistency of the plausibly causal relationship sufficient to suggest a public health research agenda on interventions related to media violence?



## A

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**B**

**Public Meeting and Workshop Agenda**

**COMMITTEE ON PRIORITIES FOR A PUBLIC HEALTH  
RESEARCH AGENDA TO REDUCE THE THREAT OF  
FIREARM-RELATED VIOLENCE**

**Monday, April 22, 2013  
Room 201**

National Academies Keck Center  
500 Fifth Street, NW  
Keck Building  
Washington, DC 20001

***OPEN SESSION***

**BACKGROUND AND OVERVIEW**

Session objectives: To obtain a better understanding of the background to the study and the charge to the committee. To have a discussion with the study sponsor about what a public health agenda should and should not include. To consider a process for prioritizing a research agenda.

3:30 p.m. Welcome and Introductions

ALAN LESHNER, *Committee Chair*  
Chief Executive Officer  
American Association for the Advancement of Science  
(AAAS)  
Executive Publisher, *Science*

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- 3:45 p.m. Background and Charge to the Committee  
LINDA DEGUTIS  
Director  
National Center for Injury Prevention and Control  
Centers for Disease Control and Prevention (CDC)
- 4:15 p.m. Committee Discussion with Sponsor
- 5:00 p.m. Panel Discussion: Strategies and Criteria to Prioritize a Research Agenda  
  
DAVID FLEMING  
Director  
Seattle–King County Health Department  
  
DEAN JAMISON  
Professor, Global Health  
Adjunct Professor, Health Services  
Department of Global Health  
University of Washington
- 5:30 p.m. Committee Discussion with Panelists
- 6:00 p.m. Adjourn

**Tuesday, April 23, 2013**  
**Room 100**

National Academies Keck Center  
500 Fifth Street, NW  
Washington, DC 20001

**Background:**

Firearms are often a factor in both self-directed and interpersonal violence-related deaths and injuries, and understanding more about the relationship between firearms and violence is essential to improving population health and safety. Critical information is needed to improve our understanding of how best to prevent firearm-related violence and its consequences, including

- Conducting research to identify risks and protective factors for gun violence to guide effective prevention strategies.
- Evaluating the effectiveness of interventions to prevent gun-related violence, including those likely to have the greatest public health impact.

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This workshop will invite stakeholders to provide input on potential themes of a research agenda that will examine how to prevent gun violence, including firearm homicides, suicides, and nonfatal injuries, the interventions and prevention strategies that are currently used and that need to be evaluated as well as new and innovative strategies, and the variety of risk and protective factors associated with firearms. The proposed agenda should identify research questions that can be answered in the short term that can lead to the greatest public health impact and research questions that can shed light on the characteristics of gun violence and the potential to prevent gun violence.

**Meeting Objectives:**

The workshop will seek to explore potential research topics in the following five areas: (1) characteristics of gun violence, (2) interventions and strategies, (3) technology, (4) video games and other media, and (5) risk and protective factors. Identified research topics should be those that can be answered in the short term and those that can lead to the greatest public health impact.

**OPEN SESSION**

8:30 a.m.	Welcoming Remarks
	JUDITH SALERNO Leonard D. Schaeffer Executive Officer Institute of Medicine
	ROBERT HAUSER Executive Director Division of Behavioral and Social Sciences and Education National Research Council
8:35 a.m.	Committee Introductions and Meeting Objectives
	ALAN LESHNER, <i>Committee Chair</i> Chief Executive Officer, AAAS Executive Publisher, <i>Science</i>

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8:45 a.m. Context for and Charge to the Committee

LINDA DEGUTIS  
 Director  
 National Center for Injury Prevention and Control  
 CDC

9:00 a.m. Discussion with the Committee

**SESSION I: DATA GAPS IN POLICY DISCUSSIONS**

Session objective: Identify data and evidence-based research needs that may inform ongoing and future policy discussions as they relate to gun-related violence and prevention.

9:15 a.m. Session Objectives

ALAN LESHNER, *Committee Chair*  
 Chief Executive Officer, AAAS  
 Executive Publisher, *Science*

9:20 a.m. Panel Discussion: What Research Is Needed to Help to Inform Policy

RICHARD FELDMAN  
 President  
 Independent Firearm Owners Association

PHILIP COOK  
 Senior Associate Dean for Faculty and Research  
 ITT/Terry Sanford Professor of Public Policy  
 Professor of Economics and Sociology and Faculty  
 Affiliate, Center for Child and Family Policy  
 Duke Sanford School of Public Policy

DANIEL GROSS  
 President  
 Brady Campaign to Prevent Gun Violence



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KEITH HOTLE  
Chronic Disease and Substance Abuse Unit Manager  
Suicide Prevention Team Leader  
Public Health Division, Wyoming Department of  
Health

JOHN FRAZER  
Director  
Research and Information Division  
National Rifle Association Institute for Legislative Action

10:20 a.m. Discussion with Committee

ALAN LESHNER, *Committee Chair*  
Chief Executive Officer, AAAS  
Executive Publisher, *Science*

11:00 a.m. BREAK

## SESSION II: OVERVIEW OF ONGOING VIOLENCE RESEARCH

Session objectives: Review currently funded research topics for gun-related violence and prevention. Explore relevant key areas of research currently being conducted on non-gun-related violence and prevention.

11:15 a.m. Panel Discussion: Gun Violence and Prevention Research Activities

STEPHEN HARGARTEN, *Moderator*  
Professor and Chair  
Department of Emergency Medicine  
Director, Injury Research Center  
Associate Dean, Global Health  
Medical College of Wisconsin

NINA VINIK  
Program Director  
Gun Violence Prevention  
The Joyce Foundation

DANIEL WEBSTER  
Center for Gun Policy and Research  
Johns Hopkins Bloomberg School of Public Health

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GREG RIDGEWAY  
Director  
National Institute of Justice

PAUL BLACKMAN  
Research Coordinator (Retired)  
National Rifle Association

12:15 p.m. Discussion with Committee

STEPHEN HARGARTEN, *Moderator*  
Professor and Chair  
Department of Emergency Medicine  
Director, Injury Research Center  
Associate Dean, Global Health  
Medical College of Wisconsin

12:45 p.m. Lunch

1:30 p.m. Panel Discussion: Ongoing Non-Gun-Related Violence  
and Prevention Research

STEPHEN HARGARTEN, *Moderator*  
Professor and Chair  
Department of Emergency Medicine  
Director, Injury Research Center  
Associate Dean, Global Health  
Medical College of Wisconsin

JULIA DA SILVA  
Director, Violence Prevention Office  
American Psychological Association

DEBORAH GORMAN-SMITH  
Professor  
University of Chicago School of Social Service  
Administration

MATTHEW MILLER  
Associate Director, Harvard Injury Control Research  
Center  
Associate Professor, Department of Health Policy  
and Management  
Harvard University

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JACQUELYN CAMPBELL  
 Professor and Anna D. Wolf Chair  
 Department of Community-Public Health  
 School of Nursing, Johns Hopkins University

2:30 p.m. Discussion with Committee

STEPHEN HARGARTEN, *Moderator*  
 Professor and Chair  
 Department of Emergency Medicine  
 Director, Injury Research Center  
 Associate Dean, Global Health  
 Medical College of Wisconsin

## SESSION III: PUBLIC COMMENT

Session objective: Seek public comment from interested stakeholders about key research topics for a public health research agenda that would assess the causes of gun violence and evaluate existing or potential public health interventions to prevent firearm-related violence.

*Note: To accommodate requests, speakers will be strictly limited to 3 minutes.*

3:00 p.m. Public Comment: Topics for a Public Health Research  
 Agenda on Gun Violence

ALAN LESHNER, *Committee Chair*  
 Chief Executive Officer, AAAS  
 Executive Publisher, *Science*

## SESSION IV: RESEARCH PRIORITIES: BREAKOUT SESSIONS

Session objectives: Identify key public health research that would assess the causes of gun violence and evaluate existing or potential public health interventions to prevent firearm-related violence. Provide an evidence base for why that research is needed.

3:30 p.m. Session Objectives

ALAN LESHNER, *Committee Chair*  
 Chief Executive Officer, AAAS  
 Executive Publisher, *Science*

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3:45-6:00 p.m. Breakout Panels  
 A (Room 100)  
 B (Room 204)  
 C (Room 202)  
 D (Room 206)  
 E (Room 110)

**BREAKOUT A: CHARACTERISTICS OF GUN VIOLENCE**

Breakout objective: Identify research questions necessary to improve understanding of the characteristics of both fatal and nonfatal gun violence.

3:45 p.m. Panel Discussion: Characteristics of Gun Violence

SUSAN SORENSON, *Moderator*  
 Professor of Social Policy  
 Senior Fellow in Public Health  
 University of Pennsylvania

JAY CORZINE  
 Professor of Sociology  
 University of Central Florida

SHELDON GREENBERG  
 Associate Dean of the School of Education  
 Division of Public Safety Leadership  
 Associate Professor of Management  
 Johns Hopkins University

DAVID HEMENWAY  
 Director  
 Injury Control Research Center  
 Harvard University

JON VERNICK  
 Associate Professor  
 Co-Director, Johns Hopkins Center for Gun Policy and Research  
 Deputy Director, Johns Hopkins Center for Injury Research and Policy  
 Johns Hopkins Bloomberg School of Public Health

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5:00 p.m. Discussion with Committee and Participants

SUSAN SORENSON, *Moderator*  
 Professor of Social Policy  
 Senior Fellow in Public Health  
 University of Pennsylvania

6:00 p.m. Adjourn

**BREAKOUT B: INTERVENTION RESEARCH PRIORITIES**

Breakout objective: Identify research questions that are necessary to improve understanding of the effectiveness of interventions and strategies to prevent or reduce gun-related injuries. These may include, but should not be limited to, research questions related to the impact of public education campaigns, youth access to and use of guns, safe storage practices, access to guns, and improved personal protection.

3:45 p.m. Panel Discussion: Intervention Research Priorities

JEFF RUNGE, *Moderator*  
 Principal  
 The Chertoff Group

ROSEANNA ANDER  
 Executive Director  
 University of Chicago Crime Lab

CHARLES BRANAS  
 Professor of Epidemiology  
 University of Pennsylvania Perelman School of Medicine

CARLISLE MOODY  
 Professor of Economics  
 The College of William and Mary

GAREN WINTEMUTE  
 Professor of Emergency Medicine  
 Director, Violence Prevention Research Program  
 University of California, Davis

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5:00 p.m. Discussion with Committee and Participants

JEFF RUNGE, *Moderator*  
Principal  
The Chertoff Group

6:00 p.m. Adjourn

**BREAKOUT C: TECHNOLOGY RESEARCH PRIORITIES**

Breakout objective: Identify research questions related to potential technologies that may reduce gun-related violence, including how guns and ammunition can be designed and engineered to improve safety and prevent misuse.

3:45 p.m. Panel Discussion: Technology Research Priorities

DONALD CARLUCCI, *Moderator*  
Senior Research Scientist (ST)  
U.S. Army Armament, Research, Development and  
Engineering Center, Picatinny Arsenal

JOSEPH DOWLING  
General Manager  
Senior Researcher and Technical Lead  
Georgia Tech Ireland

MARK GREENE  
General Engineer  
National Institute of Justice

DONALD SEBASTIAN  
Senior Vice President for Research & Development  
New Jersey Institute of Technology

STEPHEN TERET  
Director, Center for Law and the Public's Health  
Johns Hopkins Bloomberg School of Public Health

5:00 p.m. Discussion with Committee and Participants

DONALD CARLUCCI, *Moderator*  
Senior Research Scientist (ST)  
U.S. Army Armament, Research, Development and  
Engineering Center, Picatinny Arsenal

6:00 p.m. Adjourn

**BREAKOUT D: VIDEO GAMES AND OTHER MEDIA**

Breakout objective: Identify questions that improve understanding of the impact of violence in video games, the media, and social media on real-life violence.

- 3:45 p.m. Panel Discussion: Research Priorities to Understand the Impact of Video Games and Other Media
- RONALD KESSLER, *Moderator*  
McNeil Family Professor of Health Care Policy  
Harvard Medical School
- BRAD BUSHMAN  
Professor of Communication and Psychology  
Margaret Hall and Robert Randal Rinehart Chair of Mass  
Communication  
School of Communication  
Ohio State University
- CHRISTOPHER FERGUSON  
Associate Professor  
Psychology and Criminal Justice  
Texas A&M International University
- NADINE KASLOW  
Professor and Vice Chair for Faculty Development  
Department of Psychiatry and Behavioral Sciences  
Emory University School of Medicine
- JOHN MURRAY  
Research Fellow, Department of Psychology  
Washington College  
Visiting Scholar, Center on Media and Child Health  
Children's Hospital Boston, Harvard Medical School
- 5:00 p.m. Discussion with Committee and Participants
- RONALD KESSLER, *Moderator*  
McNeil Family Professor of Health Care Policy  
Harvard Medical School
- 6:00 p.m. Adjourn

<b>BREAKOUT E: RISK AND PROTECTIVE FACTORS RESEARCH PRIORITIES</b>
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Breakout objective: Identify research questions that will assess potential risk and protective factors and other critical issues, such as socioeconomic and socio-cultural environments.

3:45 p.m. Panel Discussion: Risk and Protective Factors Research  
Priorities

JOHN RICH, *Moderator*  
Professor and Chair of Health Management and Policy  
Drexel University School of Public Health

JAMES GILLIGAN  
Clinical Professor of Psychiatry  
New York University School of Medicine

ARTHUR KELLERMANN  
Paul O'Neill-Alcoa Chair in Policy Analysis  
RAND Health  
RAND Corporation

SHARON LAMBERT  
Associate Professor of Clinical and Community  
Psychology  
Department of Psychology  
The George Washington University

DEANNA WILKINSON  
Associate Professor  
Department of Human Development & Family Science  
The Ohio State University

5:00 p.m. Discussion with Committee and Participants

JOHN RICH, *Moderator*  
Professor and Chair of Health Management and Policy  
Drexel University School of Public Health

6:00 p.m. Adjourn



## C

## Committee Biographies

**Alan I. Leshner, Ph.D.** (*Chair*), is chief executive officer of the American Association for the Advancement of Science (AAAS) and executive publisher of the journal *Science*, a post he has held since December 2001. From 1994 to 2001, Dr. Leshner was director of the National Institute on Drug Abuse at the National Institutes of Health. Prior to that, Dr. Leshner was the deputy director and acting director of the National Institute of Mental Health (NIMH). He went to NIMH from the National Science Foundation, where he held a variety of senior positions, focusing on basic research in the biological, behavioral, and social sciences; science policy; and science education. Dr. Leshner is an elected fellow of AAAS, the National Academy of Public Administration, the American Academy of Arts and Sciences, and many other professional societies. He is a member of the Institute of Medicine of the National Academy of Sciences and served on its governing council. He was appointed to the National Science Board by President George W. Bush in 2004 and reappointed by President Obama in 2011. Dr. Leshner received an undergraduate degree in psychology from Franklin and Marshall College and M.S. and Ph.D. degrees in physiological psychology from Rutgers University. He has been awarded six honorary doctor of science degrees.

**Louis Arcangeli, M.Ed.**, is currently a part-time instructor in the department of criminal justice at Georgia State University, a position he has held since 2003. Mr. Arcangeli is retired from the Atlanta Police Department (APD), where his 33 years of service included 5 years as a deputy chief of police and 7 years as an elected pension fund trustee. While with the department, Mr. Arcangeli served as the deputy chief of APD planning for the 1996 Olympic Games and the implementation of a new

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E-911 Center and APD communications system. He has been a police instructor for the Georgia Public Safety Training Center and a Hunter Safety Instructor for the Georgia Department of Natural Resources, Wildlife Management Division. Mr. Arcangeli is a graduate of the Federal Bureau of Investigation National Academy and holds a master's degree in education from Georgia State University.

**Alfred Blumstein, Ph.D.**, is university professor and J. Erik Jonsson Professor of Urban Systems and Operations Research in the H. John Heinz III College of Public Policy and Information Systems at Carnegie Mellon University. Before joining Heinz in 1969, Dr. Blumstein was at the Institute for Defense Analyses, where he was director of the Office of Urban Research and a member of the Research Council. He also served as the director of the Science and Technology Task Force for the President's Commission on Law Enforcement and Administration of Justice. Dr. Blumstein was a member of the National Academy of Sciences Committee on Research on Law Enforcement and the Administration of Justice from its founding in 1975 until 1986, serving as chairman from 1979 to 1984. He also served from 1979 to 1990 as chairman of the Pennsylvania Commission on Crime and Delinquency, the state's criminal justice planning agency, and as a member of the Pennsylvania Commission on Sentencing from 1986 to 1996. Dr. Blumstein's research during the past 20 years has covered many aspects of criminal justice phenomena and policy, including crime measurement, criminal careers, sentencing, deterrence and incapacitation, prison populations, flow through the system, demographic trends, juvenile violence, and drug-enforcement policy. Dr. Blumstein has also served as director of the National Consortium on Violence Research. He was appointed in 2012 as chair of the Science Advisory Board for the Office of Justice Programs in the U.S. Department of Justice. Dr. Blumstein was a 2007 recipient of the Stockholm Prize in Criminology. He is a member of the National Academy of Engineering. Dr. Blumstein received a bachelor's degree in engineering physics and a Ph.D. in operations research from Cornell University.

**C. Hendricks Brown, Ph.D.**, is a professor of epidemiology and public health in the Miller School of Medicine at the University of Miami. He also holds adjunct professor positions in the departments of biostatistics and mental health at the Johns Hopkins Bloomberg School of Public Health. In addition, he is a senior research scholar at the American Insti-

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tutes for Research and a collaborating senior scientist at the Oregon Center for Research to Practice. As director of the Prevention Science and Methodology Group, Dr. Brown leads a national network of 120 scientists and methodologists who are working on the design of preventive field trials and their analysis, particularly with advanced techniques for growth analysis and missing data. He is also the co-director of the multi-site Center for Integrating Education and Prevention in Schools. Dr. Brown previously served as distinguished university health professor in the department of epidemiology and biostatistics in the College of Public Health at the University of South Florida. Recently, his work has focused on the prevention of serious mental disorders such as schizophrenia and the prevention of suicide. Funding from National Institute of Mental Health supports his research to evaluate the impact of antidepressants on suicide using multiple datasets. Dr. Brown has chaired or co-chaired a number of international meetings related to synthesizing the evidence of prevention studies and serves on numerous federal panels, advisory boards, and editorial boards. He completed his undergraduate work at Vanderbilt University and received an M.A. in chemistry and a Ph.D. in statistics from the University of Chicago.

**Donald Carlucci, Ph.D.**, is the U.S. Army senior scientist for computational structural modeling at the U.S. Army Armament, Research, Development and Engineering Center, Picatinny Arsenal, where he has been employed since 1989. He was formerly chief of the Analysis and Evaluation Technology Division, Fuze and Precision Munitions Technology Directorate, responsible for the modeling and evaluation of cannon-launched munitions programs at Picatinny, and chief scientist for the XM982 Excalibur guided projectile. He also teaches graduate classes at Stevens Institute of Technology on Interior, Exterior and Terminal Ballistics as well as undergraduate classes on engineering design. Dr. Carlucci formerly held the position of development program officer (chief engineer) for Sense and Destroy Armor (SADARM). Prior to employment at Picatinny, he was a design engineer for Titanium Industries in Fairfield, New Jersey, and held positions as chief engineer, quality assurance manager, and purchasing manager for Hoyt Corporation, located in Englewood, New Jersey. He is a licensed professional engineer in the states of New Jersey and New York. He earned a doctorate in mechanical engineering and a master's degree in engineering (mechanical) from Stevens Institute of Technology and a bachelor of science degree in mechanical engineering from the New Jersey Institute of Technology.

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**BG (Ret.) Rhonda Cornum, M.D., Ph.D.**, is director of health strategy at TechWerks and a private consultant for resilience building within large organizations. She previously served as the first director of the U.S. Army's novel Comprehensive Soldier Fitness initiative. Before that, she served as assistant surgeon general for force projection. In this capacity, she was responsible for policies and procedures to prepare soldiers and units for deployment. She commanded the Landstuhl Regional Medical Center, which is the evacuation hub for Iraq, Afghanistan, Africa, and Europe, during the height of the Iraq and Afghanistan conflicts. Dr. Cornum sits on numerous committees and advisory boards, including the Advisory Committee on Former Prisoners of War for the Department of Veterans Affairs and the External Advisory Board for the Millennium Cohort Study. Dr. Cornum is board-certified in urology, a fellow of both the American College of Surgeons and the Aerospace Medical Association, a member of the American Society of Nutrition, and an adjunct professor at the Uniformed Services University of the Health Sciences. Her decorations include the Distinguished Service Medal, Legion of Merit, Distinguished Flying Cross, Bronze Star, Meritorious Service Medal (with four oak leaf clusters), Purple Heart, Air Medal, and Prisoner of War Medal. She received her Ph.D. in biochemistry and nutrition from Cornell University and an M.D. from the Uniformed Services University of the Health Sciences.

**Paul K. Halverson, Dr.P.H., M.H.S.A., F.A.C.H.E.**, is the founding dean at the Indiana University Richard M. Fairbanks School of Public Health. He previously served as the director of health and state health officer of the Arkansas Department of Health and as the secretary of the Arkansas State Board of Health. He was a professor of public health and medicine at the University of Arkansas for Medical Sciences and an adjunct professor of public health at the University of North Carolina (UNC) at Chapel Hill. Dr. Halverson is also past president of the Association of State and Territorial Health Officials as well as past chair of the Public Health Accreditation Board. Prior to his move to Arkansas, Dr. Halverson served as a member of the Senior Biomedical Research Service at the Centers for Disease Control and Prevention (CDC). As the director of the Division of Public Health Systems Development and Research, Dr. Halverson had responsibility for strengthening the effectiveness of public health systems throughout the world. Prior to his appointment at CDC, Professor Halverson was a member of the faculty in the Department of Health Policy and Administration at the University

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of North Carolina School of Public Health. Prior to his appointment at UNC, Dr. Halverson served as a hospital administrator in Arizona, Minnesota, and Michigan. He earned a master's in health services administration from Arizona State University and a doctor of public health in health policy and administration from UNC at Chapel Hill.

**Stephen W. Hargarten, M.D., M.P.H.**, is professor and chair of the department of emergency medicine, associate dean for the global health program, and director of the Injury Research Center at the Medical College of Wisconsin. He is also a member of the Injury Research Center's Education Core, which is focused on the development of a model injury prevention and control curriculum integrated across all 4 years of the medical student curriculum and the development of targeted injury prevention and control research training initiatives for medical and graduate students to prepare the next generation of injury research scientists. His research interests reflect an intersection of injury prevention and health policy to address the burden of injuries. Dr. Hargarten was the first chair of the statewide Committee on Trauma System Development for the Wisconsin State Health Department. He also served as chair of the Wisconsin Seat Belt Coalition and devoted considerable effort toward seat belt legislation in Wisconsin. He serves as a board member for Advocates of Highway and Auto Safety and the Association for Safe International Road Travel. He was the founding president of the Society for the Advancement of Violence and Injury Research. Dr. Hargarten received his M.D. from the Medical College of Wisconsin and an M.P.H. from the Johns Hopkins Bloomberg School of Public Health.

**Ronald C. Kessler, Ph.D.**, is the McNeil Family Professor of Health Care Policy at Harvard Medical School, where he has served on the faculty since 1994. Prior to his most recent position, he was a professor of sociology and a program director at the University of Michigan's Institute for Social Research. Dr. Kessler is the principal investigator of the U.S. National Comorbidity Survey, the first nationally representative survey of the prevalence and correlates of mental disorders in the United States, and a co-director of the World Health Organization's World Mental Health Survey Initiative, a series of comparative community epidemiological surveys of the prevalence and correlates of mental disorders and treatment for those disorders in 28 countries around the world. He is also the principal investigator of the Harvard Medical School site for Army STARRS (Study To Assess Risk and Resilience in Servicemembers), a

research program funded by the U.S. Army and the National Institute of Mental Health (NIMH) to study risk and protective factors for suicide among Army personnel. Dr. Kessler's research deals broadly with the social determinants of mental health and illness as studied from an epidemiological perspective. He is the author of more than 600 publications and the recipient of many awards for his research, including the Senior Scientist and MERIT awards from NIMH. He is a member of both the National Academy of Sciences and the Institute of Medicine. Dr. Kessler earned his Ph.D. in sociology from New York University and completed a postdoctoral fellowship in psychiatric epidemiology at the University of Wisconsin.

**Gary Kleck, Ph.D.**, is the David J. Bordua Professor of Criminology and Criminal Justice and a courtesy professor of law at the Florida State University, where he has been on the faculty since 1978. Dr. Kleck's research interests are in gun control, deterrence, crime control, and the study of violence. He is the winner of the 1993 Michael J. Hindelang Award, bestowed by the American Society of Criminology, which named his book *Point Blank: Guns and Violence in America* "the most outstanding contribution to criminology." Dr. Kleck's subsequent work *Armed: New Perspectives on Gun Control* was featured in the *Choice: Current Reviews for Academic Librarians* 39th annual Outstanding Academic Title List, which recognizes books for "excellence in scholarship and presentation, the significance of their contribution to their field, and their value as an important treatment of their topic." Dr. Kleck is a member of the American Society of Criminology and the Academy of Criminal Justice Sciences. He earned his B.A., M.A., and Ph.D. in sociology from the University of Illinois at Urbana-Champaign.

**John A. Rich, M.D., M.P.H.**, is professor and chair of health management and policy at the Drexel University School of Public Health. He is also the director of the Center for Nonviolence and Justice at Drexel. His work has focused on African American men in urban settings. In 2006, Dr. Rich was granted a MacArthur Fellowship for his work to design "new models of health care that stretch across the boundaries of public health, education, social service, and justice systems to engage young men in caring for themselves and their peers." Prior to arriving at Drexel University, Dr. Rich served as the medical director of the Boston Public Health Commission. As a primary care doctor at Boston Medical Center, he created the Young Men's Health Clinic and initiated the Boston

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HealthCREW, a program to train inner-city young men to become peer health educators. He published a book about urban violence titled *Wrong Place, Wrong Time: Trauma and Violence in the Lives of Young Black Men* (Johns Hopkins University Press, 2009). In 2009, Dr. Rich was inducted into the Institute of Medicine of the National Academy of Sciences. He earned his A.B. degree in English from Dartmouth College, his M.D. from Duke University School of Medicine, and his M.P.H. from the Harvard School of Public Health.

**Jeffrey W. Runge, M.D.**, is a principal at The Chertoff Group, a firm providing business risk management and security sector advisory services, and president of Biologue, Inc., a consulting firm specializing in biodefense, medical preparedness, and injury prevention and control. He is also an adjunct professor in the School of Medicine at the University of North Carolina at Chapel Hill. From 2005 to 2008, Dr. Runge served as the Department of Homeland Security's (DHS's) first chief medical officer and led the reorganization of biodefense operations into a new Office of Health Affairs (OHA). OHA acts as the principal adviser to all DHS component agencies on medical, biodefense, and workforce health issues. From 1984 to 2001, Dr. Runge practiced and taught emergency medicine in a North Carolina emergency department and trauma center and researched injury prevention, trauma care, and emergency service delivery. His leadership and innovation in road traffic safety brought him to Washington, DC, as the head of the National Highway Traffic Safety Administration, where he instituted programs that led to the first absolute declines in U.S. motor vehicle deaths in almost a decade and the lowest highway fatality rate in history. Dr. Runge is board-certified in emergency medicine and has published more than 60 articles in medical literature in the fields of emergency medicine, traffic injury control, and medical preparedness. Dr. Runge is a graduate of the University of the South in Seawane, Tennessee, and received his medical degree from the Medical University of South Carolina.

**Susan B. Sorenson, Ph.D.**, is professor of social policy and practice and professor of health and societies at the University of Pennsylvania. She is a senior fellow with the Center for Public Health Initiatives and the director of the Evelyn Jacobs Ortner Center on Family Violence. She previously taught and conducted research for 20 years at the University of California, Los Angeles (UCLA), School of Public Health. Dr. Sorenson has published widely on the epidemiology and prevention of

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violence, including the areas of homicide, suicide, sexual assault, child abuse, battering, and firearms. A primary focus of her work is the social context in which violence occurs, specifically, the norms that shape whether and how violence is tolerated. In addition to her academic work, Dr. Sorenson has served on the board of directors and advisory boards of local community-based organizations, state government agencies, and university injury prevention centers. In 1991, she co-founded the Violence Prevention Coalition of Greater Los Angeles. She was a consultant to President Clinton's National Advisory Council on Violence Against Women; a consultant to the United Nations Children's Fund May 2000 report *Domestic Violence Against Women and Girls*; and a member of the advisory panel for the 2001 U.S. Surgeon General's Report on Youth Violence. She is the author of a 2008 World Health Organization report on health indicators of violence against children in low- and middle-income countries. Dr. Sorenson earned a B.S. in sociology and psychology from the Iowa State University, an M.S. in psychology from the Illinois Institute of Technology, and a Ph.D. in clinical psychology from the University of Cincinnati. Dr. Sorenson completed a postdoctoral fellowship at the UCLA School of Public Health.

**David Vlahov, Ph.D., R.N., FAAN**, is dean and professor at the University of California, San Francisco, School of Nursing. He previously served as professor of epidemiology at Johns Hopkins University and Columbia University and held adjunct positions at the New York University (NYU) College of Nursing and at the medical schools of Cornell, Mount Sinai, and NYU. He also served as co-director of the Robert Wood Johnson Foundation's Health and Society Scholars program. Dr. Vlahov's research interests are in epidemiology, infectious diseases, substance abuse, and mental health. He has conducted studies of urban populations in Baltimore for more than 20 years and has led epidemiological studies in Harlem and the Bronx that have served as a platform for subsequent individual- and community-level intervention studies and community-based participatory research to address social determinants of health. Dr. Vlahov established the International Society for Urban Health, serving as its first president, and also served on the New York City Board of Health. He was a visiting professor at the Medical School in Belo Horizonte, Brazil, developing its programs in urban health, and an expert consultant to the World Health Organization's Urban Health Center in Kobe, Japan. Dr. Vlahov is the editor-in-chief of the *Journal of Urban Health*, has edited 3 books on urban health, and has published



more than 610 scholarly papers. He received his baccalaureate in history from Earlham College, his bachelor's and master's degrees in nursing from the University of Maryland, and his doctorate in epidemiology from the Johns Hopkins Bloomberg School of Public Health.



**Statement for the Record**  
**American College of Physicians**  
**To the United States House Committee on the Judiciary**  
**Subcommittee on Crime, Terrorism, and Homeland Security**  
**On**  
**“An Unending Crisis: Essential Steps to Reducing Gun Violence and Mass Shootings”**  
**May 20, 2021**

The American College of Physicians (ACP), respectfully submits this statement for the record for the Subcommittee on Crime, Terrorism, and Homeland Security’s hearing on “An Unending Crisis: Essential Steps to Reducing Gun Violence and Mass Shootings” held on May 20, 2021. We are writing to urge the U.S. House of Representatives to continue to put partisanship aside and come together to act on much-needed policy reforms to address the senseless firearms-related injuries and deaths that continue to occur across this nation. We commend the House for passing legislation such as the Bipartisan Background Checks Act of 2021 (H.R. 8) earlier this year. However, recent tragic mass shootings that occurred recently in Colorado and Georgia continue to be a loud wake-up call to lawmakers that more needs to be done to stop this epidemic of firearms-related violence. You have it within your power to achieve some positive change by passing legislation that is currently pending in your chamber.

ACP is the largest medical specialty organization and the second-largest physician group in the United States. ACP members include 163,000 internal medicine physicians (internists), related subspecialists, and medical students. Internal medicine physicians are specialists who apply scientific knowledge and clinical expertise to the diagnosis, treatment, and compassionate care of adults across the spectrum from health to complex illness.

ACP remains alarmed by the tragic toll of death and injuries related to firearms in our neighborhoods, homes, workplaces, and public spaces. Deaths and injuries from firearms are not just a result of mass shootings, they are also a daily occurrence; according to a [study](#) published in the [JAMA Internal Medicine journal](#), from 2009-2017, there has been an average of 120,232 firearm injuries each year, or 329 per day, for an average of 34,538 deaths per year and an average of 85,694 emergency department visits per year for nonfatal injuries. In 2019, 39,707 Americans lost their lives due to firearms, according to the [CDC](#). This issue represents an urgent public health crisis and now is the time to act, on a bipartisan basis, on measures to improve the safety of all Americans.

In 2018, the Annals of Internal Medicine published ACP’s updated position paper on reducing firearms injuries and deaths. Entitled, “[Reducing Firearm Injuries and Deaths in the United States: A Position Paper from the American College of Physicians](#),” the policy recommendations in the paper build on current ACP policies and are based on analyses of common-sense approaches that the evidence

suggests will be effective in reducing deaths and injuries from firearm-related violence. The paper was an update and expansion of ACP's 2014 position paper. The paper reaffirms many of ACP's 2014 recommendations, such as banning sales of assault weapons and requiring universal background checks, and proposes new policies on issues including extreme risk protection orders, domestic violence, child access prevention, and others that are found to be effective in reducing gun-related injuries and deaths. A summary of the 2018 paper can be found [here](#).

In 2019, ACP and six of the nation's leading physician and public health organizations released a call to action, published in the *Annals of Internal Medicine* entitled, "[Firearm-Related Injury and Death in the United States: A Call to Action from the Nation's Leading Physician and Public Health Professional Organizations](#)." In this paper, ACP, together with the American Academy of Family Physicians, American Academy of Pediatrics, American College of Surgeons, American Medical Association, American Psychiatric Association, and the American Public Health Association, outline common sense policies to reduce firearms-related injuries and deaths. These include the need for universal background checks on all firearms purchases, protections for victims of firearms-related domestic violence, extreme risk protection orders for those deemed a threat to themselves or others, and federal funding for the study of firearms safety and injury prevention, to name a few.

Specifically, ACP urges action on the following legislation/initiatives:

**The Bipartisan Background Checks Act of 2021 (H.R. 8), the Background Check Expansion Act (S. 529):** ACP applauds the House for passage of this legislation earlier this year and [urged](#) Senate leadership to [expedite](#) its consideration in the Senate. These bills would strengthen the accuracy and reporting of the National Instant Criminal Background Check System (NICS) as well as expand Brady background checks to cover all firearm sales, including unlicensed firearms sellers currently not required to use background checks. ACP strongly [supports](#) this legislation. Examples of gun sales not requiring background checks through NICS include those at gun shows, through the internet, and between private individuals or classified ads. With some exceptions, the legislation would expand background checks to cover all private and commercial firearm transfers and sales. In addition, because gun sellers would now be required to perform background checks for all sales and transfers, gun purchasers would no longer be able to cross state lines to buy firearms in a state with less rigorous background check laws.

**Funding for Gun Violence Prevention Research in the Fiscal Year 2022 appropriations bills:** ACP recently [submitted](#) a statement to the House Committee on Appropriations, Subcommittee on Labor, Health and Human Services, Education, and Related Agencies that urged the committee to once again provide dedicated and federal funding for research on firearms violence. ACP has consistently supported this funding and is pleased that Congress for the past two fiscal years (2020, 2021) has enacted funding for this research, with \$12.5 million allocated to the Centers for Disease Control and Prevention (CDC) and \$12.5 million to the National Institutes of Health (NIH) to study firearms safety and gun violence prevention. ACP urges Congress to continue to fund this research and increase total overall funding to \$50 million for Fiscal Year 2022—up from \$25 million—in the FY2022 Department of Labor, Health and Human Services, and Education, and Related Agencies (LHHS) Appropriations bill. More federally-funded research is needed on firearms-related violence and on intervention and

prevention strategies to reduce injuries caused by firearms.

**The Violence Against Women (VAWA) Reauthorization Act of 2021 (H.R. 1620):**

ACP applauds the House for passage of this legislation and urges Senate leadership to expedite its consideration in the Senate. This bill includes provisions to prohibit persons convicted of a misdemeanor crime of domestic violence, including violence against persons outside their own household, from possessing firearms as well as prohibits persons who are subject to a temporary or permanent court order of protection from possessing firearms.

We are [pleased](#) that several provisions in the bill will close loopholes in the background check system that allow domestic violence offenders, who currently are not covered by the National Instant Criminal Background Check System (NICS), to buy and own guns. Such domestic violence offenders, not currently included in the NICS, include dating partners, cohabitants, stalkers, those who victimize a family member other than a partner or child, and those with temporary restraining orders. The bill would also direct that relevant law enforcement agencies be contacted when a prohibited purchase of a firearm has taken place, where the prohibited purchaser has been previously convicted of misdemeanor domestic violence, misdemeanor stalking, or who is subject to a court order of protection.

**The Extreme Risk Protection Order Act of 2019 (S. 506/H.R. 1236), 116<sup>th</sup> Congress:**

These bills from the previous 116<sup>th</sup> Congress would allow states to use Community Oriented Policing Services (COPS) funding to develop court processes to allow family members to petition a court for a firearm violence prevention order to temporarily halt dangerous individuals from purchasing weapons from federally licensed dealers. Under this legislation, states could also develop a court process that would allow family members to petition a court for an extreme risk protection order that would grant law enforcement the authority to temporarily take weapons away from individuals who present a threat to themselves or others.

ACP supports the enactment of extreme risk protection orders (ERPO) to allow families and law enforcement to obtain a ruling from an impartial judge within 72 hours to temporarily remove guns from individuals at imminent risk of using them to harm themselves or others, with due process. ERPOs empower families, household members, or law enforcement officers to ask a judge to temporarily remove a person's access to firearms who is found to be at imminent risk of using them to harm themselves or others. **ACP urges reintroduction and passage of these bills in the current 117<sup>th</sup> Congress.**

**The Assault Weapons Ban of 2019 (S. 66/H.R. 1296), 116<sup>th</sup> Congress:**

These bills from the previous 116<sup>th</sup> Congress would prohibit the sale of semi-automatic assault weapons and large capacity ammunition feeding devices. ACP supports banning semiautomatic firearms that are designed to increase their rapid killing capacity (often called "assault weapons"). ACP supports enacting legislation to ban the manufacture, sale, transfer, and subsequent ownership for civilian use of assault weapons and their large capacity magazines and supports retaining the current ban on automatic weapons for civilian use. **ACP urges reintroduction and passage of these bills in the current 117<sup>th</sup> Congress.**



**The Raise the Age Act, (H.R. 717), 116<sup>th</sup> Congress:**

Only as an interim step toward a complete ban, ACP supports increasing the minimum age to purchase semi-automatic firearms to 21, consistent with the federal requirement for handguns. Accordingly, [ACP supported the Raise the Age Act, H.R. 717](#), from the previous 116<sup>th</sup> Congress. This legislation would prohibit anyone under 21 from buying semiautomatic rifles, with exceptions for active duty personnel and some police officers.

**Child Access Prevention:**

At the state level, States should consider **enacting laws to require adults who have guns in their homes to store them safely and securely so they don't end up in the hands of children or others who might use them to harm themselves or others.** The presence of unlocked and/or loaded guns in homes increases the risk of both unintentional gun injuries and intentional shootings. Child access prevention laws hold firearm owners accountable for the safe storage of firearms by imposing criminal liability on those who negligently store firearms under circumstances where minors could or do gain access to them. According to the American Academy of Pediatrics, about 1/3rd of American children live in homes with firearms, and of these households, 43 percent contain at least one unlocked firearm. Thirteen percent of households with guns contain at least one firearm that is unlocked and loaded or stored with ammunition. It is also important for physicians to discuss with their patients the risks that may be associated with having a firearm in the home and recommend ways to mitigate such risks, just like they would with anything that could pose a risk to their patients' health, including not using seatbelts, not getting vaccinated, or using tobacco. In 2017, the Annals of Internal Medicine published a [pledge](#) about doctors discussing firearm safety with patients. Over 2,400 doctors have committed to date.

**Conclusion**

ACP sincerely appreciates that this hearing has been convened and for your commitment to ensure that Congress addresses reducing firearm violence. ACP will continue to speak out on the need to address firearm-related violence and is committed to advancing reasonable, evidence-based policy reforms to curb such violence. We remain committed to this endeavor and we call on Congress to pass the measures and recommendations stated above as necessary first steps in addressing the public health crisis created by firearms violence. We stand ready to continue to serve as a resource and welcome the opportunity to continue to work with you in developing policy about this issue during the 117th Congress. Please contact Jared Frost, Senior Associate, Legislative Affairs, by phone at (202) 261-4526 or via email at [jfrost@acponline.org](mailto:jfrost@acponline.org) with any further questions or if you need additional information.

## Congressional Testimony

Suzanna Gratia Hupp, DC

These comments and opinions are my own and do not reflect those of my employer.

I was not raised in a house with guns. Growing up, no one in my immediate family was a hunter, although I support hunting. However, I WAS raised in a home in which my father was an expert on the founding of the country, so I fully understood the reasons behind the Second Amendment since childhood. I firmly believe that it is the lack of teaching history in our current public education system that has us here today, in the current debate.

That being said, I was gifted a handgun by a veterinarian friend, with full support of my family, when I became an adult and moved into my own place. Some years later, I had a patient who was an assistant District Attorney in Houston who actually convinced me to start carrying the gun in my purse, illegally. At that time, in the state of Texas, we did not have concealed carry available to us. He said something like, "Suzanna, you don't see the bad stuff. I see it everyday. No police officer will bother you. Carry it."

Several years later, in 1991, my parents and I accepted a lunch invitation from my manager friend of a Luby's cafeteria. It was Boss's Day, so the place was packed, but we enjoyed our meal and sipped coffee when my friend left to check on the kitchen. Suddenly, a pickup truck came crashing through the floor-to-ceiling window, knocking over a number of tables as he came to a stop. Of course, we all thought it was an accident, and I stood up to help the people he had injured. But then we heard gunshots. My father and I immediately got down on the floor and put the table up in front of us. My mother was down behind us. Almost everyone else in the restaurant got on the floor as well. The guy kept shooting. He was on the other side of the truck from us initially, so it wasn't immediately clear who or what he was shooting at. I kept waiting to hear him say something like, "Everyone put your wallets on the table." But he didn't. As he came around the front of his vehicle, I saw him take aim at a patron on the floor in front of him, and pull the trigger. Then he moved to the next victim, took aim, and pulled the trigger. Slowly, and deliberately. Execution style. He had complete control of the room.

It took me a good 45 seconds from the time I heard the first gunshots to realize that this guy was just there to kill people. (Remember, it was 1991 and these mass shootings weren't happening with any frequency at that time. And when they did, we didn't have a 24/7 news cycle constantly repeating the story.) When I figured out what was happening, I reached for my purse on the ground next to me. The murderer stood maybe 15 feet from me, everyone else was down, I had the upturned table on which to prop my arm.

Then I realized that I had made the stupidest mistake of my life: my gun was out in my car in the parking lot, completely useless to me. A few months earlier, I had chosen to obey the law and leave my gun in the car in case I broke down on a back road somewhere. When the realization sunk in, I thought, "Great. What do I do now? Throw my purse at him?" At that point my father took my attention saying, "I've got to do something! I've got to do something! He's going to kill everyone in here!" I grabbed him by the shirt collar and said, "Stay down, or he'll kill you too." But when he saw what he thought was a chance, he got up from his

crouched position behind the table and ran at the guy. The gunman still had total control at that point. Dad covered perhaps half the distance when the killer simply turned, and shot him in the chest. My Dad went down in the aisle maybe 7 or 8 feet from me. He was still alive and still conscious, but as terrible as it sounds, I saw the wound and wrote him off at that point. The good news is that it made the gunman change directions slightly. Instead of continuing directly toward me, he veered off to my left and continued executing helpless people. A few moments later, I heard a window break at the opposite end of the room. An accidental hero had kicked out a window and provided an escape. At that point, the gunman lost some control and pandemonium erupted with people rushing to get out. We were trapped in a front corner, but I peeked over the upturned table, and when his back was momentarily turned, I stood up, grabbed my mother by the shirt collar and said, "Come on! Come on! We've got to run! We've got to get out of here."

At that point, my feet grew wings. I ran out through the back window. Once outside, I turned to say something to my mother, and realized she had not followed me out.

To shorten this up, I found out exactly what happened next from the law enforcement officers who were in a conference at a hotel just one building away. Several of them had been patients of mine, and they told me that in an odd twist of gun control fate, the manager of the conference hotel had asked them to store their weapons in their vehicles so as not to "upset" the other hotel patrons. They said it took precious minutes to retrieve their guns from the trunks of their cars before running to the scene. There were bodies everywhere, and they couldn't immediately identify the shooter. But they did see a woman kneeling in the aisle, cradling a mortally wounded man. They saw a younger man walk up to her. He put a gun to her head as she looked up. She put her head down, and he pulled the trigger. THAT is how they knew who the shooter was. They said all they had to do was shoot a round into the ceiling and the guy ran to the bathroom alcove area, exchanged a few shots with them, and then put a bullet into his own brain.

Twenty three people were killed that day, including my parents. My folks had just had their 47th wedding anniversary two weeks prior, and it didn't occur to me as I ran away that my mother wasn't going anywhere without my father.

It was the largest mass shooting to that point in this nation's history.

You can check my quotes from the next few days' newspapers. The story hasn't changed. I am not mad at the guy who did it. To me, that is like being mad at a rabid dog...you don't get mad at it, you take it behind the barn and kill it. But I was MAD AS HELL at my legislators, whom I felt had legislated me out of the right to protect myself and my family. The ONLY thing gun control did that day, was provide a target rich environment for a guy who wanted to rack up a high body bag count. Gun control served us up like fish in a barrel.

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You want to talk about the **cost of gun violence**? Well, I can tell you the **cost of gun control** on October 16th, 1991: my parents and twenty one other innocent lives, several of whom had dutifully left their guns in their cars to comply with the law.

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Is having a gun a guarantee? Of course not. My gun could have jammed (a revolver at the time, so not likely). I could have missed (true, but I've hit much smaller targets at much greater distances). The one thing you can't really deny, is that IT WOULD HAVE CHANGED THE ODDS. These creeps rarely go to places where people can defend themselves. They go where they can rack up a high body bag count, and that is where good people, families, can't fight back.

Since that day in '91, we have seen many, many more of these terrible events. And the vast majority of them have occurred in places where guns are not allowed and good people are not allowed to protect themselves. Restaurants, post offices, schools, daycares, dance clubs, theaters, print shops. Nearly every one of them had a sign depicting a red circle with a line through a handgun.

Explain this to me: if guns are the problem, then why haven't we seen any of these mass shootings at NRA conventions, skeet and trap competitions, or the dreaded gun show...places where there are thousands of guns in the hands of law abiding citizens?

I know some of you immediately think of the Las Vegas shooting, knowing my little handgun wouldn't have made a lick of difference. And you would be right. If it makes you feel better to ban bump stocks, then ban bump stocks. But don't believe for a moment that such a law would have stopped that maniac from murdering helpless event-goers. It doesn't take much of an imagination to think of several other options he could have taken. I wonder how many people he could have killed with a hunting rifle and a handmade suppressor. With so many people in the crowd it would have taken an eternity for them to figure out that they were being shot at, especially if he scattered his shots. And if he REALLY wanted to get those body bags, all he had to do was grab one of the two private planes I understand he kept at the airport about a mile away, and fly it straight up through the crowd and into the stage. That would have likely taken out hundreds!

The lack of simple logic used in some of the past legislation amazes me. Why do we trust a school teacher to carry her weapon at the grocery store amongst dozens of families and babies in strollers. Yet, when she crosses the street and enters the school where she works, (a place that has become a magnet for these shooters), society no longer trusts her. But for "extra security," we'll spend money putting up lots of extra cameras. (It doesn't help, but that way we can see the carnage from lots of different angles.)

I am no expert on firearms. But I have learned over the years that many educated people, including reporters and legislators, do not know what a semi-automatic is. A lawyer from California said to my grown son, "Why do you think we want to take away YOUR guns? ...But surely you don't think regular people should have semi-automatics!?" She, and most reporters I've encountered, think a semi-automatic is in effect a rapid fire, machine gun type weapon. Those are AUTOMATICS, and have been illegal without special license since the 1930's. Semi-automatics shoot one bullet at a time, only as fast as you can repeatedly pull the trigger, and nearly every single woman I know carries a semi-automatic pistol in her purse. So yes, dear lawyer, you ARE talking about taking our guns.

So if you want to make a difference, you can start by speaking truthfully and accurately, without misleading rhetoric. Next, you could rid us of public gun-free zones. No guarantee, but again, it changes the odds. Defensive uses of guns are estimated at between 2.2 to 2.5 million annually (that estimate coming from a self-proclaimed "liberal" professor who didn't own a gun at the time, Dr. Gary Kleck).

Here's an idea for legislation, since everyone is anxious to "do something." Create a law that makes it crystal clear that if a property/business owner/employer strips people of their right to protect themselves (by disallowing concealed or open carry), that he or she becomes not only



**responsible** for your safety, but **financially liable** as well. Should a bad guy come in and shoot or otherwise harm people then they have failed in their end of an implied contract. In those cases, I believe there is culpability similar to what we currently use in child endangerment laws. I can promise that if something ever happens to any of my loved ones in a place that has disarmed them, I will sue the pants off of that entity to make the point.

Universal background checks, in my opinion, are not the answer. I am a firm believer that this becomes de facto registration. And registration always, always, ALWAYS leads to confiscation.

For years I have proposed that media quit using the killer's name or picture, with the understanding that it only glorifies the murderer. I am happy to say that it is now common practice. So positive changes can be made.

The next positive change could be fleshed out through a task force that could be implemented at the state level. My husband is a criminal psychologist who recently gave a brief description of how we could prevent many (but of course not all) of these mass shootings. He believes that most of the killers are not mentally ill, but with proper threat assessment, tracking, and treatment, many ideations would be thwarted without the need for any significant changes to current law. We have heard so many stories where relatives of these killers reached out to law enforcement or others ahead of time. We have said, "If you see something, say something." But there is currently no cohesive system to follow through on the concerns. So the next phase in the evolution is to create that cohesive system to give law enforcement, mental health, and other members of society the tools they need to properly follow up on these concerns and prevent these terrible events.

A plan would look something like this (and much is already currently in place, but not being used): someone could call in with a concern that you are a threat to others. A specially trained investigator would be dispatched to do a threat assessment. We currently do **risk** assessments, but these are easily lied through or worked around. I'm talking about a much more comprehensive **threat** assessment. Currently, an individual may refuse to cooperate, but with probable cause, that person can be detained as a credible threat to society. Virtually every state already allows for detention even without cause for up to 24 hours, but with a credible threat, most, if not all, states allow for even longer detention. During that time, a higher level evaluation would be performed by a designated multidisciplinary Statewide Task Force. If the task force determines a person to be a credible and imminent threat, then a myriad of existing legal charges and mental health services could be deployed that would allow the individual to be monitored and tracked until such a time as the threat has decreased. Current laws already exist for probation and court-ordered mental health treatment. Why not employ these tools that already exist in a cohesive and coordinated effort to lower the risk and still protect individual rights and Constitutional freedoms? Events such as those at Walmart, Parkland, Sandy Hook, Sutherland Springs, Midland-Odessa, and others would likely have been thwarted with this approach.

In the end, while attempting to stop violence as a whole is a worthy cause, I find it pointless to focus on the tool. A gun can be used to kill a family. A gun can be used to protect a family. It's just a tool.

By the way, an estimated 350 million guns in America didn't hurt anyone this year. THAT is a staggering statistic.

Written Testimony of Suzanna Gratia Hupp, D. C.  
Senate Judiciary Committee – Subcommittee on the Constitution, Civil Rights and Human Rights  
“Proposals to Reduce Gun Violence: Protecting Our Communities While Respecting the Second  
Amendment”  
February 12, 2013

I want to thank you ladies and gentlemen for asking me to testify today. I am speaking for myself and not in any official capacity. Many of you have heard my story before and, of course, it really hasn't changed. I didn't grow up in a house with guns. But I did grow up in a house where my father was an expert on the founding of the country and the meaning of the Second Amendment. So it amazes me that we are back here having the same discussions that we have had several years ago.

When I was 21 and moved out on my own, I was given a gun and taught how to use it. After I became a chiropractor, one of my patients (who was an assistant district attorney in Houston) convinced me to carry it with me at all times. Please understand that at that time in the state of Texas it was illegal to carry a gun, except in your car. We did not have a permitting system.

In 1991, on a beautiful October day, my parents and I went to a local cafeteria to have lunch with a friend of mine who was managing the cafeteria. It was Boss' Day and the day after payday, so the place was packed. We were unable to sit in our usual position by the front window. As we finished lunch and my friend got up to check on things in the kitchen, this pickup truck came crashing through the floor-to-ceiling window where we normally sat. It came to rest about 15 feet from us after knocking over a number of tables and injuring several people. Of course, we all thought it was an accident, and I began to rise to go help the people that he had knocked over. But as I began to stand up, we heard gunshots. Immediately, my Dad and I got down on the floor and turned the table up in front of us. Mom got down behind us. I continued to hear shooting on the opposite side of the truck. Remember, this was 1991 and the type of mass shootings we have seen since were not yet occurring on a regular basis. I kept waiting for him to say something like, "Everyone put your wallets up on the tables!" But the gunshots continued. It took a good 45 seconds...which is an eternity, to realize that he was just there to execute people. As he made his way around the front of the truck, I watched as he leveled his gun on the head of a person crouched beneath him. He pulled the trigger. Then he calmly walked to the next person, pointed the gun and pulled the trigger. It was then that I thought, "I've got him!" I reached for my purse on the floor next to me. I had a perfect place to prop my shooting hand, and I have hit much smaller targets at much greater distances. Could I have missed? It's possible. But it sure would have changed the odds. Then I realized that a few months earlier I had made the stupidest decision of my life. I had begun to leave my gun in my car because at that time, in the state of Texas, concealed carry laws did not exist. I was concerned about getting caught with it. I did what most normal people would do: I wanted to obey the law and certainly didn't want to lose my license to practice my livelihood. I never thought I'd need it in the middle of a crowded restaurant. I remember looking around for something to use as a weapon, and thinking, "Great...what do I do now? Throw a salt shaker at him?" I can't begin to get across to you how incredibly frustrating it is to sit there, like a fish in a barrel, and wait for it to be your turn, with no hope of defending yourself.

It was then that my father took my attention. He began to rise up and said, "I've got to do something! I've got to do something or he's going to kill everyone in here!" I turned to him and tried to hold him down by the shirt collar. But when he saw what he thought was a chance, he stood up and ran at the guy, who at that point was about a dozen feet from us. But the gunman had complete control of the room. He simply turned, and shot my father in the chest. My father fell in the aisle maybe 7 or 8 feet from me. And although he was still alive and conscious, I saw the wound and as awful as this may sound, wrote him off at that moment.

The good news is that it made the gunman change directions slightly, and he went off to my left. That was the first time I had gotten a good look at him. He was a tall 30 something year old man. And I remember wondering what could be so terribly wrong in this man's life that he would be committing this horrible act. At that point, I heard another window crash toward the back of the restaurant. I thought, "Oh my God, here comes another one!" But when I looked, I realized that someone had broken out a window at the back of the restaurant and people were pouring out through it. I peeked over the top of the upturned table, and when the gunman's back was to me, I stood up, grabbed my mother by the shirt collar and said, "Come on, come on! Let's go! We've got to get out of here!" And then my feet grew wings. I was one of the only ones from that front area to make it out that back window. As I stumbled through the broken window I ran into my manager friend who had come out a side, kitchen door. He said, "Thank God you're all right!" I told him, "Yes, but Dad's been hit and it's bad." Then I turned to say something to my Mom, and realized she had not followed me out. Because it was glass three quarters of the way around the restaurant, I could not see the interior due to the backlighting. And I had no idea where my mother was.

In the interest of time, I will spare you details of the next several minutes. However, I will tell you that several of the first responders were patients of mine. A week or so after the event they took me and my siblings to lunch and filled in some gaps. They told us that they had been in a conference at a hotel one building away when the shooting occurred. In an odd twist of gun control fate, the manager of the hotel asked them to leave their weapons in their vehicles so as not to make her customers uncomfortable. So precious minutes were lost as they retrieved their weapons from their locked trunks and made their way to the restaurant. They told us that as they worked their way through the broken window, they weren't sure who the gunman was. They saw a lot of bodies, and a woman, on her knees in the aisle, cradling a mortally wounded man. They said that a man walked up to her, she looked up at him, he put a gun to her head, she looked down at her husband, and he pulled the trigger. That's how they knew who the gunman was. All they had to do was fire a shot into the ceiling, and this guy immediately rabbitted to a back bathroom alcove area. He exchanged some gun fire with them, and then put a bullet in his own head. 23 people were killed that day, including my parents. Mom and Dad had just had their 47th wedding anniversary 2 weeks prior to this. And although it didn't occur to me at the time, Mom wasn't going anywhere without Dad.

Now it may sound odd to you, but I wasn't angry at the guy that did it. That's like being mad at a rabid dog: you don't be mad at it. You might take it behind the barn and kill it, but don't be mad at it. I told the newspapers the next day that I was mad as hell at my legislators because they had legislated me

out of the right to protect myself and my family. The *only* thing the gun laws did that day was prevent good people from protecting themselves.

Since that time, we have seen dozens of these mass shootings. Isn't it interesting that nearly all have occurred *in places where guns were not allowed*. If guns are the problem, then someone explain to me why we haven't seen these mass shooting at skeet and trap shoots, or NRA conventions, or the dreaded gun show. We will never know if lives could have been saved at Sandy Hook if a teacher or two been armed.

Look, guns are just a tool. They are tools that can be used to kill a family, or tools that can be used to protect a family. It merely depends on whose hands that tool is in. You may wonder why I take issue with an assault weapons ban. That is simple. It is because there's no logic involved with the proposed ban. I believe that the public and much of the media have been misled to believe that assault weapons are rapidfire, automatic, machinegun-like weapons. I know this from the many interviews I have done on television, radio and newspaper. Automatic weapons have been illegal for regular use in this country since the 1930s. And yet, that is what much of the media and public believe you are trying to ban. In fact, the proposed ban is being based almost entirely on cosmetics. So you are talking about guns that shoot in the exact same manner as the guns I have at home. So it becomes perfectly clear to me that this is merely a gun grab that is based on nothing but the desire to strip citizens of their rights.

Universal background checks? That is no more than a means to register all gun owners. And registration is *always* the first step to confiscation.

Prohibiting people with a diagnosis of PTSD? I believe you would be starting down a very slippery slope if you begin to single out those with emotional problems and strip them of their constitutional rights. Would ADHD or depression be next? We already have a system in place by which those deemed mentally unstable may be stripped of their rights.

I have heard many pundits and legislators say, "Why would anyone *need* this type of gun or a magazine that carries this many bullets?" Well, in this Land where Freedom hangs by a thread, I hate to think we are going to begin having government committees determining what each citizen *needs*. They may decide you don't *need* to drive a particular car, or *need* send your child to private school.

And in this Land of Liberty, it is not only our right to keep and bear arms, I would go so far as to say it is our duty.

With that, I would like to leave you with something to ponder. Can you imagine leaving these chambers and going to a local café with your family, perhaps your children or grandchildren? And as you're quietly finishing your meal you notice a man come in and who pulls a weapon from his overcoat, and calmly begins executing people...people who have no means of defending themselves. As the gunman works his way around the room and gets closer to you, imagine the frustration that you have not having any chance of defending yourself against him. As he levels his weapon on your child or grandchild's forehead, even if you have chosen not to have a gun with you, don't you hope the guy

behind you has one and knows how to use it at that point? It makes me physically ill to think of being in that position with my children, and having no way of protecting them.

If you really want to make a difference, and eradicate mass shootings, there are a couple of things that you can do:

1. Rid the country of gun free zones. Don't get me wrong, you won't be able to stop someone from going into a workplace and shooting his estranged wife and the person sitting next to her. But you will prevent the high body bag counts we are seeing now.

2. Encourage, not legislate, but encourage the media to quit using the murderers' names in all of their follow-up reporting. I would love to see them never show the creep's picture after the first day. If the killer is still alive and going to trial, wouldn't it be great if they fuzzed out their names and faces as if it were obscene? We all know they have to report the news. But they could be part of the solution and help take the glory out of their horrendous acts.

I am proud of my Texas Capitol. While visitors wait to go through a metal detector, we have a fast-track queue that allows concealed carry permit holders to zip right through. Many legislators carry on the House and Senate floors and committee hearings, while permitted citizens with guns sit in the gallery. There would be no high body bag count there. Our State government trusts its' people. With that, I would like to say that if I had it to do over again, I would much rather be in prison with a felony offense on my head, and have my parents alive to know their grandchildren.

Thank you for your time.



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FEATURES | FORUM

## Forum: Doing Less Harm

David Hemenway advocates a public-health approach to gun homicides and suicides.

by DAVID HEMENWAY

JANUARY-FEBRUARY 2020

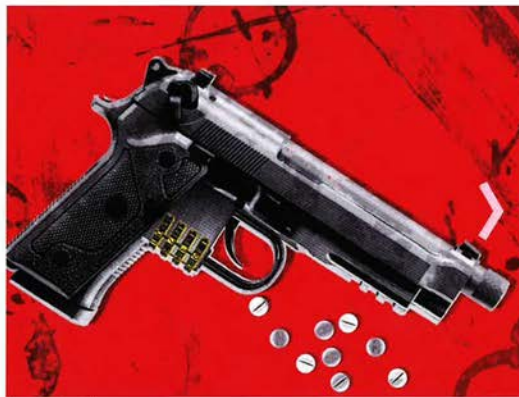
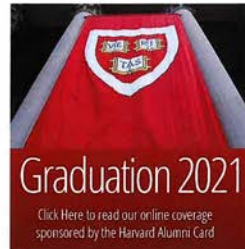


Illustration by Gary Neil

Hear David Hemenway discuss gun safety on the [Ask a Harvard](#)

**T**HE UNITED STATES has far higher rates of firearm death than any of the more than two dozen other high-income countries (among them Australia, Canada,



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Germany, Italy, Japan, Norway, Spain, and the United Kingdom). In 2015, for example, children in the United States between the ages of five and 14 were 21 times more likely to be killed with a firearm—29 times more likely to be firearm-homicide victims, nine times more likely to kill themselves with firearms, and 20 times more likely to be killed unintentionally with firearms—than their peers in all the other high-income countries combined. I teach at a public-health school with many international students. They are appalled that Americans seem content to do little to reduce this carnage.

For decades, other injury-prevention experts and I have emphasized that gun violence in the United States is a major public-health problem *as well as* a public-safety problem, and that the country should use a public-health approach to help reduce the problem. These two claims have been fought by the gun lobby.

In the 1950s, motor-vehicle manufacturers promoted the idea that if only drivers never made mistakes and never disobeyed the law (e.g., drove fast or drove drunk), there would be hardly any crashes or traffic deaths. And they were right. They were thus able to focus public policies on the *driver*: promoting mandatory drivers' education and enforcing traffic laws.

Fortunately, public-health physicians began asking a different question: not "Who caused the crash?" but "What caused the injury?" Drivers were being impaled on unyielding steering columns; their faces were being ripped apart by windshields not made of safety glass; they were being thrown from their cars, their heads hitting the car hood or the street; or vehicles that left the road hit trees and lampposts deliberately placed along the sides of highways. The public-health physicians asked why the cars and roads couldn't be made safer, why the Emergency Medical System (EMS) couldn't be improved. Fast forward half a century: no one thinks that drivers overall are any better today than they were when I first learned to drive. (They are better about drunk driving, but worse about distracted driving.) But the cars and roads are much safer, the Emergency Medical System is better—and fatalities per mile driven have fallen more than 85 percent. This is a major public-health success story.

Today, the gun lobby wants policy to focus solely on the *shooter*. After all, if no one ever got angry, scared, or depressed, if no one ever made a mistake or acted irresponsibly or criminally, there would be hardly any gun injuries. Just as the twentieth-century motor-vehicle lobby wanted to deflect public attention from the motor-vehicle industrial complex, so the gun lobby today wants to keep policy attention away from the firearms industry.

THE PUBLIC-HEALTH APPROACH to problems focuses on harm reduction. Public-health practitioners assumed, for example, that motor vehicles would be widely used into the foreseeable future, so their goal was *prevention*—how to reduce the number of serious injuries and deaths. As is usually the case, it turned out that the most cost-effective measures for prevention occurred far upstream, and that it was—and is—a terrible mistake to focus exclusively on the single individual with the last clear chance for prevention: the driver (or the shooter).

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Illustration by Cary Neill

Too often the first thought of most people, when injury occurs, is to determine whom to blame. But blame is often counterproductive for prevention; if someone else is at fault, there is little reason for others to help in prevention efforts.

Rather than rely on the blame game, the public-health approach to reducing gun violence seeks to bring people and institutions together to get to work on the problem. It invites everyone to join the effort as part of the solution. It wants all groups—including law enforcement, medical providers, the faith community—to continue to perform their regular duties in helping prevent firearm injuries, but it also wants them to focus more on prevention in their routine activities, and to go outside their comfort zones. For example, public-health practitioners want police not only to enforce laws, but to enforce them in ways that are most likely to prevent future problems. Practitioners also applaud police officers who go out into the community to promote better law enforcement-community relations. Boston police, for example, have social workers in most precincts, and an ice-cream truck that provides treats for city residents. The faith community in Boston not only preaches about morality, but played a direct role in the 1990s “Boston Miracle,” when youth firearm deaths fell more than 60 percent. Religious leaders united, worked together with law enforcement and the community, and were often conspicuously present on the streets where and when the worst violence occurred.

There are so many things that institutions (and individuals) can do to reduce the nation’s firearm-related public-health problems. Firearm manufacturers could reduce gun accidents by



ensuring that semi-automatics cannot shoot when the magazine is removed; they could reduce gun theft, gun accidents, and gun suicides by producing "smart" guns that can be used only by the owner and others authorized by the owner. All gun shops could begin using "best practices" for preventing straw purchases (as some alcohol retailers have done to reduce underage alcohol purchase). Gun owners could store their firearms safely to reduce accidents and theft: it is estimated that more than 300,000 guns are stolen each year, a main way these weapons get into the wrong hands.

Focused conversations can be helpful. Even though members of gun-owning households are about 50 times more likely to commit suicide with a firearm than to die from an unintentional shooting, and far more likely to die in a firearm suicide than in a firearm homicide, most firearm instructors never even mention suicide. My colleague Cathy Barber has had success working with gun shops, gun ranges, and gun trainers to reduce suicides by promoting the message that, just as "Friends don't let friends drive drunk," friends should offer to "babysit" the guns of someone going through a rough patch, until things get back to normal. This is one way to reduce suicide without any new laws—or even attempting to change anyone's mental health.

Many other groups could help as well. Healthcare providers could help families get guns out of a home when someone in the household is at risk for suicide. Insurers could offer lower premiums to gun owners who store guns safely. Consumers could boycott companies that engage in practices that most endanger public safety, such as promoting firearms and accessories, like bump stocks, that increase deaths in mass shootings. Media in metropolitan areas could focus less on individual shooters and more on how and from where their guns were brought into the city. Foundations could again financially support firearm research and data collection (two decades ago, foundations provided the funds to create the pilot for the National Violent Death Reporting System). Once these groups, and many others, are energized to help tackle U.S. gun violence, they almost always find innovative and effective approaches for reducing the problem.

THE FEDERAL GOVERNMENT itself has many ways to help reduce firearm injuries. For example:

- **Data and funding:** In the motor-vehicle arena, the National Highway Traffic Safety Administration created excellent data systems (for example, the Fatality Analysis Reporting System that provides detailed information on the circumstances of every motor-vehicle fatality) and provides funding for research. As a result, investigators know the types of policies that should reduce motor-vehicle injuries, and can evaluate whether they are in fact working. But for firearms, there have been deliberate and successful attempts to reduce data collection and data availability, and to limit government funding of research. It has thus been difficult to determine what is actually going on regarding firearms, and whether existing policies are effective. The lack of data and research allows nonscientific claims to gain standing, because there is little science to support or disprove them.
- **Research and purchasing:** The Air Force built the first major motor-vehicle safety-testing facilities in the United States, providing crucial scientific information on car safety. The General Services Administration purchase of airbags for its fleet was instrumental in demonstrating that airbags save lives—allowing for the mandating of airbags in all automobiles. Similarly, government research on, and its purchase of, "smart guns" that help prevent unauthorized firearm use could reduce gun theft, gun accidents, and gun suicide.
- **Standards:** The research on and promotion of standards by the National Institute of Standards and Technology (NIST) for the fire-safety of cigarettes enabled states to mandate that cigarettes meet designated performance standards, thus reducing the incidence of cigarette-caused fires. Similarly, NIST could help write safety standards for firearms—leading to

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requiring, for example, child-proof firearms that, like child-proof aspirin bottles, could reduce unintentional deaths among toddlers. (Unlike other age groups, toddlers typically shoot themselves; indeed, the unintentional firearm death rate for toddlers is currently higher than that for five- to 10-year olds.)

• **Knowledge dissemination:** The U.S. Surgeon General reports on the dangers of cigarettes helped reduce smoking and thus the cancer, heart disease, and other health problems it caused. Similarly, Surgeon General reports on the overwhelming scientific evidence demonstrating the connection between a gun in the home and completed suicide could help reduce firearm suicide, and the overall suicide rate.

• **Taxes and subsidies:** Cigarette taxes have helped reduce smoking among youth, and taxes on sugar-sweetened beverages can reduce obesity. Differential taxes on different types of firearms (e.g., "assault weapons") could help reduce the stock of those firearms most effective in killing large numbers of victims quickly.

• **Regulations, monitoring, and enforcement:** Licensing of drivers and registration of motor vehicles have helped reduce motor-vehicle injuries and thefts. Laws regulating the purchase of cigarettes and where smoking is permissible have helped reduce cigarette-caused illness. Similarly, federal, state, and local governments write and enforce many types of firearm regulations pertaining to background checks, training, storage, gun carrying, and where guns can be fired.

The scientific evidence indicates that, all other things equal, places with stronger firearm laws have fewer gun problems and suffer fewer violent deaths than places with weaker laws. The existing evidence about which of the many *individual* laws are most effective is less compelling, but I believe that national firearm-licensing laws, handgun registration, and a requirement of strict liability for firearms owners would substantially reduce firearm violence. (Virtually every gun in the United States begins as a legal gun: manufactured legally and sold to someone who did not fail the federal background check. Yet many guns get into the hands of people who almost everyone agrees should not have them, often through theft. By shifting the burden of proof, strict liability would provide better incentives for owners to protect their guns from improper access.)

Far more households own motor vehicles than own guns. Yet firearms kill about the same number of civilians as do motor vehicles....We need to do a much better job of learning to live with our firearms. Currently, far too many people are dying.

MOTOR-VEHICLE injury prevention is many-faceted, involving: pedestrian, bicycle, and motorcycle injuries; injuries from roll-overs and from side-impact and head-on collisions; and deaths from vehicle fires. Thus, not surprisingly, the successful reduction in the motor-vehicle death rate per mile traveled did not come from one or two policies or programs, but from many. For example, collapsible steering columns helped reduce injury to drivers in frontal collisions, but did nothing to protect passengers, pedestrians, cyclists, or even drivers in side-

impact crashes. Similarly, firearm policies, such as a standard to prevent dropped guns from firing, could reduce accidental injuries, but would do little to reduce homicide or suicide. We need many reasonable policies and programs to help reduce our firearm-related public-health problem.

There are hundreds of millions of motor vehicles in the United States, and hundreds of millions of firearms. Motor vehicles (cars and trucks) are crucial to our economic well-being, and far more households own motor vehicles than own guns. Yet firearms kill about the same number of civilians as do motor vehicles. Historically we have had some success in learning to live with motor vehicles. We need to do a much better job of learning to live with our firearms. Currently, far too many people are dying.

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*Professor of health policy David Hemenway directs the Harvard Injury Control Research Center and the Harvard Youth Violence Prevention Center.*

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