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## Press Release

### **Americans Against Gun Violence Responds to Mass Shooting at The Covenant School in Nashville, Tennessee**

**Sacramento California, March 28, 2023:** We at Americans Against Gun Violence extend heartfelt sympathy to the families, friends, classmates, and colleagues of the three young children and the three staff members who were killed in the mass shooting at The Covenant School in Nashville, Tennessee on March 27, 2023. We also extend our sympathy to the entire Nashville community.

At the same time, though, we wish to point out that such tragedies are preventable, but that we, as a nation, choose not to prevent them. In fact, for the most part, we choose to not even talk about the definitive measures needed to prevent them.

The United States is the only high income democratic country in the world in which mass shootings, including shootings on school campuses, occur on a regular basis. We know – or should know - what we need to do to prevent mass shootings, as well as most of the other more than 120 fatal shootings that now occur on an average day in our country.<sup>1</sup> As the late Senator Thomas Dodd stated more than half a century ago, in June of 1968:

Pious condolences will no longer suffice....Quarter measures and half measures will no longer suffice....The time has now come that we must enact stringent gun control legislation comparable to the legislation in force in virtually every civilized country in the world.<sup>2</sup>

Instead of adopting stringent gun control laws comparable to the laws that have long been in effect in the other high income democratic countries of the world - countries in which mass shootings, including shootings on school campuses, occur rarely, if ever, and in which the overall rate of gun-related deaths is, on average, one tenth the rate in the United States<sup>3</sup> - in the words of Joshua Sugarmann, executive director of the Violence Policy Center, we “nibble around the edges of half-measures and good intentions, dramatically out of synch with the reality of gun violence in America.”<sup>4</sup>

The main reason why the United States is an extreme outlier as compared with all other high income democratic countries in terms of our rate of gun violence is clear. It's our extraordinarily lax gun control laws and the related extraordinary ease with which almost anyone can acquire almost any kind of a gun in our country. And the definitive measures needed to reduce our rate of gun violence to a level comparable to the rates in the rest of the high income democratic countries of the world are equally clear. We need to adopt comparably stringent gun control laws – laws that will completely ban civilian ownership of

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large categories of guns and that will drastically reduce the vast pool of privately owned guns currently in circulation.

Specifically, in order to prevent horrific mass shootings like the one that occurred in Nashville on March 27, 2018, as well as to stop the shameful epidemic of gun violence that now claims more than 120 lives on an average day in our country, the United States must adopt the following measures:

1. Change the guiding principle for gun ownership in our country from a “permissive” one to a “restrictive” one.<sup>5</sup>

The United States is the only high income democratic country in the world in which the guiding principle for firearm acquisition is that a person who seeks to acquire a gun can legally do so if the person is of a certain age and can pass a rudimentary background check - done instantaneously by computer in most cases - to see if the person is on a perennially incomplete database of people who meet one or more limited criteria for being prohibited from owning a gun.<sup>6</sup> This guiding principle is termed, “permissive.” In all other advanced democracies, the burden of proof is on the person seeking to acquire a gun to prove that he or she has a good reason to own one and can handle one safely. This guiding principle is termed, “restrictive.” And recognizing that there is no net protective value in owning or carrying a gun, many other democratic countries, including Australia, New Zealand, and the United Kingdom, do not accept “self defense” as a legitimate reason for acquiring one.<sup>7</sup>

2. Ban civilian ownership of all automatic and semi-automatic long guns, with no grandfather clause that would allow people who already own these kinds of weapons to keep them.

The United Kingdom, Australia, and New Zealand all promptly banned civilian ownership of all automatic and semi-automatic long guns, with no grandfather clause, after mass shootings committed with these kinds of weapons in 1987 in Hungerford, England;<sup>8</sup> in 1996 in Port Arthur, Australia;<sup>9</sup> and in 2019 in Christchurch, New Zealand.<sup>10</sup> While the New Zealand ban is too recent to fully assess its effect, there have been only three mass shootings in the UK since 1987 and one in Australia since 1996.<sup>11</sup>

The so-called “assault weapons ban” that President Biden called for Congress to enact in his comments after the Nashville mass shooting is similar to the federal “assault weapon ban” (AWB) that was in effect in the United States from 1994 until it was allowed to sunset in 2004. It is doubtful that such “bans” have much effect in preventing mass shootings or other firearm related deaths. The 1994 AWB defined an “assault weapon” as a semi-automatic firearm that could accept a detachable magazine and that had at least two other features typically included on military weapons, such as a pistol grip, a thumb-hole in the stock, or a bayonet mount. The ban grandfathered in millions of “assault weapons” that were already in circulation, and it specifically exempted 86 different makes of semi-automatic firearms that did not meet the definition of an assault weapon, but that were potentially just as deadly. Moreover, U.S. gun manufacturers subsequently produced new models of firearms that were just as lethal but that evaded the definition of an “assault weapon.” A report to the U.S. Department of Justice summarized the shortcomings of the AWB as follows: “The [assault weapons] provision targets a relatively small

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number of weapons based on features that have little to do with the weapons' operation, and removing those features is sufficient to make the weapons legal."<sup>12</sup>

Any automatic or semi-automatic firearm can be used to kill and maim large numbers of people in a short period of time, regardless of whether it has other features that give it the appearance of a military style weapon. The United States should follow the examples of the UK, Australia, and New Zealand in banning civilian ownership of all automatic and semi-automatic long guns, not just so-called "assault weapons."

### 3. Ban civilian ownership of all handguns, with no grandfather clause.

Handguns are the type of firearm used in the vast majority of all gun related deaths in the United States,<sup>13</sup> including in most mass shootings.<sup>14</sup> Following a mass shooting committed at an elementary school in Dunblane, Scotland in 1996, in which 16 five and six year old students and their teacher were murdered by a man who legally owned the handguns he used in the massacre, Great Britain completely banned civilian handgun ownership, with no grandfather clause. There hasn't been another school shooting since the ban went into effect.<sup>15</sup> The mass shooting at The Covenant School in Nashville was the 89<sup>th</sup> U.S. school shooting this year,<sup>16</sup> and the overall rate of gun related deaths in the United States is now 70 times higher than the rate in the Great Britain.<sup>17</sup>

Prior to 2008, there was no constitutional obstacle, Second Amendment or otherwise, to the adoption of stringent gun control laws of the type described above.<sup>18</sup> In the rogue 2008 *Heller* decision,<sup>19</sup> though, a narrow 5-4 majority of the Supreme Court reversed over two centuries of legal precedent, including four prior Supreme Court opinions,<sup>20</sup> in ruling for the first time in U.S. history that the Second Amendment conferred an individual right to own guns unrelated to service in a "well regulated militia." The late Supreme Court Chief Justice Warren Burger had described such an interpretation of the Second Amendment as "one of the greatest pieces of fraud – I repeat the word, 'fraud' – on the American public by special interest groups" that he had ever seen in his lifetime.<sup>21</sup> The late Supreme Court Justice John Paul Stevens, who authored a dissenting opinion in *Heller*, described the *Heller* majority opinion as "unquestionably the most clearly incorrect decision that the Court announced during my [35 year] tenure on the bench."<sup>22</sup> Now, though, in order to change the guiding principle for firearm ownership in the United States from a "permissive" one to a "restrictive" one, to ban handguns, and to avoid any possible constitutional challenge to banning all automatic and semi-automatic long guns, the *Heller* decision and its progeny, which now includes the 2022 *Bruen* decision,<sup>23</sup> must first be overturned.

Despite our best efforts to get other organizations to join us, Americans Against Gun Violence remains the only gun violence prevention organization in the entire United States that openly advocates and is actively working toward overturning the *Heller* decision and its progeny and adopting stringent gun control laws in the United States comparable to the laws in other high income democratic countries. Until we adopt such laws, we shouldn't be surprised when the next horrific mass shooting occurs, and we shouldn't be surprised when it's announced every year that the annual number of gun-related deaths has reached new record high levels.

### References

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<sup>1</sup> “Fatal Injury Data | WISQARS | Injury Center | CDC,” Centers for Disease Control and Prevention, accessed July 1, 2021, <http://www.cdc.gov/injury/wisqars/fatal.html>.

<sup>2</sup> Thomas Dodd, “Text of Speech by Senator Thomas Dodd on Floor of U.S. Senate: The Sickness of Violence and the Need for Gun Control Legislation” (Office of Senator Thomas Dodd, June 11, 1968), [http://thedoddcenter.uconn.edu/asc/research/gun\\_control.htm#](http://thedoddcenter.uconn.edu/asc/research/gun_control.htm#); Thomas Dodd, “Press Release: Pious Condolences Will No Longer Suffice” (Office of Senator Thomas Dodd, June 10, 1968), [http://thedoddcenter.uconn.edu/asc/research/gun\\_control.htm#](http://thedoddcenter.uconn.edu/asc/research/gun_control.htm#).

<sup>3</sup> Erin Grinshteyn and David Hemenway, “Violent Death Rates: The US Compared with Other High-Income OECD Countries, 2010,” *The American Journal of Medicine* 129, no. 3 (March 1, 2016): 266–73, <https://doi.org/10.1016/j.amjmed.2015.10.025>.

<sup>4</sup> Josh Sugarmann, *Every Handgun Is Aimed at You: The Case for Banning Handguns* (New Press, 2001), 181.

<sup>5</sup> George D. Newton and Franklin E. Zimring, “Firearm Licensing: Restrictive v Permissive,” *Firearms & Violence in American Life: A Staff Report Submitted to the National Commission on the Causes and Prevention of Violence* (Washington, D.C.: U.S. Government Printing Office, January 1, 1969).

<sup>6</sup> “Gun Law and Policy: Firearms and Armed Violence, Country by Country,” *GunPolicy.org*, accessed July 1, 2021, <http://www.gunpolicy.org/>.

<sup>7</sup> “Gun Law and Policy: Firearms and Armed Violence, Country by Country.”

<sup>8</sup> Michael J. North, “Gun Control in Great Britain after the Dunblane Shootings,” in *Reducing Gun Violence in America: Informing Policy with Evidence and Analysis* (Baltimore: The Johns Hopkins University Press, 2013), 185–93.

<sup>9</sup> Rebecca Peters, “Rational Firearm Regulation: Evidence-Based Gun Laws in Australia,” in *Reducing Gun Violence in America: Informing Policy with Evidence and Analysis* (Baltimore: The Johns Hopkins University Press, 2013), 195–204; Philip Alpers, “The Big Melt: How One Democracy Changed after Scrapping a Third of Its Firearms,” in *Reducing Gun Violence in America: Informing Policy with Evidence and Analysis* (Baltimore: The Johns Hopkins University Press, 2013), 205–11; Joel Negin et al., “Australian Firearm Regulation at 25-Successes, Ongoing Challenges, and Lessons for the World,” *New England Journal of Medicine* 384, no. 17 (2021): 1581–83.

<sup>10</sup> Josh Hafner, “Gun Control Bill in New Zealand Passes in Early Vote Following Attacks,” *USA Today*, April 2, 2019, <https://www.usatoday.com/story/news/world/2019/04/02/gun-control-bill-new-zealand-vote-parliament-mosque-attacks/3341240002/>; “2019 Firearm Law Changes (Arms Amendment Bill 2),” *New Zealand Police*, accessed August 27, 2020, <https://www.police.govt.nz/advice-services/firearms-and-safety/2019-firearm-law-changes-arms-amendment-bill-2>.

<sup>11</sup> For the purpose of this comparison, a mass shooting is defined as a single incident with 5 or more fatalities. North, “Gun Control in Great Britain after the Dunblane Shootings”; Negin et al., “Australian Firearm Regulation at 25-Successes, Ongoing Challenges, and Lessons for the World.”

<sup>12</sup> Christopher S. Koper, Daniel J. Woods, and Jeffrey A. Roth, “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” (Pittsburgh, Pennsylvania: Jerry Lee Center of Criminology, University of Pennsylvania, June 2014), 1–2, <https://www.ncjrs.gov/pdffiles1/nij/grants/204431.pdf>.

<sup>13</sup> Sugarmann, *Every Handgun Is Aimed at You*.

<sup>14</sup> Mark Follman, Gavin Aronsen, and Deanna Pan, “US Mass Shootings, 1982-2018: Data from Mother Jones’ Investigation,” *Mother Jones*, accessed May 31, 2018, <https://www.motherjones.com/politics/2012/12/mass-shootings-mother-jones-full-data/>.

<sup>15</sup> North, “Gun Control in Great Britain after the Dunblane Shootings.”

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<sup>16</sup> Alison Durkee, “Nashville Shooting: What We Know About The 28-Year-Old Suspect,” *Forbes*, March 28, 2023, <https://www.forbes.com/sites/alisondurkee/2023/03/28/nashville-shooting-what-we-know-about-the-28-year-old-suspect/>.

<sup>17</sup> “Gun Law and Policy: Firearms and Armed Violence, Country by Country.”

<sup>18</sup> John Paul Stevens, *The Making of a Justice: Reflections on My First 94 Years* (New York: Little, Brown, 2019), 481–87.

<sup>19</sup> *District of Columbia v. Heller*, 554 US (Supreme Court 2008).

<sup>20</sup> *United States v. Cruikshank*, 92 US 542 (Supreme Court 1876); *Presser v. Illinois*, 116 US (Supreme Court 1886); *U.S. v. Miller*, 307 U.S. 174 (1939) (n.d.); *Lewis v. United States*, No. 55 (U.S. 1980).

<sup>21</sup> Warren Burger, *PBS News Hour*, December 16, 1991, c.

<sup>22</sup> Stevens, *The Making of a Justice*, 482.

<sup>23</sup> *New York State Rifle and Pistol Association, Inc. et al v. Bruen, et al*, 142 S. Ct. 2111 (Supreme Court 2022) The six justices in the Bruen majority included five justices (Roberts, Alito, Gorsuch, Kavanaugh, and Coney Barrett) who were nominated by presidents who lost the popular vote, and a sixth justice (Thomas) who never would have been confirmed had current standards for sexual misconduct been applied during his confirmation hearing.