

The Move to “Guns Everywhere”

John Donohue
Stanford Law School and NBER
February 2020

The Second Amendment

“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.”



NRA President Testifying in Congress for the 1934 Federal Gun Control Act

- “I have never believed in the general practice of carrying weapons,” **NRA President** Karl T. Frederick, 1920 Olympic gold-medal winner for marksmanship and then lawyer, praising state gun control laws in Congress.
- Testifying for the 1934 federal gun control law. **“I do not believe in the general promiscuous toting of guns. I think it should be sharply restricted and only under licenses.”**

“There’s no reason why on the street today a citizen should be carrying loaded weapons.” Guns are “a ridiculous way to solve problems that have to be solved among people of good will.”

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Canada prohibited the right to carry for self-protection in 1977. US may now rule the other way.

The Second Amendment “has been the subject of one of the greatest pieces of fraud, I repeat the word fraud, on the American public by special interest groups that I have ever seen in my lifetime,” referring to the NRA’s claim that the U.S. Constitution included a personal right to own guns.

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-- Chief Justice Warren Burger [told](#) PBS’ News Hour in late 1991

Conservative Republicans used to think there was no private right to guns

“To assert that the Constitution is a barrier to reasonable gun laws, in the face of the unanimous judgment of the federal courts to the contrary, exceeds the limits of principled advocacy. It is time for the NRA and its followers in Congress to stop trying to twist the Second Amendment from a reasoned (if antiquated) empowerment for a militia into a bulletproof personal right for anyone to wield deadly weaponry beyond legislative control.”

-- *Erwin Griswold,*

Solicitor General to Presidents Johnson and Nixon

(Quoted November 1994)

Missouri Republican legislator

FIRST REGULAR SESSION

HOUSE BILL NO. 1108

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MCDANIEL.

2290H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapters 41 and 135, RSMo, by adding thereto two new sections relating to the McDaniel Second Amendment Act.

4. Any person who qualifies as a resident on August 28, 2019, and who does not own an AR-15 shall have one year to purchase an AR-15. Any resident qualifies as a resident after August 28, 2019, and does not own an AR-15 shall purchase an AR-15 no later than one year after qualifying as a resident.

5. A resident may sell an AR-15, provided that the resident owns at least one AR-15 for the entire time he or she qualifies as a resident

FIRST REGULAR SESSION

HOUSE BILL NO. 1052

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MCDANIEL.

2259H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapters 41 and 135, RSMo, by adding thereto two new sections relating to the
McDaniel Second Amendment Act.

HB 1052 -- McDaniel's Second Amendment Act

SPONSOR: McDaniel

This bill creates the "McDaniel Second Amendment Act." This bill requires all persons 21 years of age or older who may legally possess a handgun to acquire such a weapon and specifies that there will be a tax credit granted for the purchase of such arms.

This bill shall sunset on December 31st, 6 years after the effective date.



Senator Rand Paul ✓

@RandPaul



.@Judgenap: Why do we have a Second Amendment? It's not to shoot deer. It's to shoot at the government when it becomes tyrannical!

9:48 AM - Jun 23, 2016

♡ 6,128 💬 11.2K people are talking about this



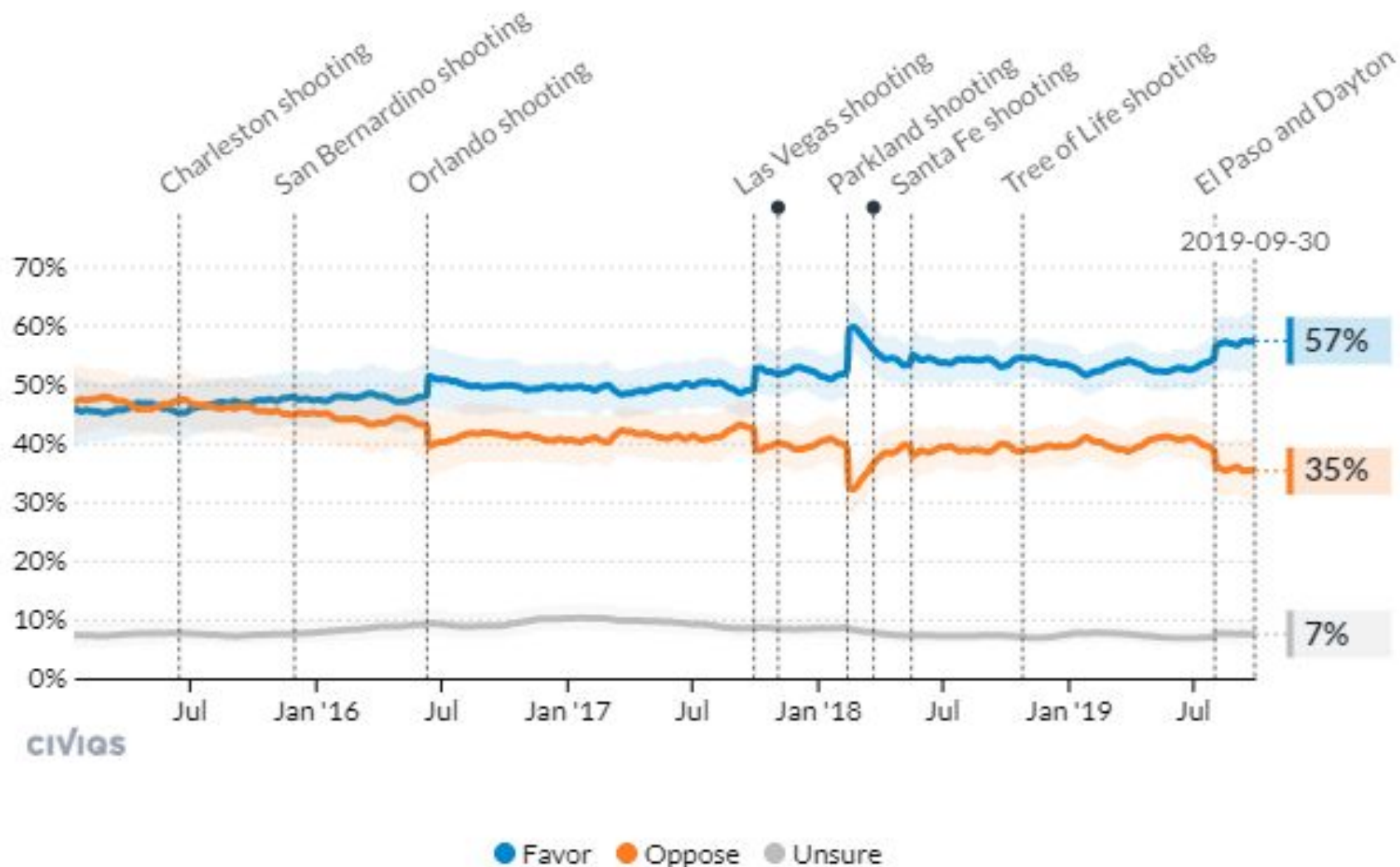
The primary purpose of the Second Amendment was **not** to promote or enable armed insurrection against the federal government but for exactly the **OPPOSITE** reason, so that the federal government would have an effective military force quickly available to **put down** an armed insurrection or defeat an attacking army.

-- as Washington did with Whiskey Rebellion

Do you favor or oppose stricter gun control laws?

NATIONAL, Registered Voters: Jan. 15, 2015 – Sep. 30, 2019

Refined by: **Gender: Female** **Race: White**



A Time of Reckoning

- But just as the public has become energized in support of various gun control measures, a vast array of current gun control measures are under attack from the NRA
- The public may soon find that the Courts have slammed most of the possible doors of gun regulation

Survey Results...

- The Pew survey of October 18, 2018: 67 percent of Americans favored bans on assault weapons and on high-capacity magazines.
- The same Pew survey from September 3 – 15, 2019 showed that 69 percent of Americans supported such bans

Federal Judge Roger Benitez

May 2019

“The State has not carried its burden to justify the restrictions on firearm magazines protected by the Second Amendment based on the undisputed material facts in evidence. That is not to be lamented. It ought to provide reassurance. [I]t is the proudest boast of our Second Amendment jurisprudence that we protect a citizen’s right to keep and bear arms that are dangerous and formidable.”

- The Judge believes the weapons can be used against the federal government

The Iraqi army in 1990 was battle tested and over a million strong

- It was equipped with 6,000 battle tanks, 300 fighter planes and a vast array of missiles: the Soviet T-72 tank, the Chinese Silkworm missile, the French Mirage fighter and the Exocet tactical missile,
- A relatively small portion of the U.S. military fighting more than 6000 miles from the United States defeated this army in four days.

Judge Benitez did his own research

- citing the worst fear of any homeowner – that a burglar will come into one's home and commit a homicide – the judge cited a report for the claim that such home-invasion homicides occur 430 times a year on average (stating he visited the webpage the day before his 2019 opinion was released – see his fn. 9).

Any crime expert would know Benitez's claim was incorrect

- the report clearly specified that less than 1 percent of all homicides fall into this category (we don't have $> 43,000$ murders)
- The true number was 86 – $1/5^{\text{th}}$ the value the Judge claimed and far smaller than the number of family members killed each year by errant discharge of guns.
- Some number of the 86 were likely drug dealers

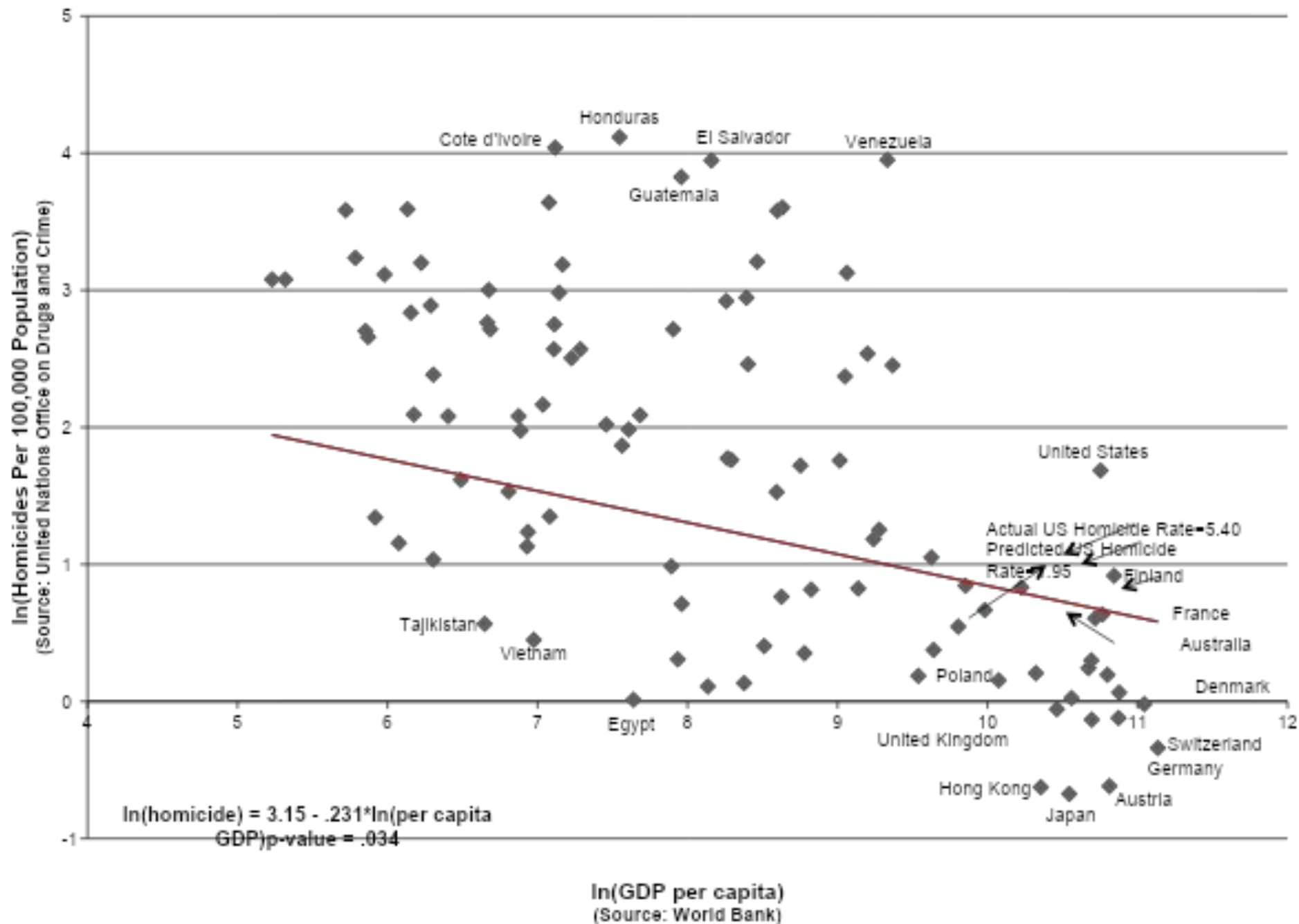
In another of the Judge's forays into fantasyland, he states...

- “Nationally, the first study to assess the prevalence of defensive gun use estimated that there are 2.2 to 2.5 million defensive gun uses by civilians each year. Of those, 340,000 to 400,000 defensive gun uses were situations where defenders believed that they had almost certainly saved a life by using the gun.”

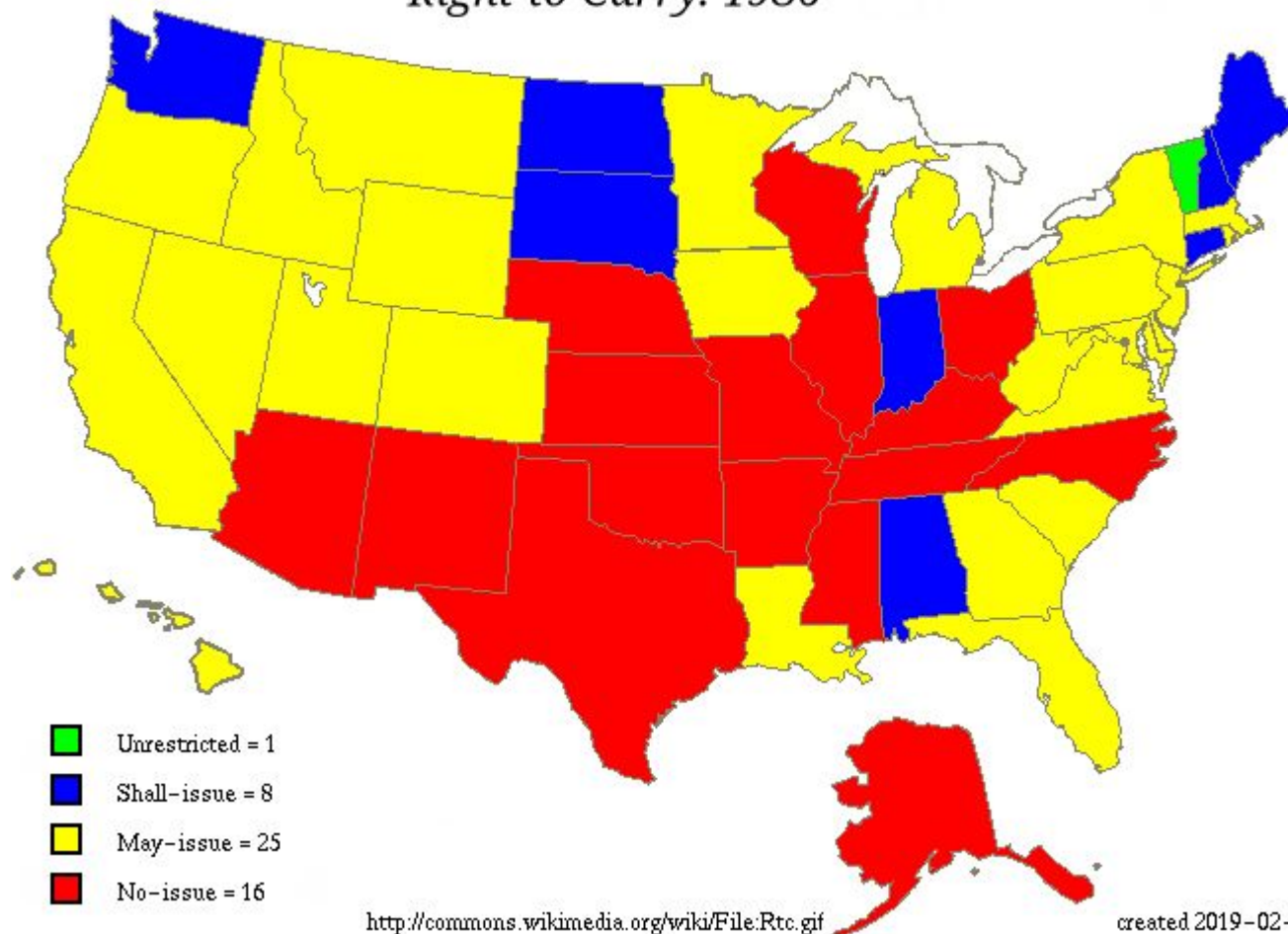
Judge Cites Discredited Work

- Since the largest number of homicides in the U.S. was about 25,000 in 1992, the idea that private gun toters saved anywhere close to 400,000 lives in a year is absurd – as anyone with the most basic knowledge of U.S. homicide rates would know.

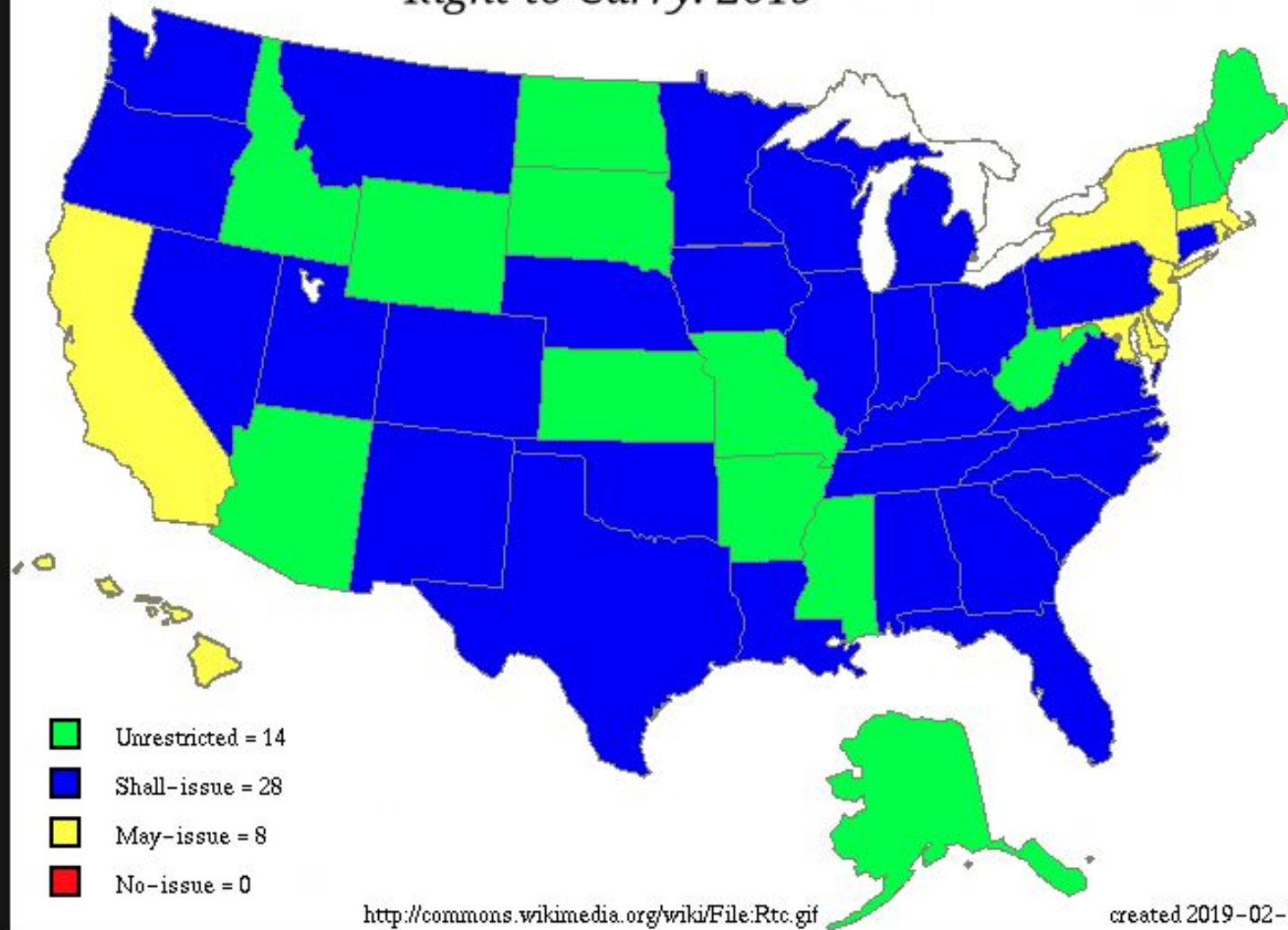
Homicide Rate vs GDP
Based on 101 countries in 2008



Right-to-Carry: 1986



Right-to-Carry: 2019

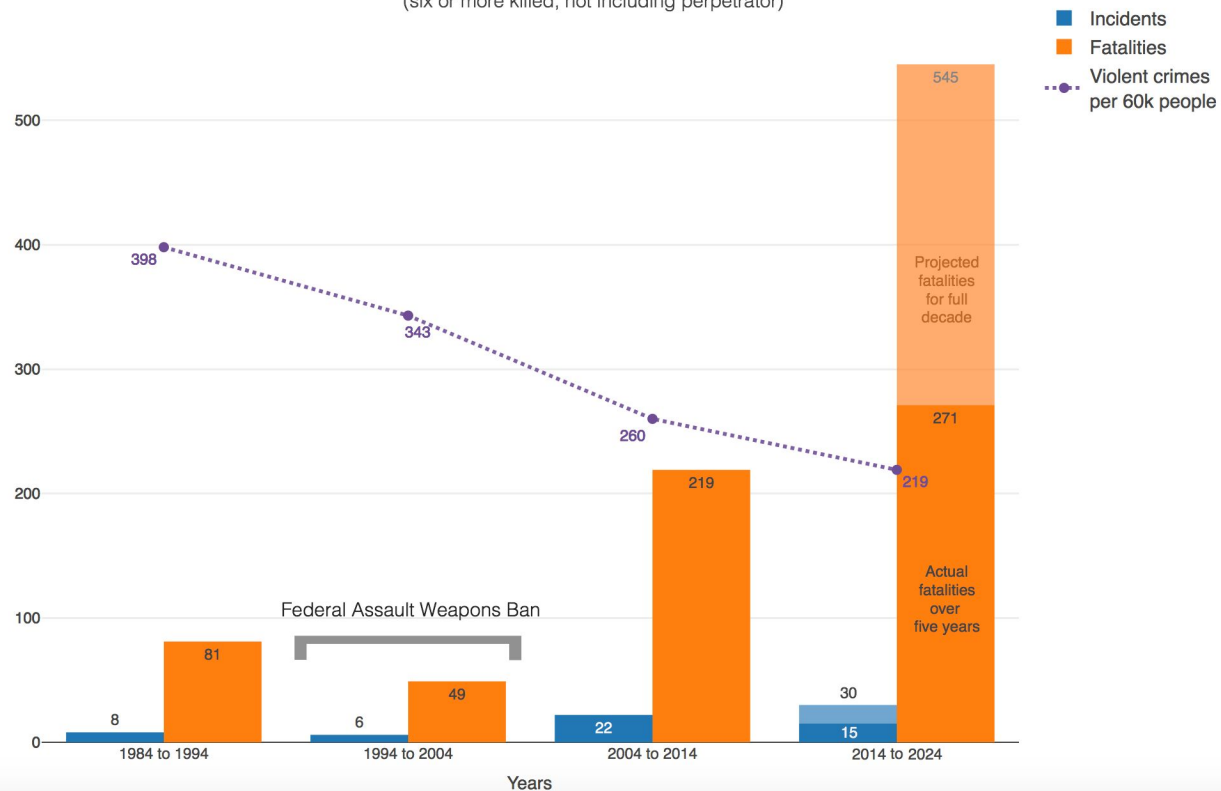


At least with all those packing good guys,
mass shootings would be wiped out, right?

this and indeed mass shooting
At least with all those packing good guys,
deaths have been rising sharply
mass shootings would be wiped out, right?
since the end of the federal
assault weapons ban in 2004

Gun Massacres Were Less Frequent And Less Deadly During The Federal Assault Weapons Ban

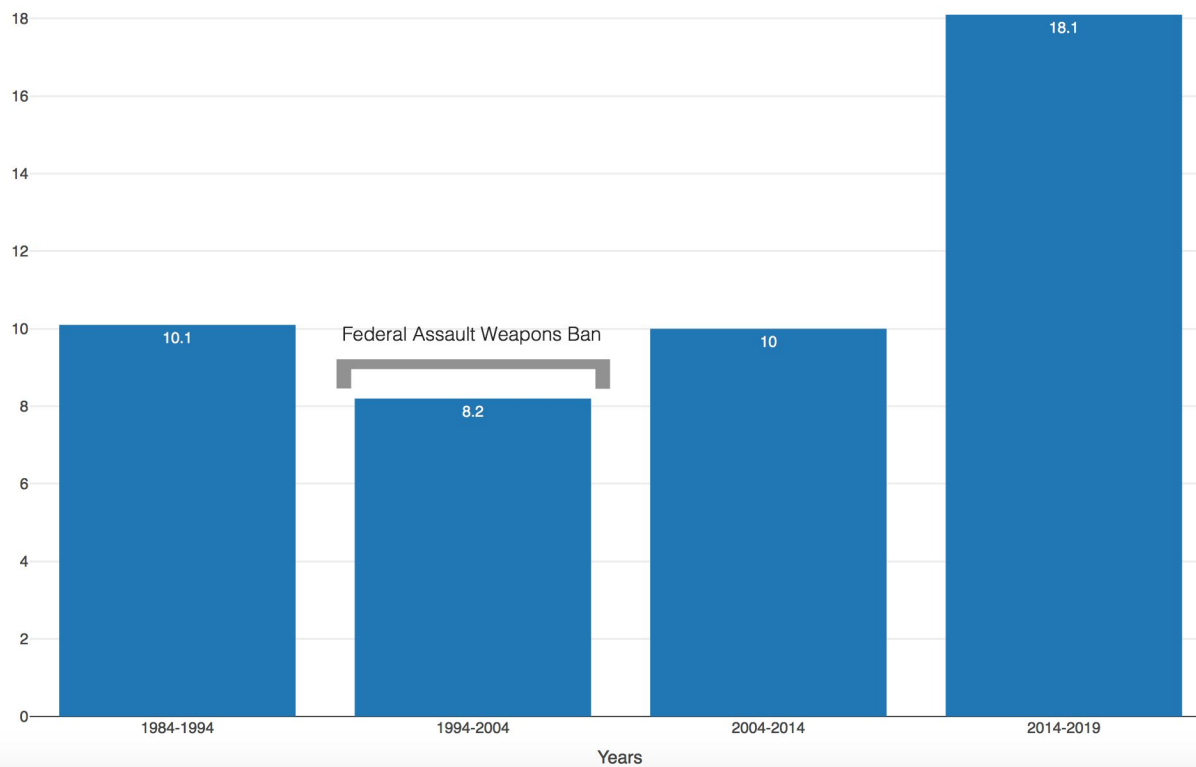
(six or more killed, not including perpetrator)



Mass shooting data from Mother Jones; dates begin and end in September to reflect the period from 9/13/1994 to 9/12/2004 when the federal assault weapons ban was in place, except for the last column, which ends in 9/2/2019. Violent crime rate data from UCR; dots mark ten-year averages, except for the last dot, which ends in 6/2018.

Gun Massacres: Deaths per Incident

(six or more killed, not including perpetrator)



Mass shooting data from Mother Jones; dates begin and end in September to reflect the period from 9/13/1994 to 9/12/2004 when the federal assault weapons ban was in place, except for the last column, which ends in 9/2/2019.

Mass Shootings Getting Deadlier

- With assault weapons getting increasingly more potent and plentiful, the average number of people who die in every incident has increased by 90% since the decade after elimination of the assault weapons ban.

Retaining The Federal AWB Would Have Helped

- Assault weapons and/or high capacity magazines were used in ALL of the 15 gun massacres since 2014 – leading to 271 people who were killed by weapons prohibited under the federal assault weapons ban.
- Lesson from the school shooting in Saugus HS shot 5 killing 2 11/14/19 (he emptied gun and saved one bullet for himself)



A musket from the 18th century, when the Second Amendment was written, and an assault rifle of today.
Top, MPI, via Getty Images, bottom, Joe Raedle/Getty Images .

FAKE NEWS ALERT!

The New York Times

Opinion

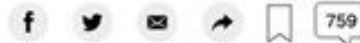
That Assault Weapon Ban? It Really Did Work

Since the ban was lifted in 2004, gun massacres involving military-style weapons are way up.

By John Donohue and Theodora Boulouta

Mr. Donohue is law professor at Stanford, where Ms. Boulouta is a senior.

Sept. 4, 2019



<https://www.nraila.org/articles/20190915/playing-games-with-numbers>

From the NRA (Sept 15, 2019)

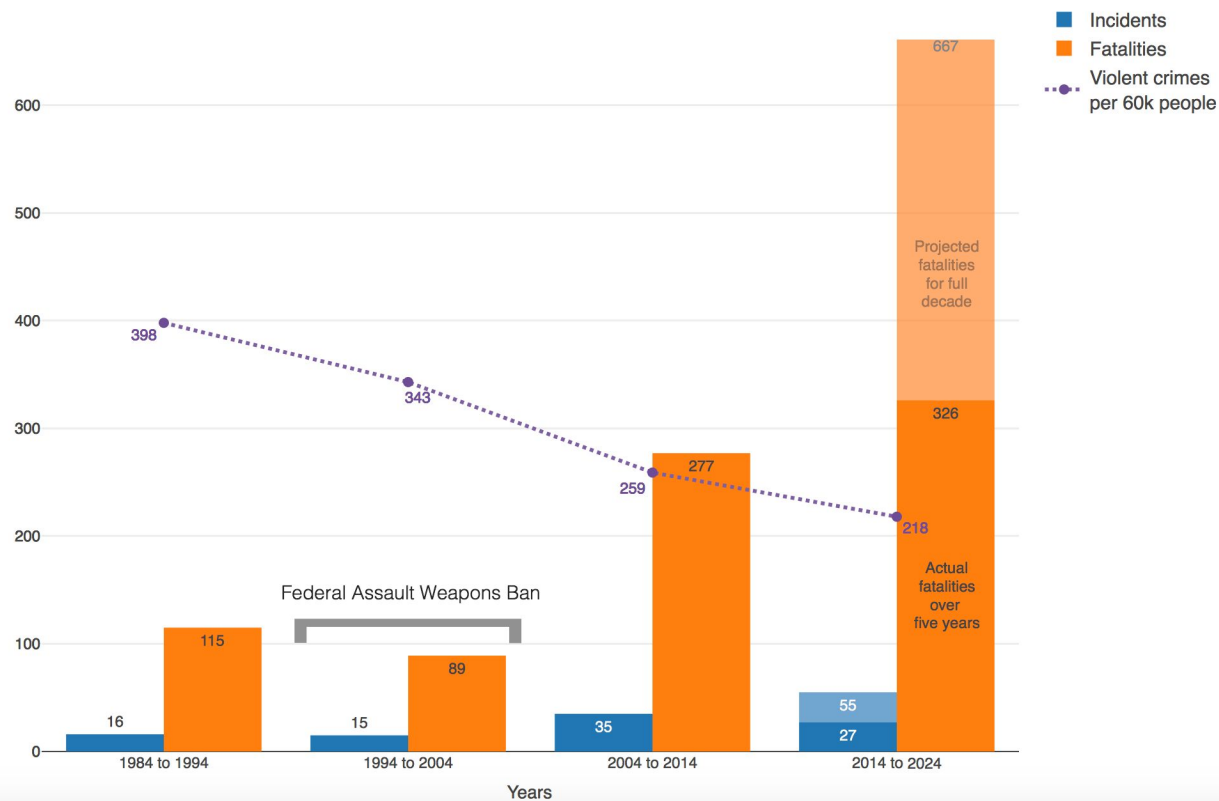
- For some reason, Donohue and Boulouta chose to use six fatalities as the minimum, instead of the common definition of four or even the Obama-era attempt to reduce the threshold to three. Jacob Sullum at Reason has a pretty good guess as to why Donohue and Boulouta chose six: “Yet they chose to focus on cases with six or more fatalities, for no obvious reason except that it exaggerates the changes they attribute to the “assault weapon” ban that expired in 2004.” Sullum’s article is titled, “[A Suspiciously Selective, Logically Shaky Analysis of Mass Shooting Data Claims the Federal ‘Assault Weapon’ Ban ‘Really Did Work’.](#)”

Four Person Standard



Gun Massacres Were Less Frequent And Less Deadly During The Federal Assault Weapons Ban

(four or more killed, not including perpetrator)

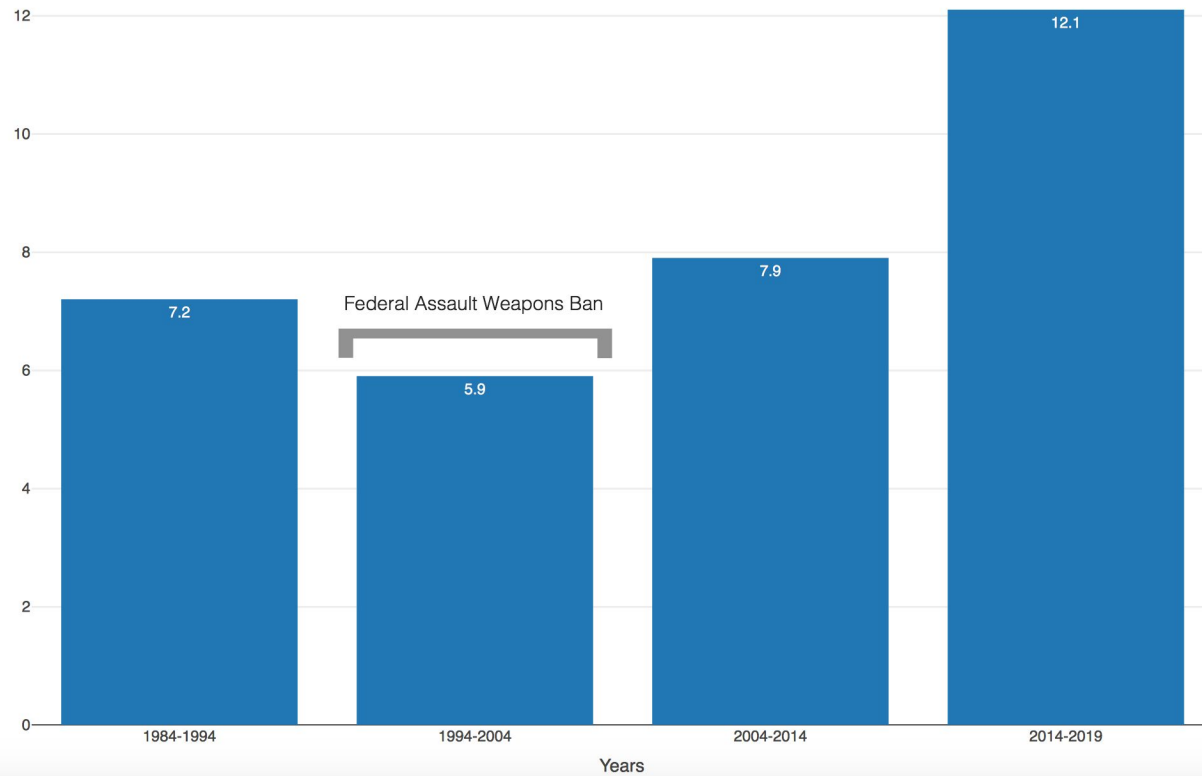


Mass shooting data from Mother Jones; dates begin and end in September to reflect the period from 9/13/1994 to 9/12/2004 when the federal assault weapons ban was in place, except for the last column, which ends in 8/4/2019. Violent crime rate data from National Crime Victimization Survey; dots mark ten-year averages, except for the last dot, which ends in 12/2017 and the first dot which only reflects the year 1993.

Figure 1

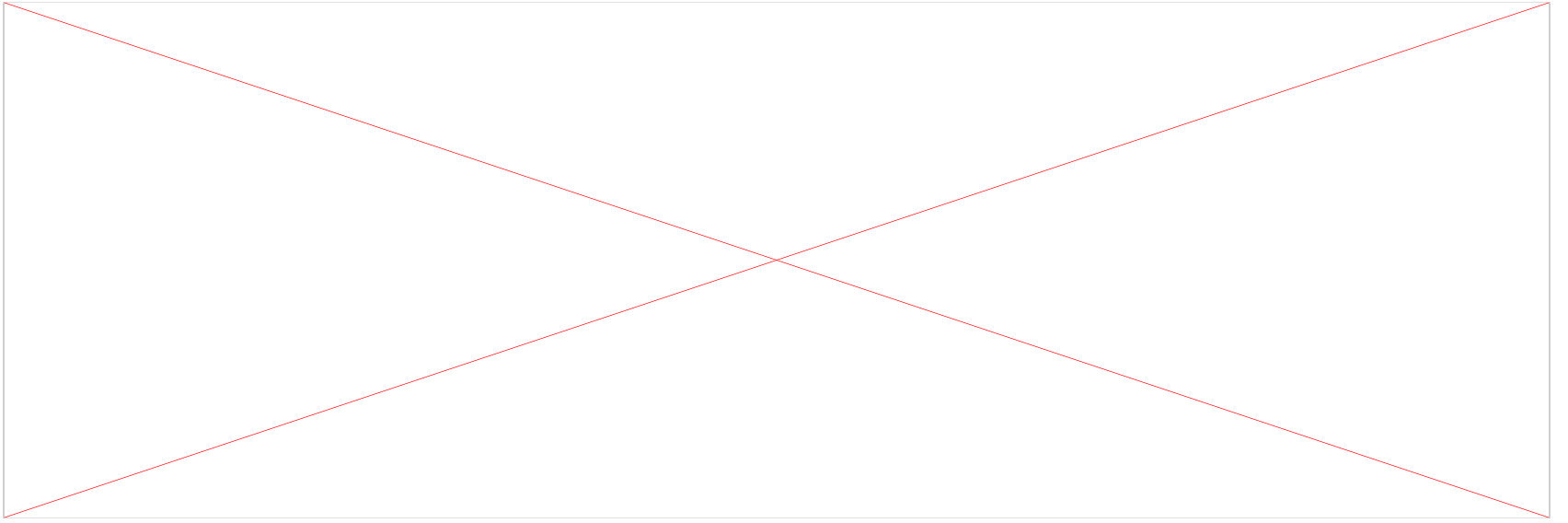
Gun Massacres: Deaths per Incident

(four or more killed, not including perpetrator)



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Figure 2



**CONSIDER
YOUR MAN CARD
REISSUED.**



If it's good enough for the professional, it's good enough for you. Bushmaster. The world's finest commercial AR-platform rifle.





Left chest



the 19-year-year old
Parkland, Florida
shooter was very moved
by this image, which he
shared on his Instagram
account.

Killer of 17 at Parkland HS (2/14/18) stated in a recording

- “I am nothing. I am no one, my life is nothing and meaningless. With the power of the A.R., you will know who I am.”
- He added that he had had enough of being told what to do, and was tired of being called “an idiot.”

- Florida school shooter bought AR-15 rifle three days after being expelled, cops visited home 39 times in 7 years
- <https://scallywagandvagabond.com/2018/02/nikolas-cruz-ar15-rifle-purchase-39-police-visits/>

NRA: “law abiding citizens” should be unrestrained

- but, almost all the mass shooters from Columbine, Sandy Hook, Aurora theatre shooting, Fort Hood, Washington Navy Shipyard, Isla Vista, Orlando nightclub, Las Vegas, Parkland, Florida, Virginia Beach to the latest disasters in Texas and Ohio met the NRA definition of “law abiding citizens”—until they became mass killers.
- NIJ head— David Mulhausen (Heritage)

Sup Ct Heard Argument Monday after Thanksgiving 2019

- Even as the evidence has mounted that carrying guns outside the home is associated with more crime, the Supreme Court is poised to create a constitutional right to carry a gun outside the home
- Their opinion may take away the necessary tools to limit mass shootings

The Federalist, No. 1

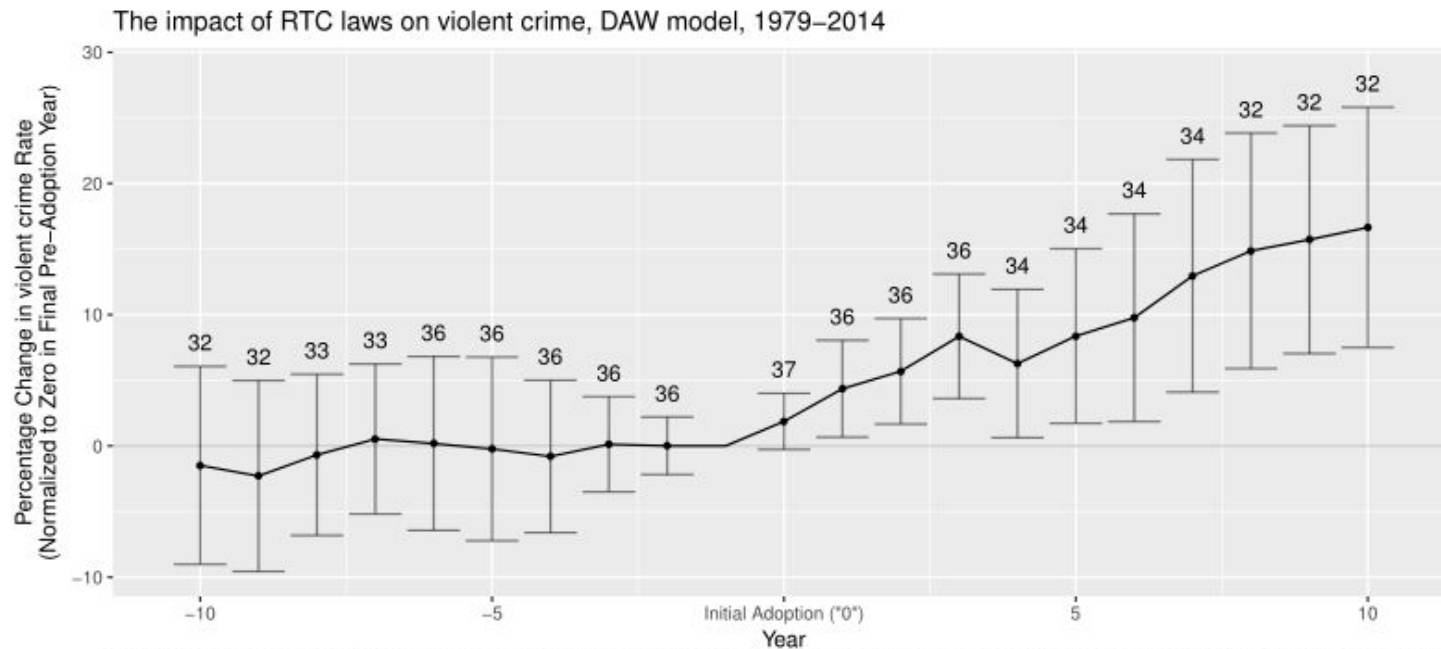
- ...**the vigor of government is essential to the security of liberty**; ...in the contemplation of a sound and well-informed judgment, their interest can never be separated; and ... a dangerous ambition more often lurks behind **the specious mask of zeal for the rights of the people** than under the forbidden appearance of zeal for the firmness and efficiency of government. History will teach us that the former has been found a much more certain road to the introduction of despotism than the latter, and that **of those men who have overturned the liberties of republics, the greatest number have begun their career by paying an obsequious court to the people; commencing demagogues, and ending tyrants.**

Judge Wilkinson -- the 4th Circuit
upheld Maryland AWB

“To say in the wake of so many mass shootings in so many localities across this country that the people themselves are now to be rendered newly powerless, that all they can do is stand by and watch as federal courts design their destiny – this would deliver a body blow to democracy ...”

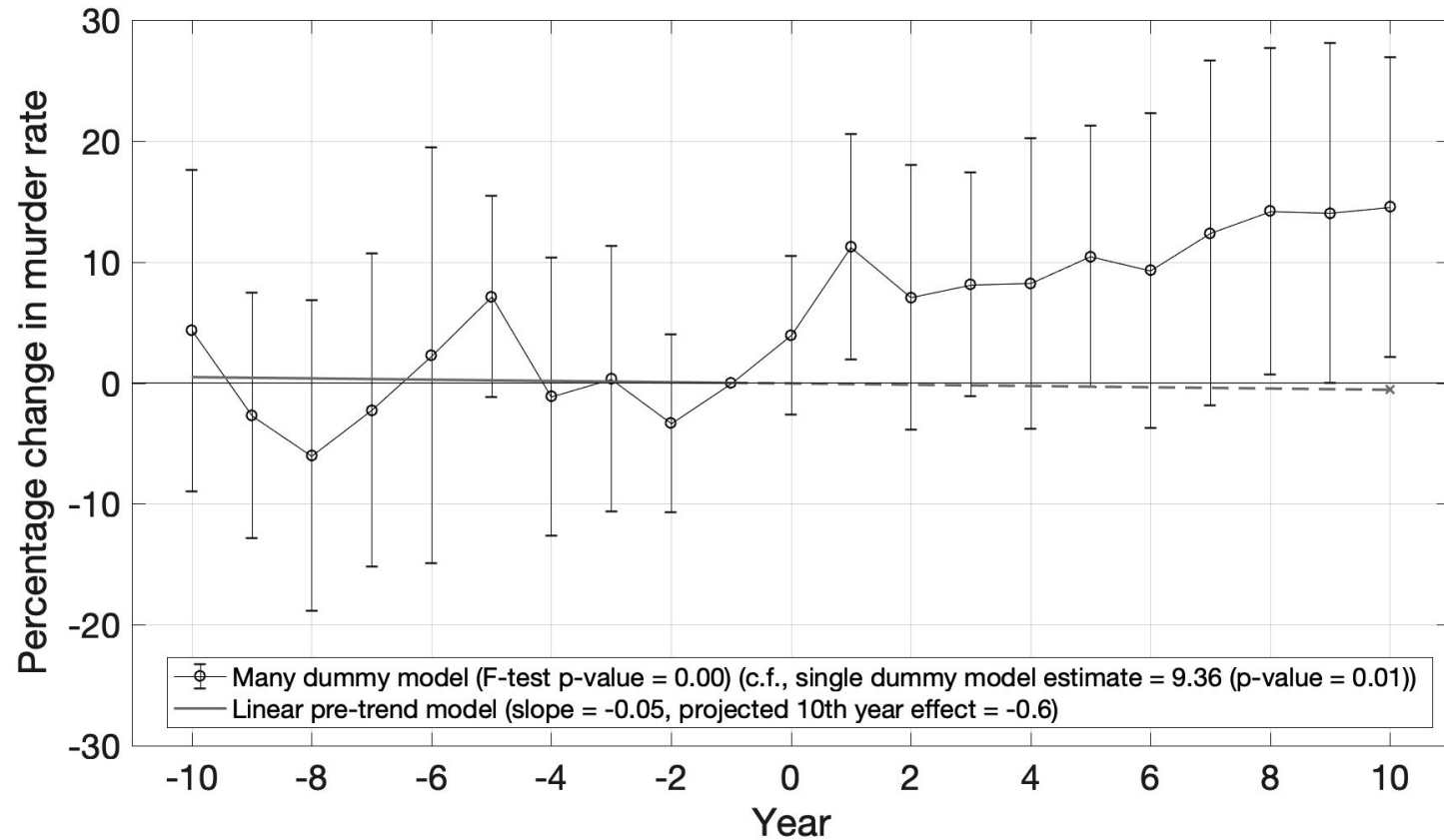
-- 90% of US wants background chx

Single dummy estimate: violent crime rises by 9% (s.e.=2.9)



Note: We regress crime on dummies for pre- and post-passage years and DAW covariates. Reference year is year before adoption and adoption year is first year with RTC in place at any time, meaning that in states that adopt after January 1st, this will capture only a partial effect of RTC laws. We display the 95 percent confidence interval for each estimate using cluster-robust standard errors and show the number of states that contribute to each estimate.

The impact of RTC laws on murder, 2000–2014 Single dummy estimate: murder rises by 9.4% (p value= .01)



Synthetic Control Estimates

Table 5: The Impact of RTC Laws on the Violent Crime Rate, DAW covariates, 1977-2014

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Average normalized TEP	-0.117 (1.076)	2.629* (1.310)	3.631* (1.848)	4.682** (2.068)	6.876*** (2.499)	7.358** (3.135)	10.068*** (2.823)	12.474*** (3.831)	14.021*** (3.605)	14.344*** (2.921)
N	33	33	33	33	33	33	33	31	31	31

Importantly: similar results with DAW or LM variables (unlike with panel data)

1. Siegel (AJPH 2017) - 1991-2015 data: **RTC laws increase homicide 6.5%**, firearm homicide by 8.6%, and handgun homicide by 10.6%.
2. Siegel (J Gen Intern Med 2019) - 1991- 2016 **RTC laws increase homicides 9%** (controlling for more gun laws).
3. Crifasi et al (J Urban Health 2018) 1984-2015 **RTC laws increase firearm homicides 4%**; 136 large, urban counties
4. Gius (ILRE 2019) – 1990-2014 moving from a prohibition on concealed carry to **RTC law elevates homicide 4.9% and firearm homicides 12.3 %** (but less clear with synthetic control approach – but no evidence of benefit)

Colmer and Doleac: RTC Laws Increase Homicides Induced by Hotter Temperatures

- a one-degree Celsius increase in temperature is associated with a:
 - 0.4% increase in homicides without RTC laws.
 - 1.0% increase in homicides with RTC laws
- The effect of a temperature on homicide is 150% larger in places with freer gun carrying access

Richard Boylan, Official Statistics Underreport Crime (2019)

- Boylan estimates the impact of right to carry legislation on crime: “When ignoring missing statistics, right to carry laws increase crime by 18%, while accounting for sample selection leads right to carry laws to increase crime by 28%....”
- “Given that police departments are less likely to report statistics when crime is high, ... **regressions that ignore missing values underestimate the [crime-increasing] impact of right to carry legislation.**”
- Thus, the Colmer and Doleac results understate the true harm of RTC laws

Road Rage Incident Ends up with Two Dead Concealed Carry Permit Holders

- On September 18, 2013, two Michigan drivers with RTC permits -- James Pullum (43), driving with his wife and mother, and Robert Taylor (56) – were angered over a tailgating dispute.
- They pulled into a nearby car wash, stepped out of their cars and exchanged fire. Both were hit and died at the same hospital later that day.
- Notice that neither of their RTC permits will be revoked.

Philando Castile - Minnesota

- Officer Jeronimo Yanez shot and killed Philando Castile on July 6, 2016 during a regular traffic stop
- Castile informed Yanez that he had a firearm on his person as well as a valid permit
- Yanez instructed Castile not to pull it out when Castile was reaching for something
- Yanez shot 7 rounds, killing Castile

Threat to police safety comes from armed civilians

- in the first 24 *days* of 2015, police in the US fatally shot 59 individuals, which was greater than the comparable number of 55 shot by police in England and Wales, combined, over the past 24 *years*.
- the rate of police killings – largely driven by the fear of guns – is roughly 100x higher in the U.S

Criminals Arm Themselves

More after RTC (1980 - 2016)

- the percentage of robberies committed with a firearm rises after RTC adoption
- **panel data estimate:** by 18% ($t = 2.60$).
- **synthetic controls:** by 35% over 10 years ($t = 4.48$).
- **RTC laws don't reduce robberies overall**; **panel data:** robberies **rise** by 9% ($t = 1.85$); **synthetic controls:** 7% higher in 10th year ($t=1.19$).

Proportion of robberies committed by firearm

- in year prior to RTC adoption (for states adopting RTC 1981-2014) is 36 percent
- the proportion in 2014:
 - for RTC states is 42 percent
 - for non-RTC states is 29 percent

Estimating the Impact of RTC Laws Using Synthetic Controls

- examine the adoption of RTC laws by 33 states from 1981 and 2010 with 1977 - 2014 data using **Synthetic Controls approach**
 - Different synthetic controls are generated for each RTC adopting state
 - We estimate the impact of RTC laws on violent crime in the ten years after RTC adoption

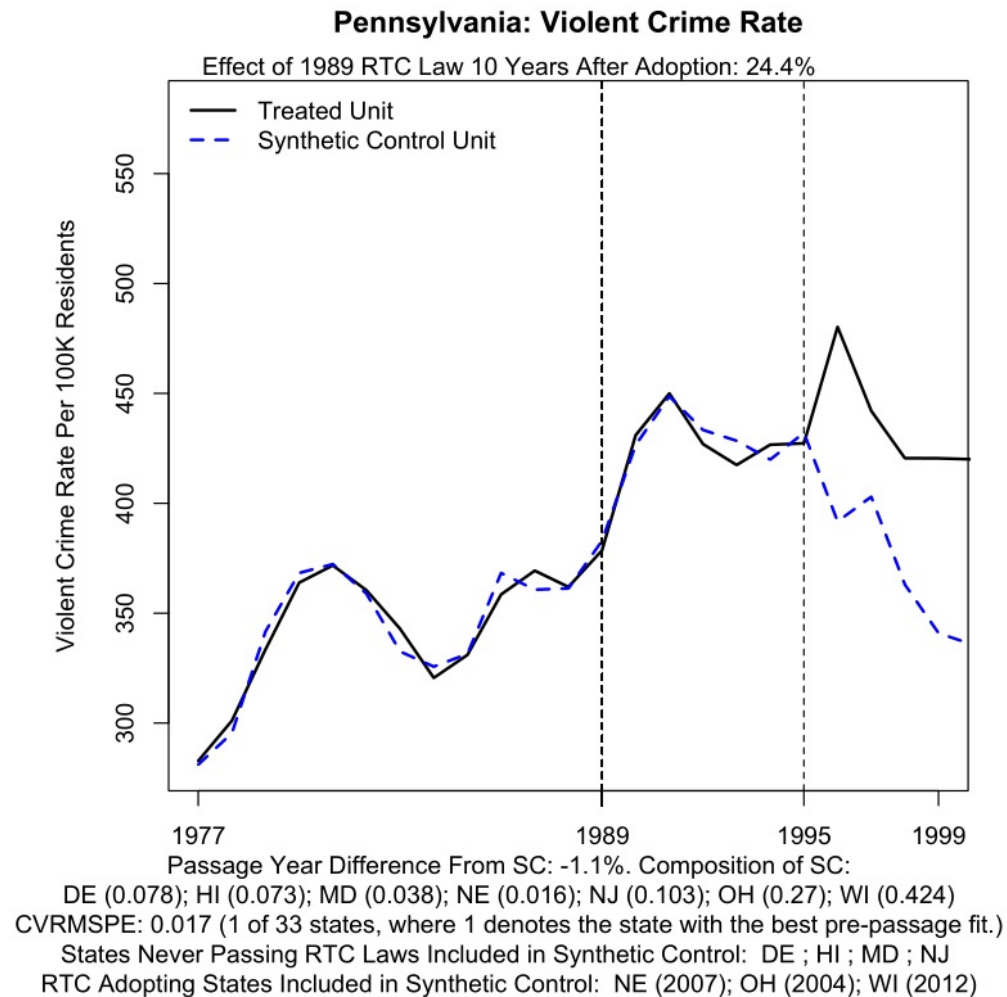


Figure A25

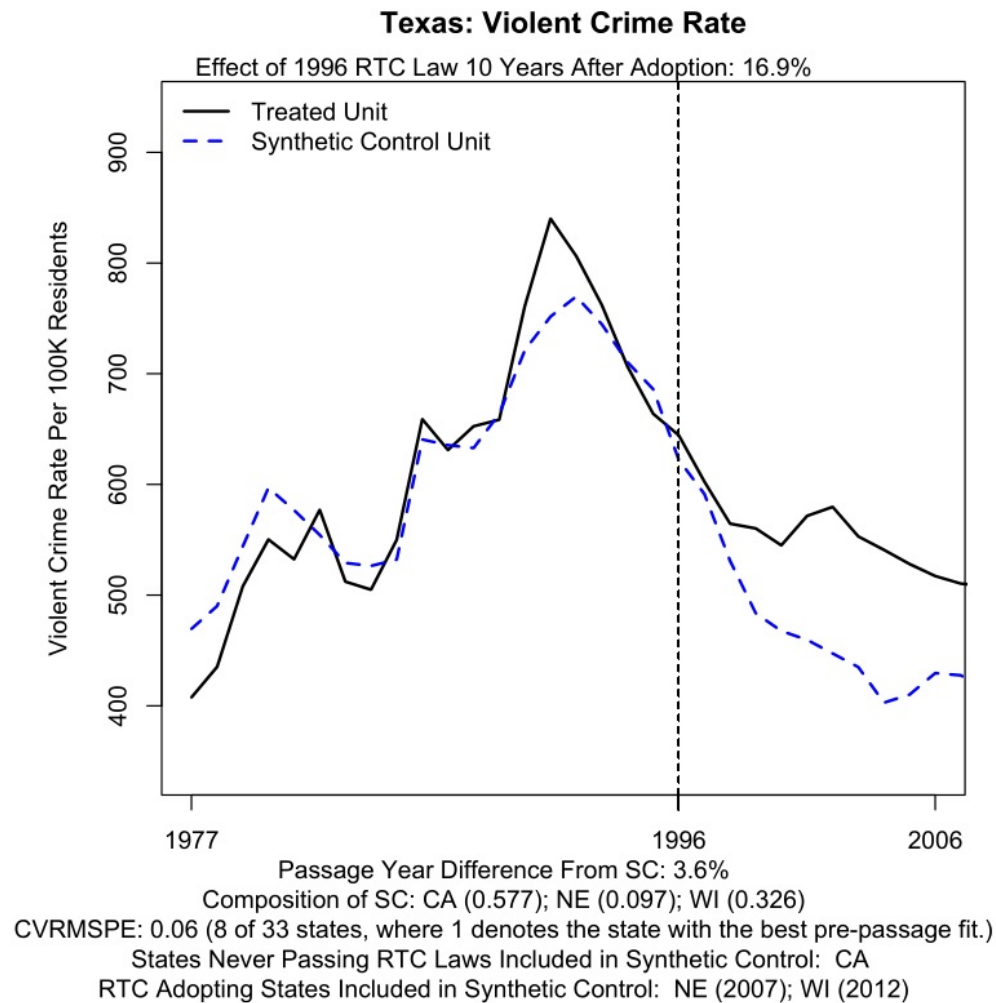
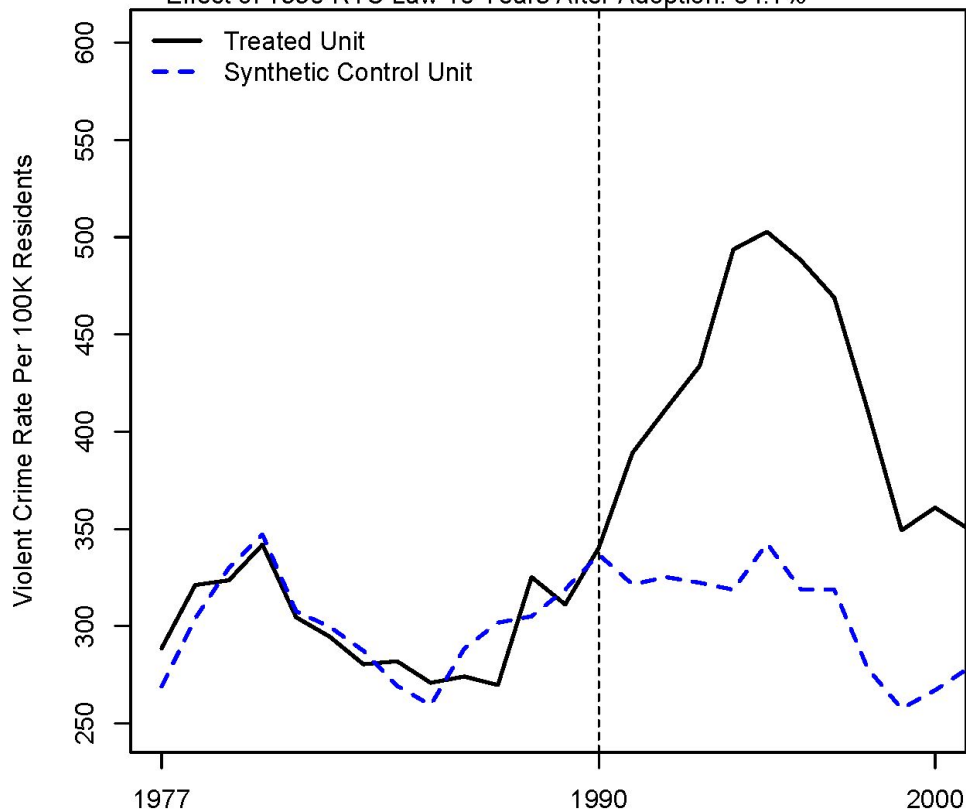


Figure A29

Mississippi: Violent Crime Rate

Effect of 1990 RTC Law 10 Years After Adoption: 34.1%



Passage Year Difference From SC: 1.1%

Composition of SC: HI (0.741); NE (0.014); OH (0.245)

CVRMSPE: 0.049 (5 of 33 states, where 1 denotes the state with the best pre-passage fit.)

States Never Passing RTC Laws Included in Synthetic Control: HI

RTC Adopting States Included in Synthetic Control: NE (2007); OH (2004)

Synthetic control estimates mimic results of panel data analysis

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NRA Expert in Missouri Case

- “State laws requiring colleges to allow concealed carry on campus has no effect on the number of firearm deaths, injuries, victims, or incidents on college campuses.”
- “I am just a humble statistician and when the p-value is greater than .05, you *must* accept the null hypothesis that guns on campus have no impact on crime.”

IRR Estimates of Effect of Introducing Guns into Campus – All Point Estimates Show Increased Harm

Test	Outcome	Estimate	Std. Err.	P-Value	Data Period	N	Date of Policy Change
CU Boulder vs CSU DID	Violent Crimes on Campus	1.322	0.353	0.296	2008-2017	20	3/2012
8 Colorado Schools DID	Violent Crimes in the Cities of these colleges	1.088	0.109	0.398	1985-2014	235	3/2012
Missouri Schools DID – MSU employees guns in cars	Violent Crimes	2.278	1.183	0.113	2014-2018	120	11/2016
8 States Have Guns on Campus -- National Panel Data Models	Campus Gun Fatalities	12.033	169.308	0.860	1980-2014	1989	Multiple
	Injuries	1.917	32.801	0.970	1980-2014	1989	Multiple
	Victims	9.293	90.116	0.818	1980-2014	1989	Multiple

Guns on Campus

- Trial judge rejected the claim that the University of Missouri gun ban in place for 65 years was unconstitutional (now that the state allows anyone 19 or older to carry guns without a permit).
- Luckily, the judge listened to the police chiefs and me on this, stating:
- “Dr. Moody ran four statistical tests, and each one showed that violent crime increased, either in absolute or relative terms, on campus after firearms were allowed... Dr. Moody's Report thus aligns with the opinion of Chief Schwandt and Chief Freet and the University's statistical expert, Dr. Donohue.”
- U of Missouri won even though the (state court) Judge applied strict scrutiny to the gun restriction!

Mass Shootings

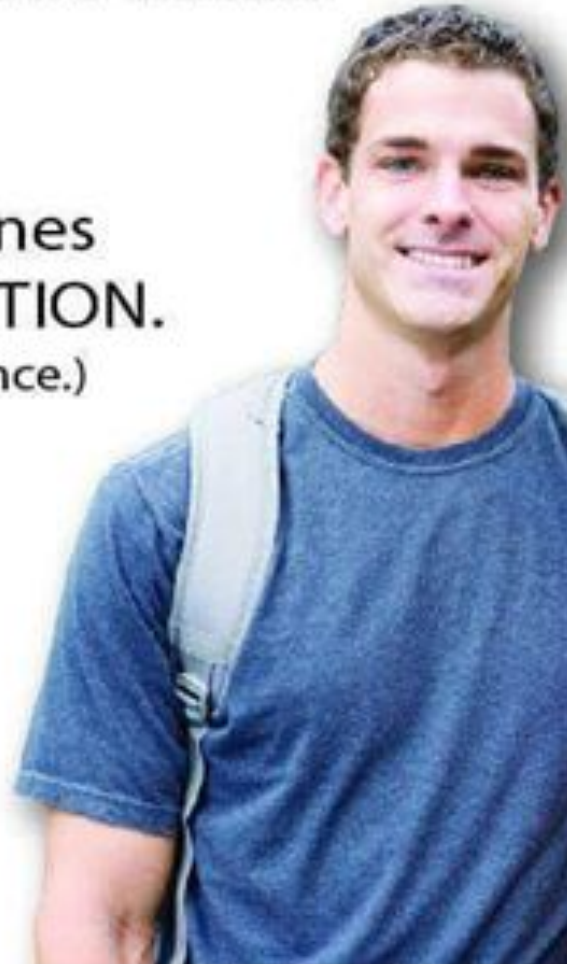
- Armed security personnel have helped in many instances, but the dangers they and responding police face in mass shooting scenarios is considerable.
- better to see if things can be done to stop the shooting from happening in the first place or to limit the damage if it does (restore federal AWB and much better screening).

I CARRY A CONCEALED FIREARM.

I take my firearm
into "GUN FREE" zones
FOR YOUR PROTECTION.
(It's called Civil Disobedience.)

I won't be a victim,
And I won't let you
be a victim either.

TAKE THE PLEDGE!
use the hashtag
#CCW247



“Nancy Lanza” Problem – Need to Educate the Public

- **Nancy Lanza**, living in extremely safe community, was persuaded that you need an arsenal to protect yourself.
- 20 school children in Newtown and 6 staff members paid the price for her folly, enabling others to kill
- **mass killer at Umpqua Community College** (Oregon 2015) struggled with mental illness and threatened mother with a shotgun. She boasted their arsenal would keep them safe and sneered at gun safety efforts : “I keep two full mags in my Glock case. And the ARs & AKs all have loaded mags. No one will be ‘dropping’ by my house uninvited without acknowledgement.”

NRA's Marion Hammer on Florida's proposed assault weapons ban:

“How do you tell a 10-year-old little girl who got [a Ruger 10/22](#) with a pink stock for her birthday that her rifle is an assault weapon and she has to turn it over to the government or be arrested for felony possession?” (August 2019)



A 6-year-old girl has died after being shot in the head by her 4-year-old brother

Kelly and her brother were going to his baseball game with their mother when **the boy retrieved a handgun from the car's center console,** and the 4-year-old accidentally discharged it.

The shooting happened about 6 p.m. in a car parked in the driveway of a home outside Atlanta. (April 2019)

No charges will be filed in the case, the police said.



The End

1. What about Texas Church in which hundreds of lives were [saved](#) in 12/19?
2. Gun Grabbers say assault [weapons](#).
3. Frank Zimring and Instrumentality [Effect](#)
4. Is AR-15 for Hunting & Home [Defense](#)?
5. When should a personal gun ban [lapse](#)?
6. Mental Health Impact of School [shootings](#)
7. To shoot at the tyrannical [government](#)?

To Shoot at the Tyrannical Government?

- The two problems with the Rand Paul view are that civilians cannot hope to stand up against the US military and there is no reason to think the Americans with assault weapons will stand up against tyranny instead of try to bolster it.

President Donald Trump

- **“I can tell you I have the support of the police, the support of the military, the support of the Bikers for Trump – I have the tough people, but they don’t play it tough — until they go to a certain point, and then it would be very bad, very bad.”**

(March 13, 2019)

President Donald Trump at a Bikers for Trump event at the Trump National Golf Club on Aug. 11, 2018 in Bedminster, New Jersey.





I MAY LOOK CALM BUT
IN MY HEAD I'VE ALREADY
KILLED YOU 8 TIMES



Audrey Cronin: **How Terrorism Ends: Understanding the Decline and Demise of Terrorist Campaigns**

- Political scientist analyzed 457 terrorist campaigns since 1968
- Finds that not one had conquered a state and that 94% failed to gain even one of their strategic, political goals
- none had achieved all their objectives
- And none were going up against the US [military](#)

Mental Health Impact of Fatal Shootings at US Schools

- Over 140 people have died in more than 230 shootings at US primary and secondary schools since the 1999 shooting at Colorado's Columbine High School. Some 240,000 children have been present on school grounds during a shooting.

Local Exposure to School Shootings and Youth Antidepressant Use

- [Maya Rossin-Slater](#), [Molly Schnell](#), [Hannes Schwandt](#), [Sam Trejo](#), and [Lindsey Uniat](#) use data on antidepressant prescriptions to analyze the effects of 44 school shootings that occurred between January 2008 and April 2013. They find large and persistent impacts on the antidepressant use of the local youth who were exposed to fatal school shootings during this time period.

compared to the two years before a fatal school shooting...

- the increase in the number of antidepressant prescriptions written for young people after the event by providers located within five miles of a shooting-affected school was 21.3% after 2 yrs and 24.5 higher after 3 yrs than the change in the number written by providers located 10 to 15 miles away.

Fatal Shootings Hurt Students

"local exposure to fatal school shootings leads to significant and persistent increases in antidepressant use among American youth," and these effects "are unlikely to capture the full mental health consequences of these events." They did not find any effects

1. When shootings did not result in deaths,
2. on antidepressant use among adults in areas where a fatal school shooting occurred, or
3. on opioid prescriptions written for [youth](#).

Shawna Johnson pleaded guilty to misdemeanor domestic violence in 2001

- Years later, when she tried to get a gun permit, the Illinois State Police said no because a federal law bans gun possession for people convicted of domestic violence, even misdemeanor offenses.
- Illinois Supreme Court ruled that because the woman had done her time, the state had restored her civil rights — which includes the right to own a firearm.

- Johnson's lawyer, David Jensen, said Illinois is only the second state to interpret federal law this way. He said that raises possibilities "that other state supreme courts are going to make that same ruling as well as federal courts of appeals might start reconsidering their own prior [rulings](#)."

The NRA Claims the AR-15 Is Useful for Hunting and Home Defense



- A gun enthusiast stated in 2016, [I estimated](#) that upward of 3.5 million AR-15-style rifles currently exist in the United States.
- Some hunters argue AR-15-style rifles empower sloppy, “spray and pray” hunters to waste ammunition.
- (The official [Bushmaster XM15 manual](#) lists the maximum effective rate of fire at 45 rounds per minute.)

As one hunter put it in the comments section of [an article](#) on americanhunter.org,

“I served in the military and the M16A2/M4 was the weapon I used for 20 years. It is first and foremost designed as an assault weapon platform, no matter what the spin. A hunter does not need a semi-automatic rifle to hunt, if he does he sucks, and should go play video games. I see more men running around the bush all cammo'd up with assault vests and face paint with tricked out AR's. These are not hunters but wannabe weekend [warriors](#)”

Zimring and the Instrumentality Effect

- the availability of the deadliest weapons facilitate the most deadly attacks. Both common sense and consistent empirical evidence show a strong instrumentality effect in violent activity.
- Attacks with fists are less dangerous than attacks with knives which in turn are less dangerous than attacks with guns.

“guns do kill people”

- 50 years ago, [Franklin Zimring](#) showed serious knife assaults are similar to shootings in apparent determination to kill or injure, yet the gun assaults had a much higher “case fatality rate.”
- In 1972, Zimring compared attacks with different types of guns. Once again, he [demonstrated](#) likelihood of death increased sharply with the caliber of the shooter’s firearm,

- Zimring concluded that there was a large random component to the outcome of gun assaults and that the firearm caliber was a systematic factor that influenced whether the victim lived or died.

Recent evidence confirms the enormous range of firearm lethality

- A careful study of files of 511 gunshot victims in Boston showed gunshot survivability varied considerably based on attributes of the weapon and ammunition that generated the wound.
- switching to less deadly firearm options could reduce homicide rate substantially.

Knives and Assault Weapons

- Note the contrast of a school attack in China that occurred only hours before Adam Lanza used an assault weapon armed with 30 round magazines to kill 26: while 22 children and an adult were injured in the attack in China, no one died – a likely result, at least in part, of the attacker using a knife instead of an assault weapon.

No need In civilian life

- using an assault weapon for self-defense is over-kill, as an emergency room doctor treating the pulverized victims from the Parkland shooting describes.
- The CBS show 60 Minutes also provided a dramatic experiment to illustrate the far more destructive impact on human tissue of being shot with an AR-15 than a handgun, as seen in the referenced video “What Makes the AR-15 so [Deadly](#)?”

Shooting at Texas Church Leaves 2 Parishioners Dead

- A gunman opened fire at a church in Texas, killing two people with a shotgun before a member of the church's volunteer security team fatally shot him
- Jeoff Williams of the Department of Public Safety told reporters **“The citizens who were inside that church undoubtedly saved 242 other parishioners.”**

A few details about the head of security and the event...

- Jack Wilson - 71-year-old firearms instructor, gun range owner, and former reserve sheriff's deputy – noticed the shooter the moment he entered the church with a fake beard, wig and trench coat, and was completely focused on him as the shooter interacted with another member of the security team.
- “We had eyes on him as soon as he walked in the door.”

More Details...

- The shooter shot 3 of the 4 rounds in his shotgun
- How many lives were saved?
- the shooting occurred on the birthday of the shooter's younger brother, who had killed himself 10 years earlier.
- The sister of the shooter called it “a suicide by cop.”
- Acts prompted by the presence of guns??

This is the information I learned from the FBI:

- The shooter only had one gun -- a Mossberg 500A 12-gauge shotgun
- The shooter fired 3 shots, 1 slug and 2 buckshot; the gun had 4 rounds loaded
- In other words, the shooter had one more bullet to fire, which shows that the risk is contained when the weaponry is limited

NRA Nonsense about Assault Weapons Terminology

The gun industry frequently claims that the term “assault weapon” did not exist in the lexicon of firearms, but is a political term, developed by anti-gun publicists to expand the category of “assault rifles” so as to allow an attack on as many additional firearms as possible on the basis of undefined “evil appearance.”

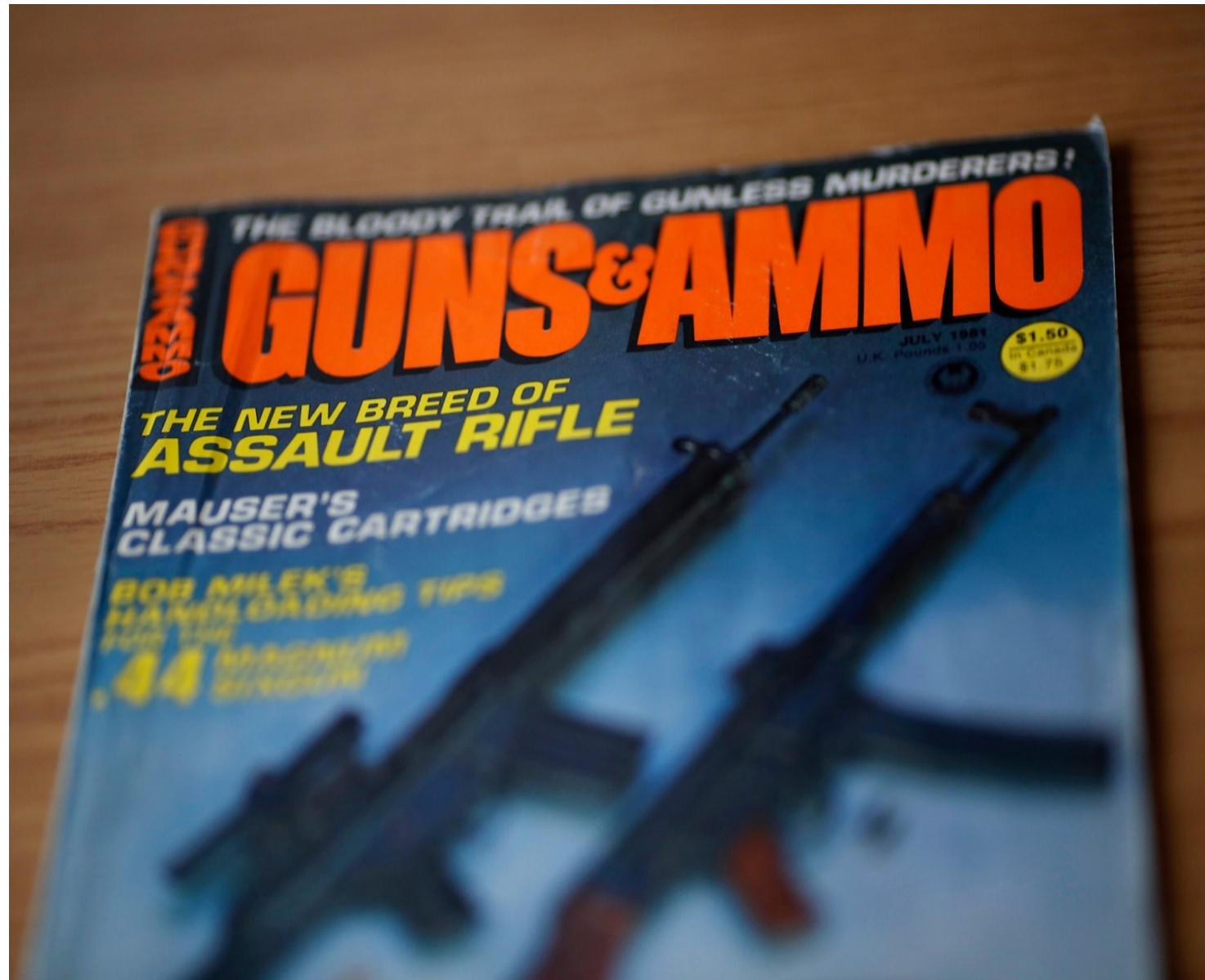
NRA expert in CA litigation...

- includes a gun industry publication as Exhibit 1 that mimics this same inaccurate claim in stating: “Mislabeling these rifles as “assault rifles” was, and is, a strategy of gun-banners, and anyone who uses that terminology aids efforts to strip away the right to own these versatile, fun-to-shoot firearms.”

Now the truth...

- throughout the 1980s the gun industry marketed AR-type rifles as “assault” weapons because that promoted sales.
- Only after outrage over (and fears of potential tort liability for) prominent mass shootings did the industry drop that terminology in its advertisements (while continuing to market guns with appeals to their military character).

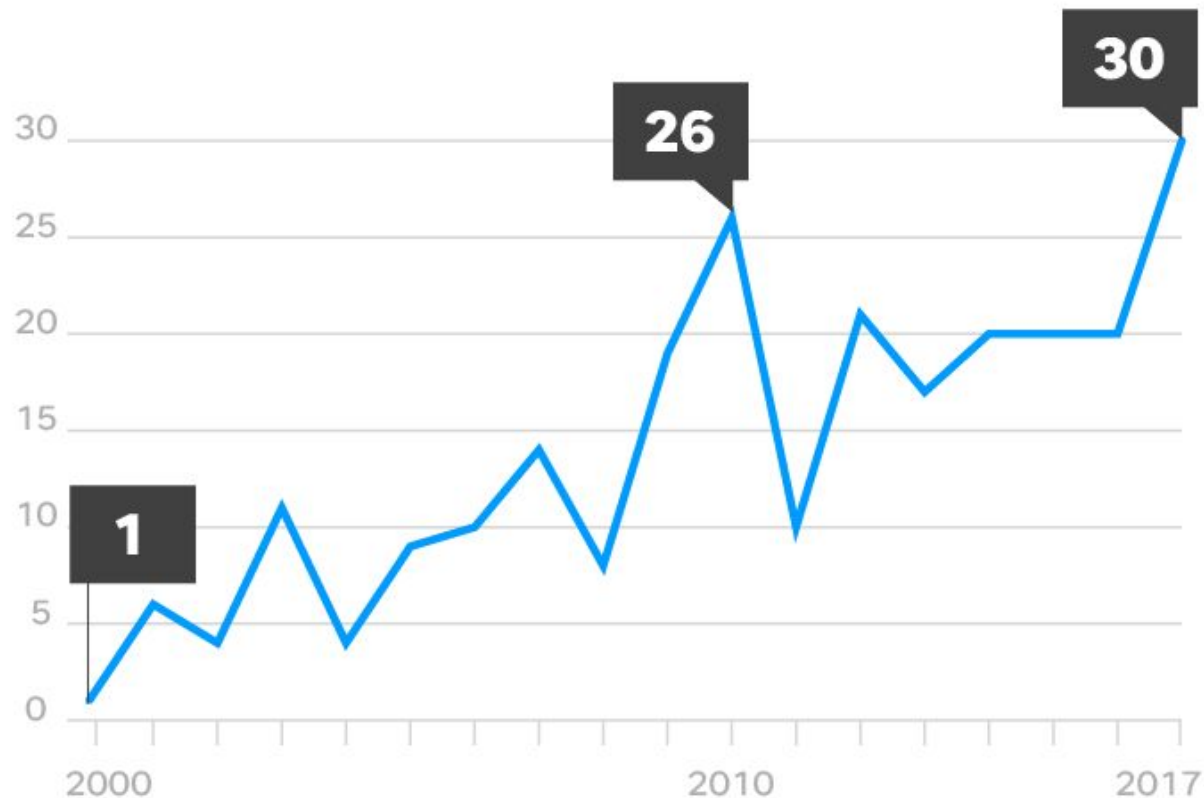
Guns & Ammo magazine cover highlighting assault rifles in July 1981





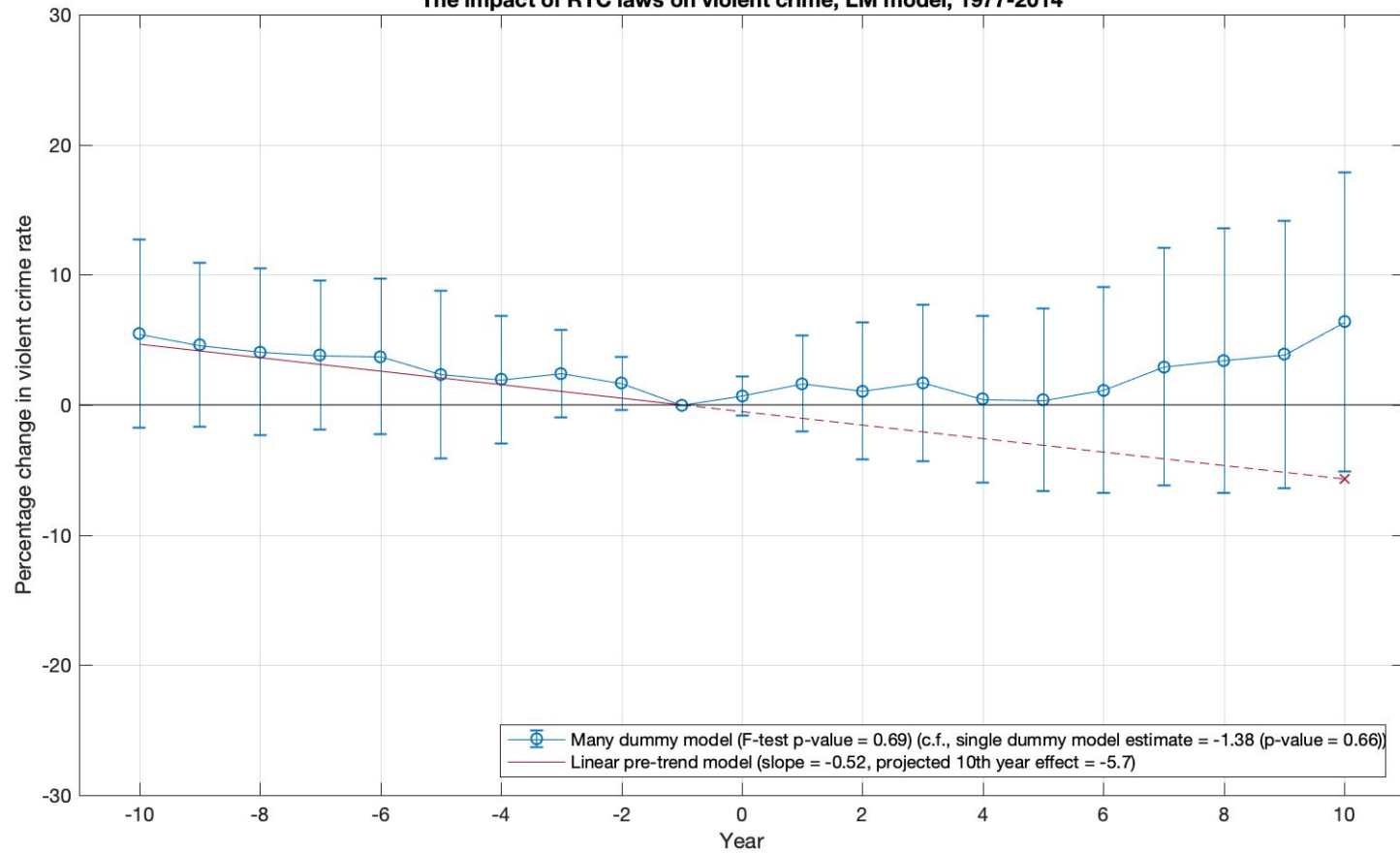
A man carries a firearm into the Legislative Building in Olympia, Washington, during a 2015 gun-rights rally. This is the NRA nirvana of having a constitutional right to carry guns openly at the Capitol.

Active shooter incidents on the rise, with 2017 topping all years since 2000.



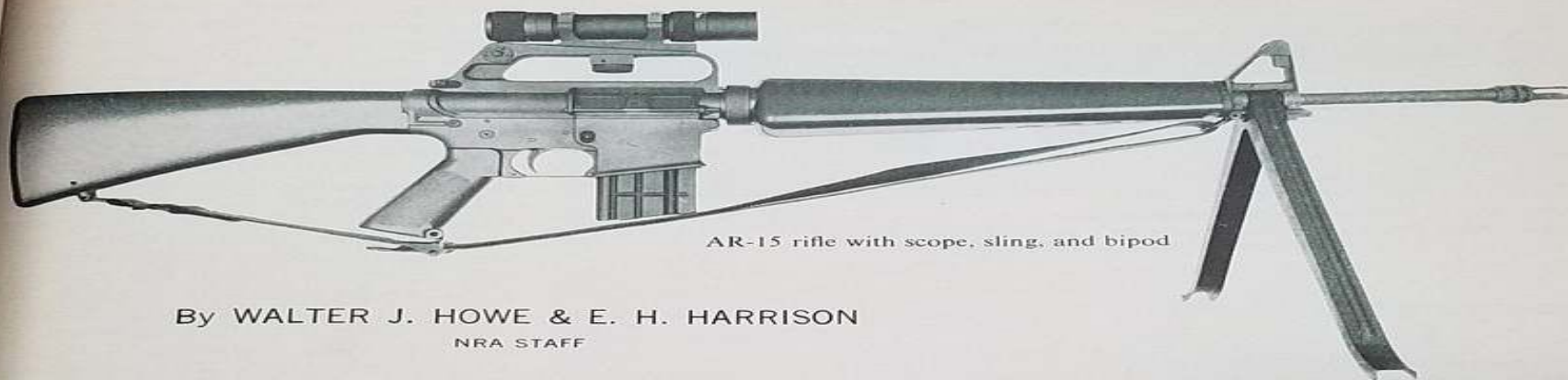
SOURCE FBI data and the FBI's report on active shooter incidents in the United States in 2016 and 2017

The impact of RTC laws on violent crime, LM model, 1977-2014



- Almost every factual contention made by Judge Benitez in his two opinions was inaccurate, misleading, or did not stand for the proposition he claimed (often standing for the exact opposite). Unfortunately, the Judge had apparently gotten on to some NRA or other gun industry webpages to find support for his conclusions, which consistently led him to make utterly nonsensical or simply factually erroneous statements. For example, citing the worst fear of any homeowner – that a burglar will come into one’s home and commit a homicide – the judge cited a report for the claim that such home-invasion homicides occur 430 times a year on average (stating he visited the webpage the day before his 2019 opinion was released – see his fn. 9). Of course, anyone familiar with U.S. homicide data would have recognized that Judge Benitez’s claim was incorrect because the report clearly specified that less than 1 percent of all homicides fall into this category. The true number was 86 – which is 1/5th the value that the Judge claimed and of course is far smaller than the number of family members killed each year in the home by accidental discharge of guns.
- In another of the Judge’s forays into fantasyland, he states that “Nationally, the first study to assess the prevalence of defensive gun use estimated that there are 2.2 to 2.5 million defensive gun uses by civilians each year. Of those, 340,000 to 400,000 defensive gun uses were situations where defenders believed that they had almost certainly saved a life by using the gun.” Of course, while we might appreciate the historical reference, I don’t think if we wanted to comment on the age of the earth we would reference Lord Kelvin’s estimate of 20 million years since we now know the true number is 4.5 billion years. The Judge inadvertently makes an important point though. Since the largest number of homicides in the U.S. was about 25,000 in 1992, the idea that private gun toters saved lives anywhere close to 400,000 times a year is absurd – as anyone with the most basic knowledge of U.S. homicide rates would know. While these numbers still have currency on NRA webpages and among ignorant Second Amendment enthusiasts, they are widely acknowledged to be among the most absurd figures referenced in U.S. policy debates. See, David Hemenway, “The Myth of Millions of Annual Self-Defense Gun Uses: A Case Study of Survey Overestimates of Rare Events,” *Chance*, Volume 10, 1997 - [Issue 3](https://www.tandfonline.com/doi/abs/10.1080/09332480.1997.10542033), available at <https://www.tandfonline.com/doi/abs/10.1080/09332480.1997.10542033>.

THE ARMALITE AR-15 RIFLE



AR-15 rifle with scope, sling, and bipod

By WALTER J. HOWE & E. H. HARRISON
NRA STAFF

A complete
report on a
.22 caliber rifle
being offered
for
military
purposes

News and publicity releases on a .22 center-fire rifle offered for military purposes, the Armalite AR-15, have raised the question as to whether it should replace the present standard M14 rifle of 7.62 mm. NATO caliber.

It is not at all impossible to conceive of such a small bore military rifle. The United States Navy rifle was a 6 mm. (.236) for a number of years following 1895. Studies were made by most nations, including the United States, of cal. .22 military cartridges, sometimes even smaller. Rifles of cal. 6.5 mm.

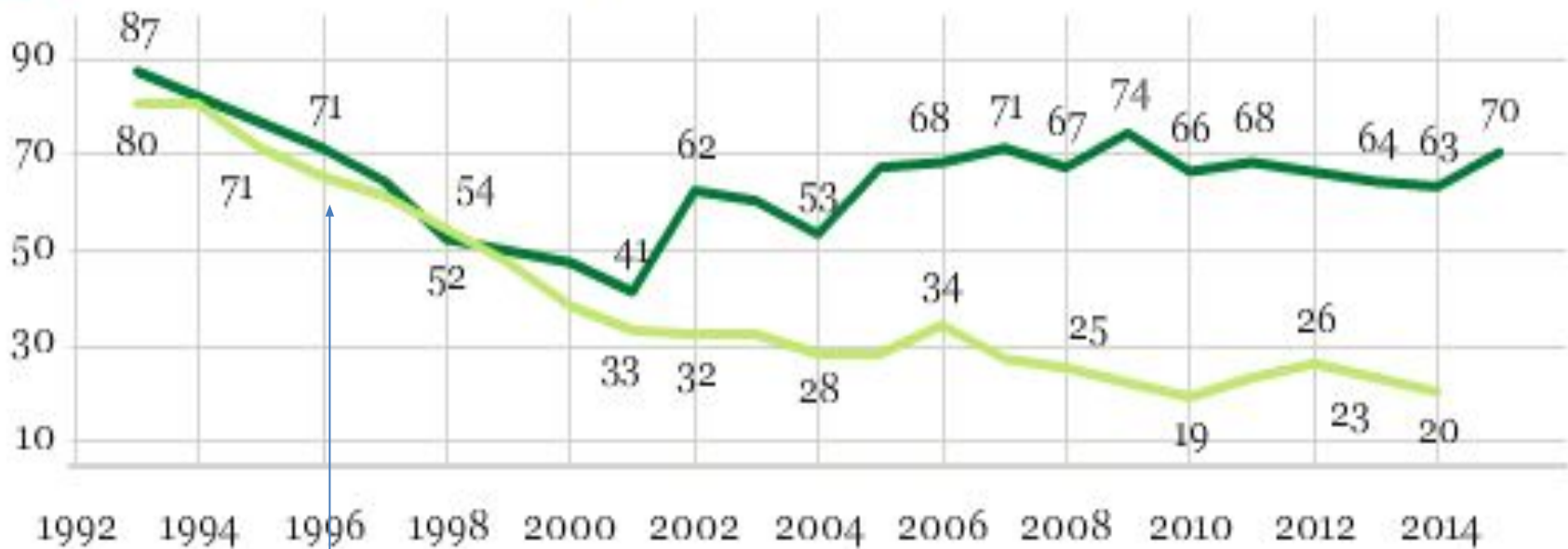
(.256) were adopted by several nations before the beginning of this century. The fact that they were adopted by very few major military powers, and even by those users were not considered fully successful in the test of World War II, need not prevent renewed consideration of small bores under requirements of the present.

The primary advantage possible with a small bore is lightness of rifle and ammunition, and this is important. A small bore rifle with a given number of rounds of ammunition can weigh materially less

Examining completed AR-15 rifle in Colt plant. (l. to r.) E. H. Harrison; Fred A. Roff, Jr., President of Colt's; and Walter J. Howe, Editor of THE AMERICAN RIFLEMAN

U.S. Violent Crime Rate[^] and Americans' Perceptions of Crime Rate vs. Year Ago

■ % More crime in the U.S. ■ Violent crime victimization rate



[^] Violent crime rate is number of victimizations per 1,000 persons that occurred during the year. Source: Bureau of Justice Statistics, National Crime Victimization Survey, 1993-2014

GALLUP[®]

5 yrs into massive crime drop 71% still said crime had risen in last year

Alternative Crime Facts

-- Fear Sells in Politics

“You won’t hear this from the media: We have the highest murder rate in this country in 45 years. You don’t hear that from these people. They don’t want to talk about it. The highest murder rate in the United States in 45 years.” -- Donald Trump, Oct 28, 2016

President Trump, in a White House meeting with county sheriffs, February 7, 2017

- “The murder rate in our country is the highest it's been in 47 years, right? Did you know that? Forty-seven years. I used to use that — I'd say that in a speech and everybody was surprised, because the press doesn't tell it like it is. It wasn't to their advantage to say that. But the murder rate is the highest it's been in, I guess, from 45 to 47 years.”
- The Sheriffs gushed over Trump. No one corrected him. Did they know? Care?

Measures That Can Help

- universal background checks and red flag laws can help keep guns away from disturbed individuals with a penchant for violence.
- most mass shooters are what the NRA refers to as “law-abiding citizens” – until they unleash their mortal terror.
- ensure that all felons and anyone with a record of violence or mis-use of guns should be prohibited from gun possession.

Better Background Checks

- more effort to ensure that these individuals are recorded into the background check system to prevent future purchases and their current weapons are taken away.
- But Trump reversed the Obama initiative to bar gun sales to those whose mental disability is so severe that they cannot govern their own affairs

Registration

- registration and periodic renewal of gun permits to help confirm whether gun possession is problematic -- standard practice in rest of the developed world -- would screen out many mass killers.
- Aaron Alexis had shot through the ceiling of his apartment because he was angry about the noise from above and had shot out the tires of a car on the street over some other annoyance (killed 12 in 2013).

Better Screening

- Jared Loughner, on way to assassinate Gabby Giffords was turned away from purchasing ammunition by a Walmart clerk because he seemed so troubled.
- Any serious investigation into the background of these 2 or the 3 shooters of the last month – although none had criminal record – would have uncovered behavior that only the NRA would consider acceptable for gun possession.

- the Critical Defense Lite bullet, made by Hornady Manufacturing of Grand Island, Nebraska, has a hollow tip designed to split apart upon penetrating the body, allowing it to shred as much as 60% more flesh and organ tissue than a regular bullet.

- On Sept 12, 2019, the CEOs of 145 companies weighed in, [sending a letter to Congress](#) urging lawmakers to improve background checks and pass "red flag" legislation to alert cops to potentially problematic gun owners.

- Walmart didn't specify what brands of ammo it would no longer sell. But shares of the largest publicly traded non-military ammunition makers, Vista Outdoor and Olin, both fell on the Walmart news last week and are down 28% and 14% since the El Paso store shooting in early August.
- Vista Outdoor told analysts that Walmart's ammo ban could cut as much as \$40 million in revenue from its current fiscal year. Analyst Gautam Khanna at Cowen & Co., who follows Vista Outdoor's stock, said the Walmart move would add a new obstacle for the company. He doesn't recommend investors buy shares of Vista Outdoor.

- Walmart has said it expects its market share of ammo sales to drop from 20% to 9%. Getting there may take time. According to the website Brickseek, which checks in-store inventory, a box of 200 rounds of Winchester's 5.56 semi-automatic ammo is still available at Walmart's El Paso store on Dyer Street. There are 13 boxes, for a total of 2600 rounds, in stock. Walmart has said it will stop selling ammo for automatic weapons once its inventory runs out.

- Total ammo sales in the U.S. will likely top \$4 billion this year, according to market research firm IBISWorld, with about \$3.2 billion in sales to average civilians
- New Jersey is the only state in the nation that bans the sale of expanding bullets, like the one that raises money for the Nebraska cancer charity, and even the Garden State has exceptions for target shooting. Armor-piercing bullets are federally banned for handguns, but a move by the Obama administration in 2015 to consider banning similar bullets for rifles was eventually scrapped after pushback from the National Rifle Association and other gun groups.

- Gun manufacturers have seen a steep drop in sales in the past few years, in part because of reduced fears of stricter gun regulation under President Donald Trump. --ever since the 2018 Parkland high school mass shooting in Florida, a number of large corporations have said they will longer do business with the gun industry. Dick's Sporting Goods decided to end nearly all gun sales in its stores. FedEx, Delta and United Airlines ended discount programs with the National Rifle Association.
- A few public pension funds, including California's Calpers, also said they would no longer invest in gun manufacturers. All of the nation's largest banks, except Wells Fargo, have said they are either ending or

- Last year, Citigroup drew media attention for announcing it would no longer process payments for the sale of guns to anyone who hadn't undergone a background check or who was under 21. The banking giant also said it would bar the sales of bump-stocks and high-capacity magazines by its business partners.

- Hornady Manufacturing, which makes the ammo linked to the cancer charity, has built its marketing around how deadly its bullets can be. In 2011, for instance, the company released the "Zombie Max," which it said was specifically designed to "vaporize zombie varmints." With hollow-tips, and a version that can be fired from an AR-15, the Z-max bullets do serious damage in non-zombies as well.
- Hornady is run by Steve Hornady, who is a board member of the NRA and the son of the company's founder. Unlike most other manufacturers who stress their sales to police forces and the military, Hornady heavily markets its bullets to individual consumers for use in self-defense and hunting.



He fired on officer who tried to stop him for traffic violation

- The 36-year-old [gunman](#) who [killed seven people](#) and wounded 22 others in West Texas on Saturday purchased his AR-style rifle from a private seller, federal law enforcement sources confirmed to CBS News. The purchase allowed the gunman to evade a federal background check. Sources also say the gunman was previously denied a gun purchase because he was determined to be mentally unfit.
- The investigation into who sold the weapon is ongoing. Authorities said the gunman was killed by officers outside a busy movie theater in Odessa. It was at least the [38th mass killing this year](#).
- Online court records show the gunman, identified as Seth Aaron Ator, was arrested in 2001 for a misdemeanor offense that would not have prevented him from legally purchasing firearms in Texas. Federal law defines nine categories that would legally prevent a person from owning a gun, which include being convicted of a felony, a misdemeanor domestic violence charge, being adjudicated as a "mental defect" or committed to a mental institution, the subject of a restraining order or having an active warrant. Authorities have said Ator had no active warrants at the time of the shooting.

FAKE NEWS ALERT!

The New York Times

Opinion

That Assault Weapon Ban? It Really Did Work

Since the ban was lifted in 2004, gun massacres involving military-style weapons are way up.

By John Donohue and Theodora Boulouta

Mr. Donohue is law professor at Stanford, where Ms. Boulouta is a senior.

Sept. 4, 2019



<https://www.nraila.org/articles/20190915/playing-games-with-numbers>

From the NRA (Sept 15, 2019)

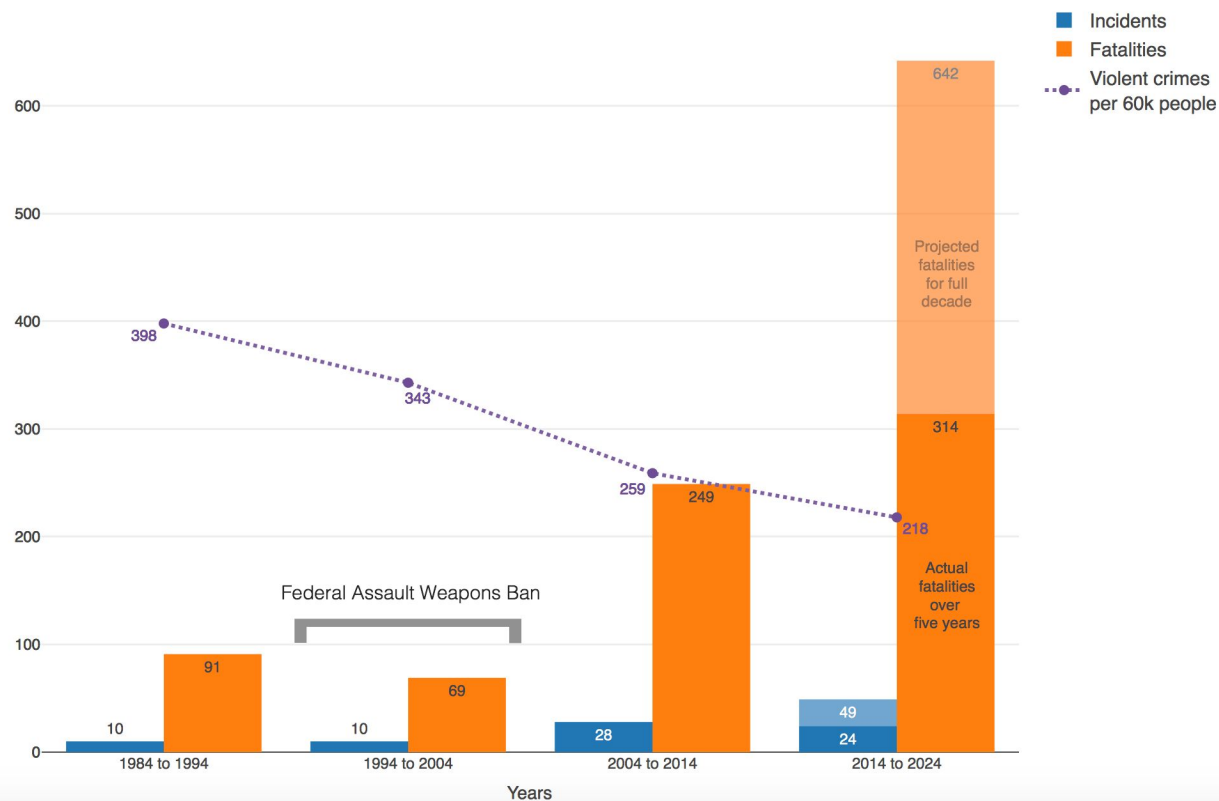
- For some reason, Donohue and Boulouta chose to use six fatalities as the minimum, instead of the common definition of four or even the Obama-era attempt to reduce the threshold to three. Jacob Sullum at Reason has a pretty good guess as to why Donohue and Boulouta chose six: “Yet they chose to focus on cases with six or more fatalities, for no obvious reason except that it exaggerates the changes they attribute to the “assault weapon” ban that expired in 2004.” Sullum’s article is titled, “[A Suspiciously Selective, Logically Shaky Analysis of Mass Shooting Data Claims the Federal ‘Assault Weapon’ Ban ‘Really Did Work’.](#)”

Five Person Standard



Gun Massacres Were Less Frequent And Less Deadly During The Federal Assault Weapons Ban

(five or more killed, not including perpetrator)

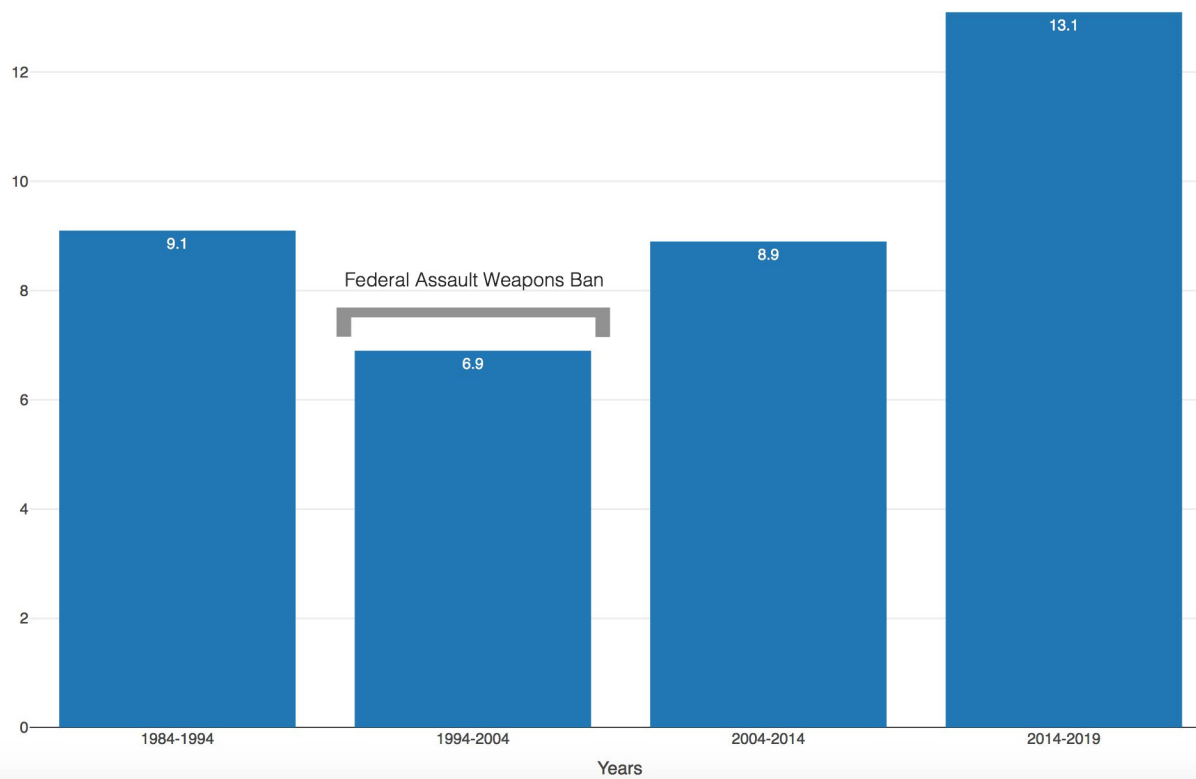


Mass shooting data from Mother Jones; dates begin and end in September to reflect the period from 9/13/1994 to 9/12/2004 when the federal assault weapons ban was in place, except for the last column, which ends in 8/4/2019. Violent crime rate data from National Crime Victimization Survey; dots mark ten-year averages, except for the last dot, which ends in 12/2017 and the first dot which only reflects the year 1993.

Figure 1

Gun Massacres: Deaths per Incident

(five or more killed, not including perpetrator)



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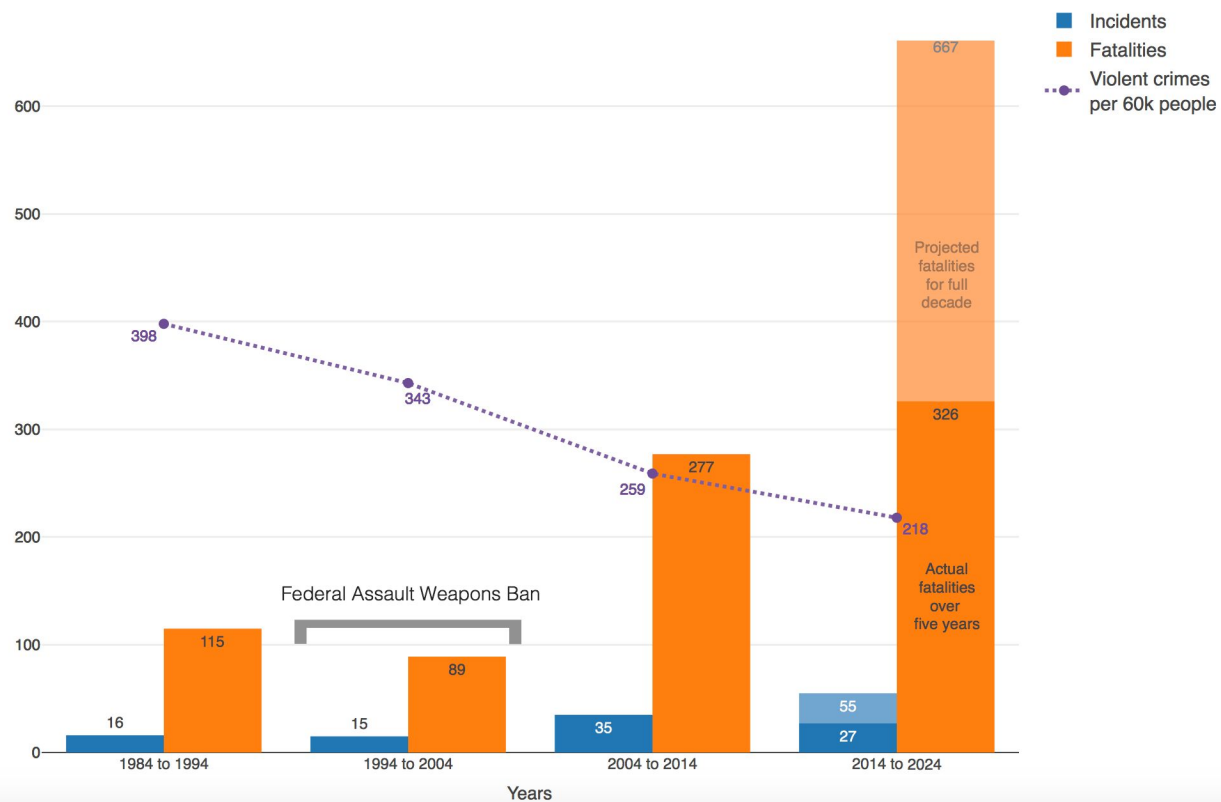
Figure 2

Four Person Standard



Gun Massacres Were Less Frequent And Less Deadly During The Federal Assault Weapons Ban

(four or more killed, not including perpetrator)

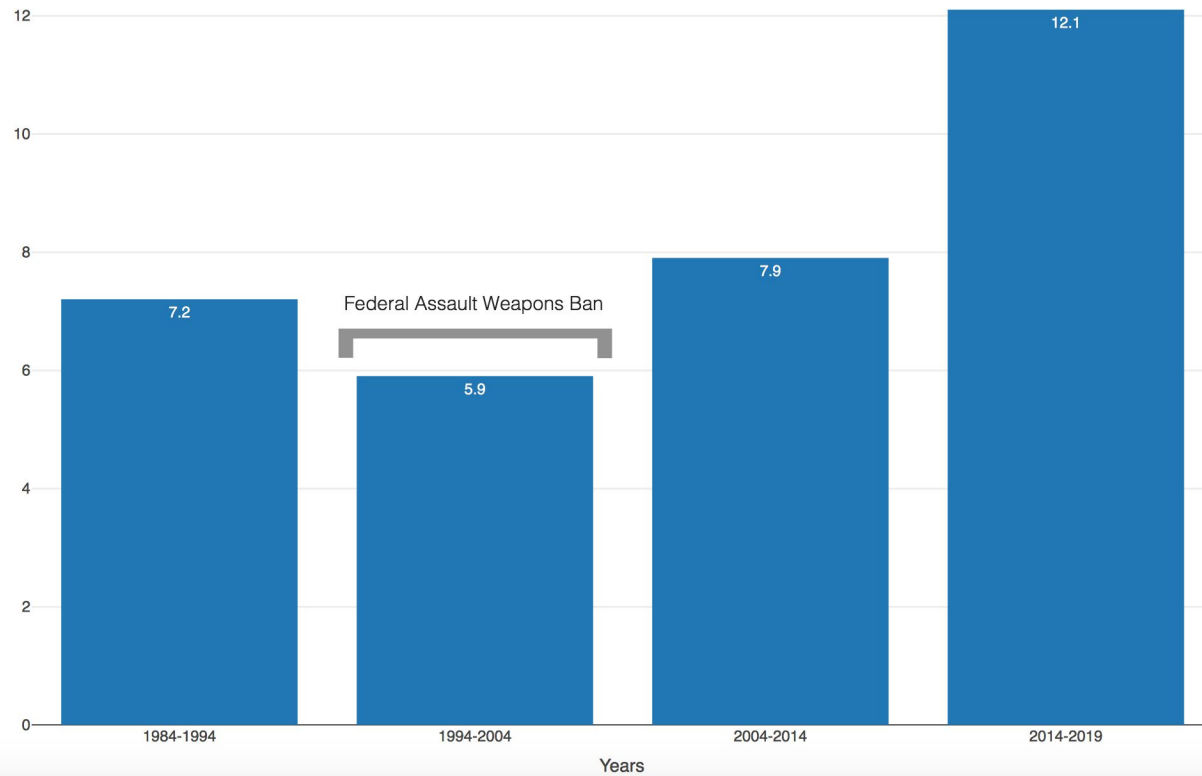


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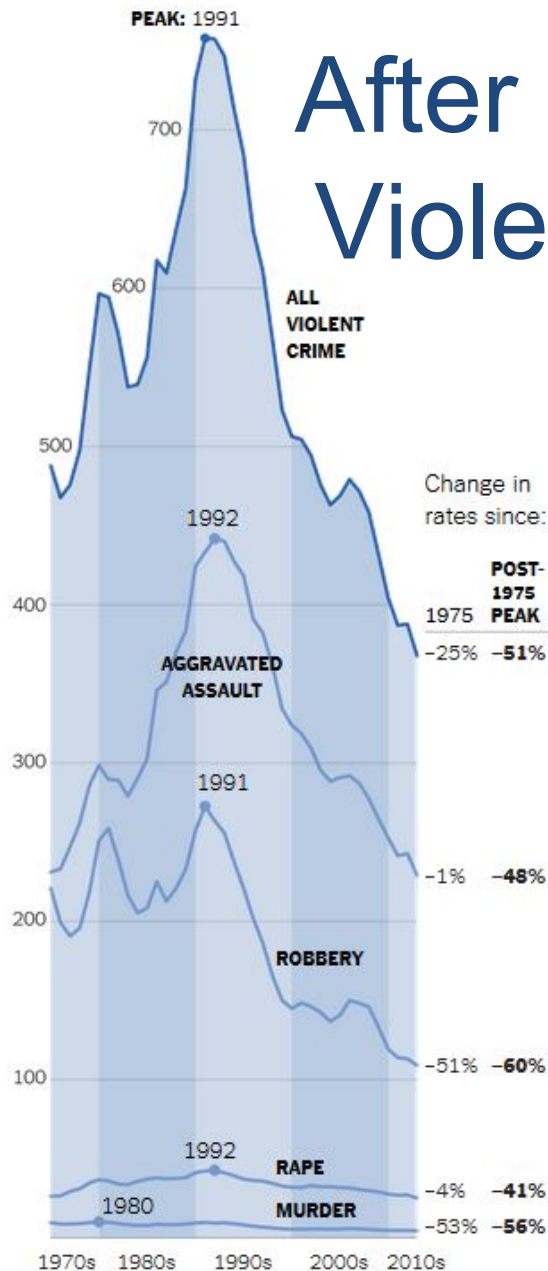


Mass shooting data from Mother Jones; dates begin and end in September to reflect the period from 9/13/1994 to 9/12/2004 when the federal assault weapons ban was in place, except for the last column, which ends in 8/4/2019.

Figure 2

A Safer Country

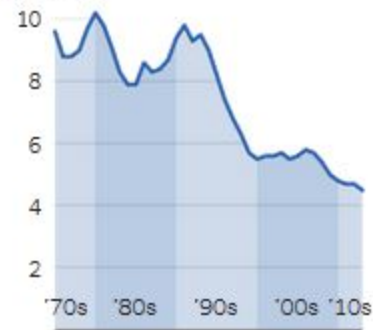
Annual rate of violent crimes per 100,000 people, 1975–2013.



After 1992, 50% Drop in Violent Crime (Down 25% From Late 1970s)

THE MURDER RATE*, MAGNIFIED

At right, a detail of the murder trend since 1975. The rate plunged from a peak of 10.2 homicides per 100,000 people in 1980 to 4.5 in 2013.



*Includes non-negligent manslaughter.

Source: Department of Justice