



**PRESENTATION TITLE: Gun Violence in America: Fact, Fiction and Inertia**

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**RUNNING TIME: Approx 35 minutes (with five video clips: 60 minutes)**

**SLIDE 1: “Gun Violence in America: Fact, Fiction and Inertia” Title Slide**

After the mass shooting in Oregon last month, President Obama lamented the sad reality that we seem unable to do anything to curb gun violence in this country. He complained, “Somehow this has become routine. The reporting is routine. My response here at this podium ends up being routine, the conversation in the aftermath of it... we have become numb to this... What is also routine is that somebody, somewhere will comment and say, ‘Obama politicized this issue.’ Well this is something we should politicize. It is relevant to our common life together, to the body politic.” So in order to get passed this fatal inertia, let’s look at the facts about gun violence, dispel some myths — especially about the Second Amendment — and come up with some common-sense strategies to minimize gun violence. As with most complex societal problems, there won’t be any full-proof solution that will end all gun violence, but we can certainly do a lot better than this.

**SLIDE 2: Staggering U.S. Firearm Facts**

It's a routine tragedy that every day in the U.S., an average of 90 people die from gun violence — 31 from intentional homicide, 58 from suicide, and at least one from accidents. Eight of those 90 gunshot fatalities are children or teenagers. Then there are the average 219 non-fatal gun injuries per day, which often still wreak havoc on people’s lives and livelihood.

America is awash in guns. We have almost as many civilian firearms as people. While there is no official registry keeping count, estimates range from 270 million to 320 million firearms. The U.S. comprises only 5% of the world’s population but owns 50% of the world’s civilian guns. And gun ownership is now concentrated in only 34% of U.S. households, down from 50% of households in the 1970s. The fact that two-thirds of the guns are owned by only 20% of the households shows that gun manufacturers are marketing and selling to an ever shrinking base of repeat customers. Remember that when you hear that gun and ammunition sales are soaring. It’s not that a lot of new people are running out to get a gun for protection. Rather, it’s the same ol’ paranoid crowd stockpiling for “black helicopter” day.

Also shocking is the sheer number of bullets and amount of carnage that an AR-15 type weapon and/or high-capacity ammunition clip can accomplish. Compare 45 shots in a minute to the 3 to 4 rounds that a musket could fire at the time the Second Amendment was written.



### **SLIDE 3: In U.S., Guns Kill 33,000 And Injure 80,000 Per Year**

Here again we see the staggering amount of gun violence casualties in America. In 2012, there were over 11,000 homicides and over 68,000 assaults involving a gun. And there were more than 21,000 suicides and another 4,000 attempted suicides with a gun. Unlike other less effective methods of suicide, tragically more than 80% of suicide attempts with a firearm are successful. You don't get a second chance when you choose a gun. What's more, there were 18,000 accidental gun injuries, with 500 of them resulting in death.

Apparently, there are a lot of not-so-responsible gun owners out there. We hear story after story of people shooting themselves or a family member or friend because they forgot the one in the chamber when cleaning their gun, or they left it unlocked in the nightstand, under the pillow, or in a purse where a child had easy access to it. Like the proverbial junior high school woodshop teacher who always had a few fingers missing, there is a certain amount of complacency that sets in when you become too comfortable around dangerous devices.

### **SLIDE 4: Shootings By Toddlers: 1 Per Week**

Speaking of irresponsible gun owners, in 2015 so far there have been 43 accidental shootings by toddlers age three or younger — about one per week. At least 13 toddlers have killed themselves accidentally with firearms. 18 more injured themselves, 2 killed other people and 10 injured other people. Boys are disproportionately more likely to do this. And these were just the cases that were serious enough to end up in a news story. No doubt, there were far more cases of toddlers firing guns where the bullet never hit anybody, and it was never reported.

### **SLIDE 5: Gun Victims In America: The Race/Gender Divide**

Another shocking aspect of gun violence is the race and gender divide. While Blacks are only 13% of the population, they account for a whopping 57% of gun homicide victims — probably largely the result of drug gang violence. Meanwhile, Whites are 62% of the population but account for 88% of gun suicide victims. We also see a huge gender gap: 84% of gun homicide victims are men; and 86% of gun suicide victims are men. In short, black men are *getting shot* and white men are *shooting themselves* at alarming rates.

### **SLIDE 6: Regulating Guns As We Do Vehicles Would Reduce Deaths & Injuries**

In the U.S., firearm fatalities are now almost as common as motor vehicle fatalities. And remember, over 90% of households own a vehicle, while only one-third own a gun. Even worse, in 17 states and the District of Columbia, gun deaths actually outpace motor vehicle deaths. In Arizona in 2013, for example, there were 941 gun deaths — that's a rate of 14.2 per 100,000 — and 863 motor vehicle deaths. When it comes to cars, common-sense regulations and many required safety features have led to a steady decline in motor vehicle fatalities — from over 45,000 to 35,600 per year. While we'll never get rid of all motor vehicle fatalities, we continue to use public policy to lower that number. And just as support for speed limits, seat belts and drunk-driving laws does not make one "anti-car," support for common-sense gun safety measures and limits on excessive weaponry does not make one "anti-gun." Nor does it necessarily lead to a slippery slope. If that were true, we'd all be driving at one mile per hour or back in the saddle!



### **SLIDE 7: American Deaths By Guns Vs Terrorism – 1,000:1**

Here we see that the number of American deaths by firearms consistently dwarfs the number of American civilians killed by terrorism over the last decade — by a ratio of 1,000 to 1. In fact, for most years, American deaths by terrorism on U.S. soil and around the world are only in double digits. You have to go back to 9/11 to see any significant spike. Even then the number pales in comparison. Meanwhile, year after year after year, we lose more than 30,000 Americans to gun violence, with more than 10,000 being homicides. Yet as President Obama recently pointed out, “We spent over a trillion dollars, and passed countless laws, and devote entire agencies to preventing terrorist attacks on our soil... And yet we have a Congress that explicitly blocks us from even collecting data on how we could potentially reduce gun deaths. How can that be?”

Comedian John Oliver highlights this lopsided response thusly: “One *failed* attempt at a shoe bomb, and we all take off our shoes at the airport. Thirty-one school shootings since Columbine and no change in our regulation of guns.” Perhaps part of the problem is the lack of a horrifying visual image like the World Trade Center filled with people collapsing into ashes or a live beheading by a black-hooded ISIS terrorist. Do we really need to see the massacred, shredded bodies of 20 little first-graders for Americans to finally get off the couch and demand more than thoughts and prayers from their politicians?

### **SLIDE 8: U.S. Has Way More Guns, Homicides & Homicides By Gun Than Peer Countries**

So, you might be wondering, how does the U.S. compare to other developed countries when it comes to homicides by firearm and homicides generally? Here we see gun homicides (the red bar) and homicides by all other means (the black bar) per 100,000 people (use scale on left). The red and black bars together show the total homicide rate. The U.S. rate of gun homicides was 10 times the average rate of peer countries. And looking at total homicides, people in other advanced countries do not appear to be swinging nearly enough hammers or wielding enough knives to rival our total homicide rate either. In short, the U.S. is a very violent country — exceeded only by drug cartel infested countries like Columbia and Mexico.

We also have by far the highest rate of civilian gun ownership (as shown in the yellow bars and using the scale on right). Some countries like Switzerland do have high gun ownership rates without an accompanying spike in homicide rates. But the Swiss also require universal background checks, licensing and training, and have been moving gun and ammunition storage out of homes and into depots. Seem like some pretty good policies to me.

Of course, societal violence is a complex problem stemming from many other diverse factors — drug trafficking, income inequality, lack of access to mental health services, violent video games, inadequate law enforcement, you’re-on-your-own culture, to name a few. Perhaps we have a perfect storm in America of all these factors converging together to produce a toxic stew of violence. One thing is clear: Guns are the most effective and impersonal lethal weapon available to individuals. In the aftermath of mass killings, other civilized countries have greatly reduced this problem with good public policy. Comedian John Oliver explores Australia’s success story in this humorous 5-minute video, entitled “Gun Control Whoop-de-doo” (April 2013): <https://www.youtube.com/watch?v=9pOiOhxuj5E>



**SLIDE 9: Gun Violence Costs America \$229 Billion/yr = Avg \$700/per person**

Ever since the late 1990s when NRA lobbyists convinced Congress to cut the Center for Disease Control's funding on gun-related issues, it's been difficult to get good, current data. Fortunately, in a recent investigative report (April 2015), *Mother Jones* magazine put together some great charts and graphs, including a 2-minute video on the costs of gun violence in America. Let's watch that now: <https://www.youtube.com/watch?v=Nook1b8EyTs#t=108>

**SLIDE 10: In 2008, SCOTUS Corporate-Five Invented An Individual Gun Right**

Now that you know the facts about guns and gun violence in America, let's dispel some of the myths. In 1991, the *conservative* former Chief Justice Warren Burger lambasted the NRA's novel claim that the U.S. Constitution included an *individual* right to own guns (for self-defense, hunting, etc) outside of the well regulated militia as "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." Nonetheless, the NRA's thirty-year propaganda and reframing campaign was later enshrined in a 2008 Supreme Court ruling.

The only way you can arrive at that dishonest interpretation is by disregarding the first 13 words of the 27 word amendment, and throwing out over 200 years of judicial and scholarly consensus. And that's exactly what the Supreme Court did in its 5-4 *Heller* decision — inspired no doubt by what the NRA did in its building signage where it replaced the first half of its beloved Amendment with a mere dot-dot. Writing for the majority and with perfect circular reasoning, Justice Scalia relegates the first 13 words to an impotent "prefatory clause" that has no bearing on his so-called "operative clause." Yep, that's some strict constructivist, originalist interpretation right there — just lop off any inconvenient words. To quote Scalia from a later opinion, that's "pure applesauce!"

To see why prefatory clauses can be all important to meaning, scope and purpose, I offer these two sentences with the same "operative clause":

"To prevent the spread of gangrene, we must cut off your hand."

"Because you stole a loaf of bread, we must cut off your hand."

The first is a justified life-saving medical procedure; the latter draconian punishment.

**SLIDE 11: NRA Hijacks 2nd Amendment (Cartoon)**

Remember, the Second Amendment was drafted in the first years of post-colonial America when the Founding Fathers were quite skeptical of establishing a standing army like the British one they had just driven out (or the Pentagon we have now!). But nor were the Constitution's Framers a bunch of anarchists advocating perpetual revolution. Far from encouraging individuals to take up arms against the new Republic, they desperately wanted to protect their fragile and fledgling government.

According to author and investigative reporter Robert Parry, "The actual goal of the Second Amendment was to promote state militias for the maintenance of order in a time of political uprisings, potential slave revolts and simmering hostilities with both European powers and



Native Americans on the frontiers. Indeed, its defined purpose was to achieve ‘security’ against disruptions to the country’s republican form of government.” President Washington, for example, led one of the new state militias against the Whiskey Rebellion tax revolt in Pennsylvania in 1794. In the South, armed white militias were used to put down slave uprisings and maintain public order – even a deeply immoral order. Even the Wild, Wild West was far more mild than the Hollywood version: Sheriffs regularly enforced gun bans in the city limits, and there were public safety regulations on the storing of gun powder. In the late 1800s, for example, visitors in Wichita Kansas would encounter a sign, “Leave Your Revolvers At Police Headquarters, and Get a (Claim) Check.” And the shootout at the OK Corral in Tombstone, Arizona involved hoodlums who refused to turn in their guns to the sheriff.

In short, the Second Amendment enthusiasts are only enthusiastic about the second half of their beloved Amendment. The Constitution’s Framers are no doubt rolling over in their graves as routine carnage and frequent threats of anarchy replace domestic tranquility.

#### **SLIDE 12: Cafeteria-Style Constitution**

Such “Constitution wavers” remind me of Bible thumpers — just pick the parts you like and throw out the rest. So according to their out-of-whack logic, a law-abiding citizen must...

1) Jump through hoops to get specific photo I.D. and wait in line for ten hours to exercise his/her Constitutional right to vote; 2) Allow warrantless rummaging through emails, texts and Internet searches; 3) Comply with random sobriety checkpoints or immigration/drug checkpoints 100 miles from the border; 4) Travel hundreds of miles multiple times (sometimes across state lines) and pay for a medically unnecessary vaginal probe in order to exercise her Constitutional right to an early abortion... BUT a law-abiding citizen should NOT have to pass a five-minute background check every time he/she purchases a killing machine. Yeah, that sounds about right!

#### **SLIDE 13: “What is really going on here?” Jon Stewart vs Alex Jones**

Comedian Jon Stewart indicts our inertia in the face of such extremism in this brilliant 8-minute segment entitled “Scapegoat Hunter” (Jan 2013):

<http://www.cc.com/video-clips/614l6m/the-daily-showwith-jon-stewart-scapegoat-hunter---gun-control>

#### **SLIDE 14: America Worships Guns & Violence**

The other challenge we face is that American culture absolutely worships guns. It’s all tied up in our Wild West mythology, idolatry of rugged masculinity, and what columnist Paul Waldman dubs “the Hollywood/NRA fantasy of individual heroism”: “Society will disintegrate, vast conspiratorial forces are arrayed against you, jackbooted government thugs are about to come knocking at your door — but if you’ve got your AR-15 and a strong will, you can turn them all back and maintain our freedom.” (www.Prospect.org, October 11, 2015)



As comedian Bill Maher describes our fatal attraction with guns, “The problem isn’t just that (guns are) so legal in America; it’s that they’re so BELOVED. Guns aren’t just a tool of last resort — they’re AWESOME. That’s why people name them and stroke them and take pictures with them. You guys aren’t just firearm enthusiasts; you’re Ammosexuals.”

Bill Maher: “Open Carry: Here Comes Gunny Boo Boo” (June 2014, five-minutes):

<https://www.youtube.com/watch?v=tTpCUAK4ypA>

Perhaps with some public education and public shaming, our worship of guns and violence could go the way of our previous worship of tobacco.

### **SLIDE 15: Broad Public Support For Many Gun Safety Policy Proposals**

In the face of such intensity from gun zealots and such fierce lobbying by the NRA, which has devolved from a once respectable safety organization to the propaganda agency of the firearm manufacturers, getting common-sense gun policies passed is challenging even though many enjoy broad public support. 85% of Americans are in favor of universal background checks, including private and gun show sales. 67% support a federal database to track all gun sales — just as we do every motor vehicle sale. Similarly, banning semi-automatic weapons, assault-style weapons, high capacity ammunition clips, and online sale of ammunition all garner majority support.

### **SLIDE 16: In 2013, Expanded Background Checks Failed to Overcome a Senate Filibuster.**

And yet, even expanding background checks to close the gun show loophole failed to get 60 votes to overcome a Senate filibuster in April 2013 — shortly after the Newtown massacre. The vote broke largely along party lines, with 48 Democrats, 2 Independents and 4 Republicans voting Yea; and 41 Republicans and 5 Democrats voting Nay. I’ve circled the outliers on each side. Note that then Majority Leader Harry Reid switched his Yea to Nay as a procedural move so he could bring the bill up again in a motion to reconsider. Also note that despite the attacks on Senator Bernie Sanders not being progressive enough on gun safety, you’ll see that he voted in favor of the major gun control legislation put forth in 2013.

### **SLIDE 17: In 2013, Limiting Ammunition Clip Size Failed to Get a Majority in the Senate.**

With more Democrats defecting on the vote to limit ammunition clip size, it failed to gain even a majority. Again Sanders supported it. And the only Republican to vote in favor was Mark Kirk of Illinois.

### **SLIDE 18: In 2013, Regulating Assault Weapons Failed to Get a Majority in the Senate.**

Regulating assault weapons got only 40 votes. Again, except for Sanders (I) and Kirk (R), all the Yeas were Democrats.



### **SLIDE 19: If Guns Were Cars or Swimming Pools or...**

One of the dumbest arguments against common-sense gun safety regulations — often repeated by Republican Presidential candidate Marco Rubio — is that passing gun laws are useless because criminals won't obey them. What?! That's just an argument against all laws generally. Let's just throw out the entire criminal and civil code and have anarchy.

The other argument is that *any* firearm regulation is by definition an infringement of the Second Amendment. But such absolutism doesn't work with any of the Amendments. The First Amendment's right to free speech ("Congress shall make no law..."), for example, does not protect inciting to riot, falsely yelling "Fire" in a crowded theater, libel, slander, public obscenity, copyright infringement, or making false claims in commercial advertising.

Even Justice Scalia admits in the 2008 *Heller* decision that his newly invented individual right to bear arms can be limited. Although he leaves the defining of those limits to future court cases, he reiterates the long-standing prohibitions against owning machine guns and sawed-off shotguns, carrying guns into government buildings or schools, possession of firearms by felons or the mentally ill, and laws regulating the commercial sale of arms. That gives us gun safety advocates a road map for possible avenues to pursue: We accept your challenge! And background checks have long withstood Constitutional challenges, so there's no reason to think that expanding them to cover gun shows and private sales would be an infringement. Once we accept that some lines may be drawn, then the debate just becomes a disagreement over exactly where to place the lines — like arguing for a 25 mph speed limit instead of a 35 — not a fascist attempt to take all the guns away.

### **SLIDE 20: Policies To Reduce Gun Violence**

With that in mind, here are my top 10 policy suggestions to reduce gun violence. We've already discussed most of these. I also like Thom Hartmann's idea of requiring all gun owners to carry adequate liability insurance because with rights come responsibilities. And how about we follow the lead of Spain, Italy, Portugal and now Ireland and end this ridiculous, failed war on drugs once and forever? Prohibition didn't work for alcohol, either: It just breeds gangs and guns. Finally let's take a page from the anti-choice playbook and go after the gun providers — the *sellers*. The Second Amendment refers to the right to "keep and bear arms," nothing about the right to sell them.

And imagine if the self-proclaimed "pro-lifers" actually redirected their energy toward reducing gun violence? Well you don't need to imagine it: With the magic of editing, the Daily Show's new host Trevor Noah does just that in this 4-minute clip. Daily Show/Trevor Noah: "Not So Pro-Life After All" (October 2015, see minutes 5:04 to 8:48, especially minutes 7:00 to 8:48): [https://www.youtube.com/watch?v=-W6G\\_ndFVMY](https://www.youtube.com/watch?v=-W6G_ndFVMY)

### **SLIDE 21: "Shame on us if we've forgotten."**

Let me conclude with these words from President Obama after the Newtown massacre: "Are we prepared to say that such violence visited on our children year after year after year is somehow the price of our freedom?... This is our first task, caring for our children. It's our first job. If we don't get that right, we don't get anything right. That's how, as a society, we will be judged." Thank you, everyone.