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Gun Violence in America: A Preventable Epidemic

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Firearm related deaths and injuries are a serious and growing public health problem in the United States. The problem receives most attention after high profile mass shootings, and there have been many such tragic events over the past five decades in our country. Within a period of just one week this summer, there were mass shootings in Gilroy, California; El Paso, Texas; and Dayton, Ohio. And as I'm sure you know, the state of Michigan has not been immune to this epidemic. Seven people were killed and two were wounded in a mass shooting in Grand Rapids in July of 2011; and 6 people were killed and 2 were wounded by an Uber driver in Kalamazoo in February of 2016.

There's no universally accepted definition of what constitutes a mass shooting. That's why you hear widely varying reports of how many mass shootings there have been in our country over given period of time. The most stringent definition of a mass shooting is an incident in which at least 5 people, not including the shooter, are killed. One of the least stringent definitions is an incident in which at least four people, not including the shooter, are shot but not necessarily fatally wounded.

In 2017, the most recent year for which complete data are available, there were 10 shooting incidents in the United States that met the most stringent definition of a mass shooting. There were 346 shooting incidents – an average of almost one a day – that met the less stringent definition.¹

The total number of people killed by guns in the United States in 2017 was almost 40,000.² Using the stringent definition for mass shootings, they accounted for just 0.3% of all gun related deaths in 2017.³ And this figure includes the mass shooting in Las Vegas in October of 2017, which was

the worst mass shooting to date in modern U.S. history. Using the least stringent definition for mass shootings, they accounted for 1.1% of all gun related deaths in 2017.⁴ In other words, by any definition of a mass shooting, as horrific as these events are, they account for a small fraction of all gun related deaths in our country.

On an average day in the United States, more than 100 people are killed with guns,⁵ and two to three times this many people suffer non-fatal but often devastating gunshot wounds.⁶ In 1994, the U.S. Centers for Disease Control and Prevention reported that gun related deaths were the fourth leading cause of preventable years of life lost below age 65, behind non-firearm accidents (mainly motor vehicle crashes), cancer, and heart disease.⁷ Congress responded to this report not by passing more stringent gun control laws, but by cutting the CDC's funding. The CDC hasn't issued a similar report since 1994, but other sources show that since 1999, the U.S. rate of deaths due to motor vehicle accidents, cancer, and heart disease have all declined by about 20%,⁸ while the rate of gun related deaths has increased by 15%.⁹

Our youth are disproportionately affected by gun violence. The Michigan Health Lab reported in August of this year that gunshot wounds are the second leading cause of death for U.S. children and adolescents, behind automobile crashes. For middle school and high school age youth, gunshot wounds are the leading cause of death, exceeding deaths from motor vehicle crashes by 23%.¹⁰

If you consider fatal and non-fatal shootings together and for all age groups combined, about two thirds of all shootings occur in the setting of criminal assaults, about 20% occur as a result of intentional self harm, 10-15% occur as a result of accidents, and just 1-2% occur in the setting of legal intervention.

	Assault	Self-harm	Accident	Legal intervention
Fatal	32.6%	63.5%	1.7%	1.4%
Non-fatal	74.6%	4.1%	19.7%	1.6%
Combined	62.3%	21.5%	14.4%	1.6%

Circumstances of fatal and non-fatal shootings in 2014¹¹

If you separate fatal and non-fatal shootings, though, the breakdown changes dramatically. Suicides account for almost two thirds of fatal gunshot wounds, but suicide attempts account for less than 5% of non-fatal ones. The reason is that people who try to kill themselves with a gun almost always succeed.

A great deal of attention has been focused recently on so-called "assault weapons." I agree with those people who believe that there's no legitimate civilian use for firearms that are specifically designed to be used to kill and maim large numbers of people in a short period of time. I'll also acknowledge that some of the worst mass shootings in recent history have been committed with so-called "assault rifles." Like mass shootings, though, there's no universally accepted definition of what constitutes an "assault rifle."

If you see a picture of an AR-15, which looks like the military's M-16, most everyone would agree that based on it's appearance alone, an AR-15 is an "assault rifle." The main difference between the AR-15, which is available for civilian purchase in the United States, and the military M-16, which is not, is that the M-16 can be changed from semi-automatic to automatic firing mode by the flip of a switch. In fully automatic mode, an M-16 keeps firing as long as you keep the trigger depressed. In semi-automatic mode, the gun only fires once each time you pull the trigger. Civilian ownership of fully automatic firearms has been stringently restricted in the United States since the National Firearms Act of 1934,12 and as a result, AR-15's don't have a built in automatic mode. For practical purposes, though, there's little difference in the amount of destructive power between an AR-15 and an M-16. The main rate limiting factor in how many bullets can be fired in a given period of time is not whether the gun is in automatic or semi-automatic mode, but rather the capacity of the magazine or other device that feeds bullets into the firing chamber. And any semi-automatic firearm that can accept a readily detachable, large capacity magazine, regardless of what the gun looks like, can be used to kill large numbers of people in a short period of time.

Another problem with focusing on "assault rifles" is that handguns are used in about 80% of all gun related homicides and suicides in the United States.¹³ You may be surprised to learn that handguns are also used more often than assault rifles in mass shootings.¹⁴ The reason is that they are much easier to conceal.

The next topic I'd like to cover is how rates of gun violence in the United States compare with rates in other countries. For all age groups combined, the rate of gun deaths in our country is 10 times higher than the average rate in other high income democratic countries of the world. Our gun homicide rate is 25 times higher, and our gun suicide rate is 8 times higher.¹⁵ For children under the age of 15 years old, our gun death rate is 11.9 times higher,¹⁶ and for high school age youth, our gun homicide rate is 82 times higher than the average in other high income democratic countries.¹⁷

The factors that are most often mentioned as reasons for our high rate of gun violence are mental illness and a general culture of violence that includes racism and other forms of discrimination, bullying, and a lack of value for human life. The factor that is mentioned least often is that the United States is awash in privately owned guns, with more than one privately owned for every man, woman, and child in the entire country.

The roots of violence, including gun violence, are complex, and they need to be addressed. But the final common pathway by which all gun violence is committed is simple – it's with guns. And this simple fact is often ignored.

Mental illness is definitely a problem in our country, but the United states is not an outlier as compared with other high income democratic countries in terms of our rates of mental illness.¹⁸ In fact, if it weren't for our extraordinarily high rate of gun suicide, the overall suicide rate in our country would be far below the average for other high income democratic countries. Racism and other forms of discrimination are a problem, but other countries with much lower rates of gun violence face similar problems. Socio-economic inequality is a problem, but the degree of socioeconomic equality in the United States, as measured by something called the Gini coefficient, is comparable to levels in other economically advanced democratic countries.¹⁹ The glorification of violence, and particularly gun violence, in our popular media is, in my opinion, unconscionable, but people in other countries watch many of the same movies and TV shows and play many of the same video games that Americans do. And surprisingly, despite what seems to be a culture of violence in our country, the rate of criminal assault by means other than firearms in the United States is actually below the average for the other high income democratic countries of the world.²⁰

The factors that most clearly explain our extraordinarily high rate of gun violence are our extraordinarily lax gun control laws and the related extraordinarily high number of privately owned guns in circulation in our country as compared with all the other high income democratic countries of the world.²¹ If you look at a bar graph comparing the rate of gun deaths in the different high income democratic countries of the world, and you look at another bar graph of the number of privately owned guns per capita in these same countries, you'll note that the shapes of these two graphs are nearly identical. The United States is at the top of both graphs, with by far the highest rate of gun deaths and the highest number of privately owned guns per capita. Switzerland is a distant second in both categories. At the bottom of the graphs are Japan and the United Kingdom, with the lowest rates of gun deaths and the lowest rates of privately owned guns there are in a country, the more gun related deaths there are.



And it's important to note that there's no inverse correlation between rates of gun homicides and rates of non-gun homicides.²³ In other words, if guns are not readily available, people don't generally substitute other means for committing murders. Instead, far fewer people commit murders. The same relationship holds for suicide,²⁴ but with a few notable exceptions. For example, the rate of suicide in Japan is higher than in most other high income democratic counties, including the United States, despite the fact that private gun ownership is almost completely banned in Japan.²⁵ Japan's high suicide rate is probably due to longstanding cultural norms.²⁶

So what's so different about U.S. gun laws, and why do we have so many privately owned guns?

The most fundamental difference is that the guiding policy for gun ownership in the United States is permissive, whereas the guiding policy is restrictive in every other economically advanced democratic country.²⁷ Under our country's permissive guiding policy, the default position under federal law is that anyone of a certain age who wants a gun can legally buy one unless the government can prove that he or she falls into one or more of several fairly narrow categories of persons prohibited from owning guns.²⁸ These categories include any person who has a history of a felony conviction, who is a drug addict, who has been committed to a mental institution, who has received a dishonorable discharge from the military, who is under a domestic violence restraining order, or who has been convicted of a domestic violence misdemeanor.

But these federal background check criteria apply only to gun purchases from federally licensed firearm dealers, not to purchases from private parties, in which there is no federal requirement for a background check. And even as limited as the federal background check criteria are, persons who should be prohibited under these criteria from purchasing firearms from federally licensed firearm dealers have still been able to do so in many cases. Thanks to legislation promoted by the NRA, many individuals with past felony convictions, including convictions for aggravated assault and rape, were able to obtain "relief" from the "disability" of not being able to legally purchase a gun by appealing to the ATF.²⁹ In many other cases. including that of the perpetrator of the mass shooting at the First Baptist Church in Sutherland Springs, Texas, in November of 2017, in which 26 people were killed and 20 others were wounded, individuals convicted of crimes that should have prohibited them from purchasing firearms from federally licensed firearm dealers were still able buy guns after a background check because their convictions were not reported to the FBI's background check database.³⁰ And in many more cases, as in that of the perpetrator of the Virginia Tech mass shooting in April of 2007 in which 32 people were killed and 17 were wounded, individuals with overt mental illness were able to legally purchase firearms from federally licensed firearm dealers because the reporting requirements for persons with mental illness were interpreted as applying only to individuals who had been involuntarily committed for inpatient treatment.³¹

In every other high income democratic country of the world, the guiding policy for gun ownership is restrictive.³² Instead of the burden of proof being on the government to prove that a potential gun purchaser should be prohibited from owning a gun, the burden of proof is on the gun buyer to show that he or she can handle a firearm safely and has a legitimate reason for needing a gun. In most other high income democratic countries,

being a *bona fide* hunter or target shooter is considered to be a legitimate reason for owning a gun, but "self defense" is not. This isn't because people in those other countries don't value their own safety. On the contrary, it's because they have the common sense to know that there is no net protective value in honest, law-abiding residents owning or carrying guns in a democratic country, and that the more highly armed a society is, the more dangerous it is for everyone.

In all other high income democratic countries, background checks are the secondary safeguard, not the primary one, for determining who can or cannot be allowed to acquire a gun. Furthermore, the background checks are far more extensive than in the United States. For example, in order to purchase a gun in Great Britain, a person must provide the names of two references who know the potential buyer well. The references are then required to submit detailed, confidential statements concerning the applicant's mental state, home life, and their reasons for wanting a gun.³³

In the United States, there is no federal requirement for registration of privately owned firearms, with the exception of fully automatic machine guns, nor is there any requirement for licensing of gun owners. In all the other high income democratic countries of the world, all guns must be registered, and all gun owners must be licensed.

But perhaps the most dramatic difference between the United States and the other high income democratic countries of the world is the way in which we respond – or fail to respond - to mass shootings. Following the Sandy Hook Elementary School mass shooting in December of 2012, in which 20 six and seven year old children, six female staff members, and the shooter's mother were killed, when it became clear that Congress was not going to enact any new gun control legislation to prevent this kind of tragedy from recurring, former Congresswoman Gabrielle Giffords, who was herself critically wounded in a mass shooting in January of 2011 in which six people, including a federal judge and a 9 year old girl were killed and 12 other people were wounded, was quoted as stating:

In response to a horrific series of shootings that has sown terror in our communities, victimized tens of thousands of Americans, and left one of its own bleeding and near death in a Tucson parking lot, Congress has done something quite extraordinary — nothing at all.³⁴

The response to mass shootings has been very different in other high income democratic countries. For example, in March of 1996, a man armed with several handguns killed a teacher and 16 five and six year old students and wounded another three teachers and 10 children in an elementary school in Dunblane, Scotland.³⁵ Britain already had much stronger gun control regulations than the United States, including a ban on semi-automatic rifles and stringent regulations regarding who could own a

handgun. The Dunblane shooter was a 43 year old man who owned handguns legally as a result of his membership in a local target shooting club. The British government asked the British Medical Council, how can you reliably identify someone who is likely to commit a horrific mass shooting. The British Medical Council responded, "You can't." Within two years of the Dunblane mass shooting, Great Britain enacted a complete ban on civilian handgun ownership. All British handgun owners were required to surrender their firearms to the government in return for monetary compensation, and the weapons were destroyed.³⁶ There have been no further mass shootings with handguns in Britain since the ban was enacted, although there was one mass shooting committed with a rifle and a shotgun in 2010 in which 12 people were killed. As a result of that shooting, Britain is considering further restrictions on long gun ownership.³⁷

In April of 1996, there was a mass shooting in the Australian resort town of Port Arthur in which 35 people were killed and 23 others were wounded by a 28 year old man using a variety of firearms, including a semi-automatic shotgun and a semi-automatic AR-15 rifle. Australia already had stringent regulations governing civilian ownership of handguns at the time, but not of long guns.³⁸ Within just 12 days of the Port Arthur massacre, the Australian government agreed to enact a complete ban on civilian ownership of all semi-automatic rifles and semi-automatic and pump action shotguns.³⁹ As in the case of the British handgun ban, owners of the newly banned weapons were required to surrender them to the Australian government in return for monetary compensation, and the weapons were destroyed. There had been 13 mass shootings in Australia in the 17 years prior to the enactment of the ban. There have been none since. ⁴⁰

There is no reason to believe that we could not reduce our own country's rate of firearm related deaths and injuries to levels comparable to those in Australia and Great Britain if we were to adopt similarly stringent gun control laws. In the last year in which data are available for all three countries, the rate of gun related deaths in the United States was 12 times higher than in Australia and 56 times higher than in Great Britain. If the US rate of gun deaths were the same as in either of these two countries, more than 35,000 Americans lives would be saved annually, and two to three times this many non-fatal gunshot wounds would be prevented.⁴¹

So why don't we adopt stringent gun control laws like those in Australia and Great Britain? Having worked in the field of gun violence prevention for more than two decades – obviously with very little success – I've come to believe that there are seven main obstacles to the adoption of definitive gun control laws in our country. I call these obstacles "the seven deadly myths."

Myth #1: The Second Amendment

The first myth is that the Second Amendment was intended to confer an individual right to own guns for personal use. The Second Amendment is just 27 words long. It states:

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

There are extensive records available from the debates during the Constitutional Convention in Philadelphia in 1787,⁴² debates in key state ratification conventions following the writing of the Constitution,⁴³ debates concerning the Second Amendment in the first session of Congress when the Bill of Rights was first introduced and later revised,⁴⁴ and the letters and notes of James Madison who wrote the initial draft of what would become the Second Amendment.⁴⁵ None of these records support the contention that the Founders who wrote, debated, and eventually adopted the Second Amendment intended or understood it to confer an individual right to own guns unrelated to service in a well regulated militia.

Prior to 2008, the Supreme Court had ruled on four separate occasions that the Second Amendment did not confer an individual right to own guns.⁴⁶ In particular, in the 1939 case of *United States v. Miller*, the Court ruled unanimously:

With obvious purpose to assure the continuation and render possible the effectiveness of [a well regulated militia] the declaration and guarantee of the Second Amendment were made. It must be interpreted and applied with that end in view.⁴⁷

Supreme Court Justice Harry Blackmun reiterated in his majority opinion in the 1980 case of *Lewis v. United States:*

The Second Amendment guarantees no right to keep and bear a firearm that does not have "some reasonable relationship to the preservation or efficiency of a well regulated militia."⁴⁸

Scores of lower court opinions during the 20th Century endorsed the interpretation of the Second Amendment as conferring a collective right of the people to maintain an armed militia, such as the current day National Guard, not an individual right to own guns. Up to and including the time of the *Lewis* decision, no serious legal scholars disputed this interpretation. During the latter portion of the 20th Century, though, lawyers with direct financial ties to the gun lobby began to seed law journals with articles claiming that the courts had been wrong all along and that the Second Amendment really was intended to confer an individual right to own guns.⁴⁹ The late Supreme Court Chief Justice Warren Burger responded to this

misrepresentation of the Second Amendment by the gun lobby by stating in an interview on the PBS News Hour in 1991:

This has been one of the greatest pieces of fraud - I repeat the word, 'fraud,' - on the American public by special interest groups that I have ever seen in my lifetime."⁵⁰

Sadly, in 2008, a narrow 5-4 majority of the Supreme Court became a party to this fraud in ruling in the case of *District of Columbia v. Heller* that Washington DC's partial handgun ban violated the Second Amendment.⁵¹

The majority opinion in the *Heller* decision, which was written by the late Supreme Court Justice Antonin Scalia, has been publicly condemned by respected constitutional authorities as a "radical departure" from prior legal precedent,⁵² an example of "snow jobs" produced by well-staffed justices,⁵³ and "gun rights" propaganda passing as scholarship."⁵⁴ Privately, more than one expert in constitutional law has described the Heller opinion to me as "an abomination." In his book, The Making of a Justice, the late Supreme Court Justice John Paul Stevens wrote, "Heller is unquestionably the most clearly incorrect decision that the Court announced during my tenure on the bench."⁵⁵ But the *Heller* decision is worse than all this. In creating a constitutional obstacle, where none previously existed, to the enactment of stringent gun control laws in the United States comparable to the laws that have long been in effect in every other high income democratic country of the world - countries in which mass shootings are rare or non-existent and in which the rate of gun deaths is, on average, one tenth the rate in the United States – Heller is a death sentence for tens of thousands of Americans every year.

Myth #2: We owe our freedom to a highly armed citizenry

The second deadly myth, which is related to the first one, is that Americans owe what democratic freedoms we have to a highly armed citizenry. The prevalence of gun ownership during the Founding Era is a matter of some controversy, but it was probably lower than most people think. Guns were in short enough supply and so cumbersome and unreliable that Benjamin Franklin suggested that the Continental Army should be armed with bows and arrows and pikes instead.⁵⁶ Volunteer militias, which George Washington described as "incapacitated to defend themselves, much less to annoy the enemy,"⁵⁷ were almost entirely ineffective during the Revolutionary War, which was won instead by the professional Continental Army, armed largely with guns imported from France and The Netherlands after the war began.⁵⁸

A corollary of the myth that a highly armed citizenry was responsible for the American victory in the Revolutionary War is that we are freer today as a result of the fact that almost anyone can get a gun. While it may be true that a small segment of our population is free to pursue its unhealthy obsession with acquiring large numbers of highly lethal firearms, the American people, as a whole, are less free than the people in the other high income democratic countries of the world. We're less free to go to a shopping mall, an outdoor festival, a place of worship, or a workplace; and less free to send our children to school or college without the fear of ourselves our loved ones becoming the victims of wanton gun violence.

Myth #3: "Guns for Protection"

The third deadly myth is that honest, law-abiding people should own "guns for protection." In fact, however, there is overwhelming evidence that guns in our homes and in our communities are far more likely to be used to kill, injure, or intimidate honest, law-abiding people than to protect them. In one of the best known studies on this subject, it was shown that for every one time a gun in the home was used to kill a home invader, there were 43 gun related deaths of household members.⁵⁹

Myth #4: "Gun Grabbers"

The fourth deadly myth is the myth, which, ironically, is promoted both by the gun lobby and by many gun violence prevention organizations, is that we can substantially lower U.S. rates of gun related deaths and injuries without substantially reducing the pool of privately owned guns in our country. The gun lobby's version of this myth, of course, is that we need more guns, not fewer ones. After all, they claim, "The only way to stop a bad guy with a gun is a good guy with a gun," and anybody who disagrees is a "gun grabber." As I've already discussed, the more guns there are in a country, the more gun related deaths there are, the more total number of murders there are, and in most cases, the more total number of suicides there are.

On the other side of the gun control debate, not wanting to be known as "gun grabbers," many gun violence prevention organizations go out of their way to reassure gun owners that they're not going to take away any of their guns. Instead, they advocate "common sense firearm regulations," such as banning the new sales of "assault weapons," while grandfathering in the "assault weapons" already in circulation; and requiring background checks for all gun purchases.

I agree that we should adopt "common sense firearm regulations." But when the rate of gun deaths in the United States is 10 times higher than in the other high income democratic countries of the world, when our rate of gun homicide is 25 times higher, and when high school kids in our country are being murdered by guns at a rate that is 82 times higher, I believe that it defies common sense to be satisfied with anything less than the adoption of stringent gun control laws in the United States comparable to the laws that have long been in effect in every other high income democratic country of the world.

Myth #5: We need more research

The fifth deadly myth is that we need more research in order to know how to reduce gun violence in the United States. After the CDC supported research in the 1980's and early 1990's that showed that guns in the home were much more likely to be used to kill a household member than to kill a home invader;⁶⁰ that children in the United States were being killed by guns at a rate that was 11.9 times higher than in the other high income democratic countries of the world;⁶¹ and that gunshot wounds were the fourth leading cause of years of potential life lost before age 65 in our country;⁶² it was utterly shameful for Congress to retaliate by cutting the CDC's funding. On the other hand, more than enough evidence had already been accumulated by that time to show that we needed to adopt stringent gun control laws comparable to the laws in other high income countries of the world. In fact, there was plenty of evidence in 1968 to support the following statement by the late Senator Thomas Dodd of Connecticut:

Pious condolence will no longer suffice....Quarter measures and half measures will no longer suffice....The time has now come that we must adopt stringent gun control legislation comparable to the legislation in force in virtually every civilized country in the world.⁶³

Unfortunately, our country hasn't acted in accordance with Senator Dodd's statement, and as a result, since 1968, more U.S. civilians have been killed by guns than all the U.S. soldiers killed in all the wars in which our country has ever been involved.⁶⁴

More research, in the absence of the adoption of stringent gun control laws comparable to the laws in other democratic countries, is only going to document more senseless and preventable gun related deaths and injuries.

Myth #6: Adovcating stringent gun control is political suicide

The sixth deadly myth is that advocating stringent gun control is political suicide. Since 2008, most of the money that the NRA has spent on elections has gone to losing candidates, including Donald J. Trump, who lost the democratic portion of the 2016 election by almost 3 million popular votes.⁶⁵

I'm not aware of any current candidate for state or federal office who publicly advocates overturning the *Heller* decision and adopting stringent gun control laws in the United States comparable to the laws in other high income democratic countries. I know from personal experience, though, having run for Congress myself, that it's not political suicide to take such a position.

Myth #7: "It will never happen"

The seventh deadly myth, and perhaps the most pernicious one of all, is the myth, "It will never happen." There are two versions of this myth.

The first version is the myth that, "It will never happen to me." No matter how many unpredictable mass shootings there are in our country, and no matter how many innocent people are killed by guns on an average day, there is a natural tendency to for people to believe that it will never happen to them or their loved ones. The epidemic of gun violence in our country is getting to the point, though, that almost everyone in our country has been touched by gun violence in one way or another. And there's no reason to believe that we or our loved ones will not become the next victims of our country's gun violence epidemic.

The second version of this myth is the reply that I often get when I tell people that I'm working with an organization that advocates overturning the *Heller* decision and adopting stringent gun control laws in the United States comparable to the laws in other high income democratic countries like Australia and Great Britain. I When people tell me, "It will never happen," I respond that I'm sure that one day it will happen. The only question is, how many more innocent Americans will be killed and injured in senseless, preventable shootings before that day arrives. I appreciate the opportunity to talk with all of you this evening, and I hope to be able to work with you to help make the day that we take definitive measures to stop our country's gun violence epidemic come sooner rather than later.

Thank you.

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