

## THE RIGHT CONVERSATIONS ABOUT CURBING GUN VIOLENCE IN AMERICA

While overseas the past few weeks, as the news of the Buffalo shooting, followed ten days later by the massacre at Uvalde, spread across the airwaves, I tried to explain to Europeans why America continues to have a gun problem. It is a speech I have given countless times over the years; it never gets easier, and my interlocutors so predictably shake their heads in disbelief. Gun violence in America is one of those topics that has prompted so many in Europe who would otherwise be calm and collected to express anger – anger at the senseless loss of life, but also anger at our inability – as a historical beacon of democracy – to curb what seems an eminently curable scourge. We should be better than this, they say. And they are right.

There are any number of solutions to reduce the carnage (*see, for example, [Prevention Institute - Here's What We Can Do](#)*), carnage incidentally that repeatedly is highlighted by mass shootings that grab, for a few days, the attention of people not directly affected, but we should all be mindful that deaths caused by mass shootings are a fraction of the annual gun-related death toll in America, including deaths of children and adolescents. (An article published by the American Bar Association [put](#) it bluntly: children who die every year in the United States by gunshots would fill 170 classrooms.)

Ultimately as I tell my interlocutors, we don't face a shortage of viable solutions, but we do face a political problem that is tied to a deeply cultural one. Others, including countries with deeply embedded gun cultures, have managed to take action to curb gun violence. I set out below my own prescription.

### **The Toll Among our Young**

Gun violence is *almost* a uniquely American problem:

- Guns are now the leading cause of death among children and adolescents, having surpassed motor vehicle crashes in 2020.
- According to [Education Week](#), this year alone there have been 27 shootings at schools in the United States. There were 34 shootings in US schools in 2021 and 119 altogether since 2018. In these shootings, 88 people were killed and 229 were injured.
- According to [Erin Grinshteyn and David Hemenway](#), among 29 countries, the United States accounts for close to 97% of gun deaths of children under 4, and 92% of gun deaths of children 5-14. We took action to reduce drinking and driving, and we raised the drinking age, which contributed to saving young lives on the road, but solutions to save children from gun violence appears beyond our reach.
- The tragic impact of gun violence on our young has grown steadily since 2014, with the exception of decreases in 2018 and 2019.

- In 2021, according to the [Gun Violence Archive](#), 313 children (up to 11 years old) and 1,247 teens (12-17 years old) were killed, up from 301 and 1,083, respectively, in 2020.
- In total, in 2021, 5,692 children and adolescents were killed or injured by gun violence.
- Between 2014 and 2021, over 32,000 children and adolescents were killed or injured by guns.
- A substantial number of the guns involved came from the home, not surprising as there are no federal laws mandating safe storage of guns and no federal standards for gun safety locks.
- Among children and adolescents, between 2015-2019, over half of the deaths were murders; suicides were around 40%. According to [Jennifer Mascia and Olga Pierce](#), the rate of suicide by gun among the young has been increasing following 2019, estimated on average as one suicide by gun every seven hours.
- The first mass shooting on a campus occurred in 1966, in Texas.
- According to the [Gun Violence Archive](#), thus far this year there have been 219 mass shooting deaths (defined by GVA as an incident in which four or more people were shot or killed, excluding the perpetrator; admittedly there are varying definitions and thus variations in statistics).
  - Since the Sandy Hook tragedy in 2012, there have been more than 160 mass shootings (including Charleston and San Bernardino in 2015, Orlando in 2016, Las Vegas in 2017, Parkland in 2018, Pittsburgh in 2018, El Paso and Dayton in 2019, Atlanta in 2021, and now Buffalo and Uvalde this month), resulting in over 3,600 deaths.
  - According to [Everytown Research](#), since 2009:
    - there have been 274 mass shootings, resulting in 1,536 shot and killed and 983 shot and wounded, an average of 19 mass shootings every year;
    - a majority of mass shootings occurred entirely in a residential setting;
    - one in three mass shootings involved a perpetrator who was legally prohibited from possessing a firearm at the time of the shooting;
    - nearly three in four children and adolescents killed in mass shootings died in an incident tied to domestic violence; and
    - the five deadliest mass shooting incidents involved assault weapons and/or high-capacity magazines. There have been at least 30 mass shootings (16% of those with known weapon data) that involved the use of an assault weapon, resulting in 347 deaths and 719 injuries (assault weapon accounted for 25% of all mass shootings deaths and 76% of injuries). While not used in the

majority of mass shootings, when they were used, six times as many people were shot per incident than when there were no assault weapons. High-capacity magazines resulted in five times as many people shot per mass shooting.

Evidence suggests that states can reduce gun violence by limiting access to assault weapons and high-capacity magazines. States with restrictions on magazine size experience mass shootings at less than half the rate of states without restrictions. Laws restricting magazine size were by far the strongest predictor of a state's *rate* of mass shootings.

- Overall, according to [Pew Research](#), citing CDC statistics:
  - in 2020, more Americans died of gun-related injuries than in any other year on record (45,222 deaths, which included a record number of gun murders, as well as a near-record number of gun suicides; suicides account for more than half of these deaths);
  - on a per capita basis, there were 13.6 gun deaths per 100,000 people in 2020 – the highest *rate* since the mid-1990s, but still well below the peak of 16.3 gun deaths per 100,000 people in 1974; and
  - in 2020, the five states with the highest *rate* of gun-related deaths were Mississippi, Louisiana, Wyoming, Missouri and Alabama; the five lowest were New York, Rhode Island, New Jersey, Massachusetts and Hawaii.
- According to [Men Against Gun Violence](#), every day, 100 Americans die from gun violence and around 200 more are shot and injured, and every year, more than 100,000 Americans are shot.
  - Americans are 25 times more likely to be murdered with a gun than people in other developed countries.
  - Guns kept in the home are far more likely to be involved in an unintentional shooting, criminal assault or suicide attempt than to be used to injure or kill in self-defense.
  - Researchers conservatively estimate that gun violence costs America at least \$229 billion every year, including \$8.6 billion in direct expenses such as emergency and medical care.
  - Overall, nearly two-thirds of gun deaths are suicides (around 20,000 each year).

Is it any wonder that mental health issues are so prevalent among our youth? How many American school children have gone to school over the past decade wondering whether their classrooms would be turned into a free fire zone? Lest they wish to not think about this, they have active shooter drills to remind them. And they are perfectly rational in concluding that those drills may not protect them. An [op-ed](#) in the New York Times yesterday by a retired FBI special agent who created and ran the FBI's active shooter program after Sandy Hook asks whether the training to safeguard against killing in schools is working. That this question needs to be asked is a reminder how far we have fallen as a society.

[Everytown Research](#) posits that the effects of mass shootings stretch far beyond those killed and wounded, damaging survivors and communities. Media coverage of mass shootings extends the effects far beyond the communities affected, whether through increased fear of victimization or uncertainty about safety at school or in the community.

### **An American Problem**

I noted above that gun violence is *almost* a uniquely American problem. I did so because the *rate* of gun violence is higher in certain Latin American countries (*see* [IHME](#)). Advanced democracies with their own gun cultures, like New Zealand, the United Kingdom and Australia, were able to take drastic steps after mass shootings.

- New Zealand banned military-style assault weapons after the Christchurch massacre in 2019.
- The United Kingdom tightened its gun laws first in 1987 and then more significantly in 1996 following two mass shootings.
- Australia passed its National Firearms Agreement following a mass shooting in 1996, which among other things banned certain weapons, reimaged gun ownership (through new licensing and storage requirements) and implemented a buy-back program.

These efforts drastically cut the number of mass shootings and led more broadly to fewer gun-related deaths (*see* [RAND Study](#)). The evidence is overwhelming that tighter laws lead to fewer mass shootings. In 2022, the rate of gun violence in the United Kingdom is 0.23 per 100,000, 1.04 in Australia, 1.07 in New Zealand and 12.21 in the United States (*see* [World Population Review](#)).

Yesterday, the Canadian government [announced](#) new legislation to reduce gun violence, including a national freeze on handguns, withdrawing firearm licenses from those involved in domestic violence or criminal harassment, new red flag laws, a ban on large capacity magazines and a requirements that long-gun magazines be permanently altered to limit capacity to five rounds.

The United States has its priorities backwards. Children in the United States cannot drink until they are 21 and must be at least 20 to rent a vehicle at most locations in the United States (in some cases the minimum is higher), but an 18-year old can purchase a military-style assault weapon. Incidentally, the dealer who sold that assault weapon to that 18-year old probably thought it was perfectly reasonable to do so. After all it was legal, and the background check presumably yielded no issue – not a surprise as most 18-year old kids are not likely to have criminal records at that young age. An 18-year old buying an assault weapon should have been a red flag in and of itself.

### **Beyond Thoughts and Prayers**

Over the past 16 months, cautious voices have urged that Democrats pare back their asks in order to find the bear minimum that can bring two Democratic Senators across the line. We are likely to hear more cautious voices calling for finding whatever common ground

we can to do something, anything, to address gun violence. And perhaps, by some miracle, small steps will be taken.

Yes, enhanced background checks (federal law requires background checks for gun sales by licensed dealers but not those sold by unlicensed dealers online or at gun shows – [estimated](#) as about one in five gun sales – *see also* [Everytown](#); only 21 states extend background checks to private sales) and a national red flag law (extreme risk protection orders) would be helpful, but they would not have prevented the latest carnage. And scores of other suggestions, including raised awareness, will be helpful. Among them:

- Safe storage of firearms and trigger locks
- Improved community mental health programs
- Mandatory liability insurance for gun owners
- Anti-theft devices on guns – PIN number or fingerprint ID (so-called smart gun technology)
- Addressing ghost guns
- Addressing marketing practices that target children and adolescents (it worked for cigarettes)
- Limits on the purchase of ammunition
- Closing the “Charleston loophole” that allows sales (default proceeds sales) to go forward if the FBI has not concluded its federal background check (under the Brady Handgun Violence Prevention Act) within three business days
- Providing federal funding for states that have or are willing to pass red flag laws

But, but, but ... what we urgently need is a ban on military-style assault weapons and high capacity clips, and we need to raise the minimum age to purchase any weapon to 21. Assault weapons and high capacity clips serve no purpose but to kill, and until they are taken off the streets of America they will continue to do so. (*See* the summary of state bans prepared by [Giffords](#); both state and federal courts have upheld bans on assault weapons.) And action will only happen if lawmakers find the courage to act.

We must not allow the conversation to be diverted. We no doubt will hear repeatedly about the failures of law enforcement at Robb Elementary School, and calls for investigations. Those local law enforcement officers may have felt outgunned by an 18-year old and delayed doing what they were trained to do. We will hear more counterproductive calls to arm teachers and to turn elementary and high schools further into armed fortresses. We hear calls to turn schools into fire traps by locking all but one door. Let’s not forget the bullet-proof vests and backpacks.

We will hear calls to loosen, not tighten, gun restrictions. A more permissive gun regime may now find favor with the current majority on the Supreme Court, which will likely rule in June on New York’s handgun licensing law (that for over a century has limited who can carry a concealed weapon in public in New York State) and expand rights to carry firearms outside the home, anywhere (though it remains unclear how broad the ruling will be) (*see* [Brennan Center](#)). This current Second Amendment case (*Bruen*) would expand on the right to bear arms addressed by the Supreme Court in 2008 in the

[Heller](#) case (which struck down Washington, DC’s ban on handguns in the home, based not on the well-regulated militia prong of the Second Amendment, but rather an inherent right of self-defense) and in 2010 in the [McDonald](#) case (extending the *Heller* protections to state laws and regulations).

We will hear about the pervasiveness of mental health issues; remember mental health issues are a global phenomenon, but in the United States access to more guns than people gives those suffering from mental illness the power to decide who lives or dies. Mental illness deserves to be addressed, for a range of reasons, not only to stem gun violence, but that quest should not be used to sidetrack sensible solutions to limit gun violence.

An [American Psychological Association](#) report notes there is a complex relationship among serious mental illness, mental disorders and violence. While many highly publicized incidents involve shooters with serious mental illness, only a small proportion of firearm-related homicides are committed by persons with mental illness. Moreover, the overwhelming majority of people with serious mental illness do not engage in violence towards others. In contrast to homicides, mental health and mental illness are relevant to understanding and preventing suicide (the leading cause of gun-related deaths).

Incidentally, if we are to consider the mental state of young people, we should start with what is available on social media platforms, in video games and in advertisements for guns, all aimed at young people. We also need to understand more about the relationship between gun violence and toxic masculinity traits – all but three of the 163 mass shootings since Sandy Hook were perpetrated by men (see [Men Against Gun Violence](#) and [Quartz](#)). One sad feature of the political gridlock is that for many opposed to further regulation, mental health is a sound bite, rather than a call to examine the impact of mental health in an unbiased, scientific manner through behavioral threat assessments and the like (see [FBI Resources](#) and [Mother Jones summary](#)).

We will hear about the Second Amendment, but that too is a distraction, as the proposed reforms are not a license to take away most guns. That said, there is a critical need to address fears of the “slippery slope.” An [article](#) in POLITICO by Austin Sarat and Jonathan Obert (2019) cautions that proposed solutions to gun violence must take account of two key elements of the gun culture in the United States – the fear that government is unable to protect its citizens (prompting the need to be armed as a means of personal protection, and incidentally a corollary to the fear of replacement) and the role that guns play in serving as the binding force for a community. For a recent study of attitudes towards guns and gun violence, see [Pew Research](#). Ultimately, gun owners can play a critical role in reducing gun violence.

The need to address gun violence is all the more urgent given the broader polarization of the country and the growing acceptance among segments of the American population that violence against the government could at times be justified. Beginning in 2020, there has been a noticeable increase in armed protestors at political rallies and demonstrations, including at state capitols and most significantly at the insurrection on January 6<sup>th</sup>. These armed groups are protesting against gun laws, but also included protests against

lockdown orders, counter-protests at racial justice demonstrations and protests claiming the 2020 presidential election was stolen. (See [Giffords summary](#).)

### **Pinpointing the Problem**

If you have children, you are no doubt conflicted as to what you should say to them about gun violence. And given the near universal access by so many young people via social media to the news, they undoubtedly know what has happened. So, if I may be so bold, first:

- have a conversation with your colleagues who are likely to vote for political candidates who accept money from the NRA and other groups that fight sensible gun solutions, including the National Shooting Sports Foundation, and/or who are likely to contribute to their campaigns, and ask them not to – for the sake of the children;
- if you work for, or are a large shareholder of, a company that makes political contributions, ask them to withhold contributions to any political candidate/incumbent lawmaker who accepts money from the NRA and other groups that fight sensible gun solutions – for the sake of the children; and
- if you work for an organization that bundles contributions for political candidates/incumbent lawmakers who accept money from the NRA and other groups that fight sensible gun solutions, ask them not to – for the sake of the children.

As with so many other tragic events in life, it is someone else's problem, until it is yours. It can happen, and indeed has happened, anywhere – in the United States. Before you have any of the foregoing conversations, put yourself in the place of the parents, grandparents, siblings, children, other relatives or close friends of those who died at the hands of a gun. Those deaths were largely avoidable – and regrettably there is one dominant reason why efforts to reduce gun violence have failed. Feel free to highlight the information set forth above.

Having undertaken any of the foregoing conversations, you can then say to children **you are doing something** to solve the gun violence crisis in this country and to make this country a safer place for them.

### **Sources of Information**

More information is available on the websites of:

[Brady Campaign to Prevent Gun Violence](#)

[Giffords](#)

[Everytown for Gun Safety](#)

[Johns Hopkins Center for Gun Violence Solutions](#)

[Moms Demand Action](#)

[Open Secrets Gun Rights v. Gun Control](#) and [Open Secrets 2022](#)

[BATF](#)  
[Gallup - Guns](#)  
[Pew Research - Gun Policy](#)  
[Gun Violence Archive](#)  
[Men Against Gun Violence](#)  
[The TRACE](#)

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