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## **The Air Force Is Not The Problem... And A Good Guy With A Gun Is Not The Solution**

A Message from the President of Americans Against Gun Violence

November 9, 2017

In the aftermath of the horrific mass shooting at the First Baptist Church in Sutherland Springs, Texas on November 5, in which 25 people were killed, including eight children and a pregnant woman, and 20 others wounded,<sup>1</sup> it has been revealed that the gunman, Devin Kelley, had been hospitalized involuntarily for mental illness and imprisoned for domestic violence while serving in the Air Force.<sup>2</sup> Much of the media attention surrounding the shooting has been focused on the fact that the Air Force didn't report Kelley's mental illness and domestic violence conviction to the National Instant Criminal Background Check System (NICS).<sup>3</sup> A secondary focus of media attention has been the fact that Kelley was shot and wounded by a good Samaritan who lived nearby as Kelley was leaving the church.<sup>4</sup>

As a result of not being listed in the NICS, Kelley had no trouble purchasing four guns, including the assault rifle that he used in the church shooting, from gun stores in Colorado and Texas.<sup>5</sup> The Sutherland Springs resident who shot Kelley twice with his own rifle, 55 year old Stephen Willeford, clearly risked his life in rushing to the church when he heard gunshots, but Kelley had already exited the church by the time that Willeford arrived and shot him.<sup>6</sup> Despite being shot by Willeford in the leg and torso, Kelley was able to drive off in his SUV at high speed. Willeford hailed a passing driver, 26 year old Johnnie Langendorff, and they gave chase in Langendorff's truck. Kelley crashed his car about 10 minutes later and was found dead in his vehicle by law enforcement officers, apparently as a result of having shot himself in the head with his own handgun, not as a result of the wounds inflicted by Willeford.<sup>7</sup>

Should the Air Force have reported Kelley's hospitalization for mental illness and imprisonment for domestic abuse to the NICS? Definitely. Preliminary reports indicate that it was not an individual clerical error but rather a system wide problem that resulted in the failure to report not only Kelley to the NICS but also multiple other armed forces personnel who should be prohibited from owning guns.<sup>8</sup>

Would reporting Kelley to the NICS have prevented the Sutherland Springs mass shooting? Possibly. But under Texas's lax gun control laws, even if he was prohibited from buying a gun from a federally licensed firearm dealer at a gun store as a result of being on the NICS database, Kelley still could have purchased a gun without a background check from a private "kitchen table" gun dealer or at a gun show.<sup>9</sup>

Since the Gun Control Act of 1968 was passed prohibiting "mental defectives" and individuals convicted of domestic violence from owning guns,<sup>10</sup> how many mass shootings have been committed by other individuals who, like Kelley, fell into prohibited categories while in the military but were not reported to the appropriate civilian authorities? None that I'm aware of. Of the more than 1.5 million U.S. civilians killed by guns since 1968 in single shooting incidents,<sup>11</sup> there must have been some who fell into the same prohibited but unreported category as Kelley, but the point is, closing the "Air Force loophole," which clearly should be done, is in and of itself not going to have a measurable effect in preventing mass shootings in the United States or in reducing the daily toll of gun violence that claims 99 lives on an average day.<sup>12</sup>

And what about the "good guy with a gun" argument? Obviously, you'd have to be out of touch with reality (as many gun zealots are) to claim that the Sutherland Springs mass shooting is an example of a "good guy with a gun" successfully stopping a "bad guy with a gun." The action of Stephen Willeford was definitely heroic, but by the time that he shot and wounded Devin Kelley outside of the First Baptist Church, Kelly had already killed 25 people and wounded 20 others inside the church. An FBI study of 160 mass shootings between 2000 and 2013 found only one case in which an armed bystander other than a security guard or off duty police officer stopped a mass shooter.<sup>13</sup> In 21 cases, unarmed bystanders disarmed and restrained the shooter. Whether the Sutherland Springs mass shooting would be considered by the FBI to be a case in which a mass shooting was interrupted by an armed bystander is unclear. While it's possible that Kelley might have gone on to shoot other people after leaving the church, the evidence available at this time indicates that he had a vendetta against church members, and though he was still armed with a handgun, he'd already discarded his assault rifle by the time that Willeford shot him.

So where do we go from here?

Following the worst mass shooting in U.S. history in Las Vegas on October 1, attention was diverted to "bump stocks," devices used by Stephen Paddock to make his semi-automatic rifles fire almost as rapidly as fully automatic ones. Brief consideration was given to banning "bump stocks," but as usual, Congress took no action to prevent future mass shootings.<sup>14</sup> Now, as the Sutherland Springs mass shooting fades from the spotlight, the Air Force has announced that it's going to review its protocols for reporting persons who should be prohibited from owning guns to the NICS,<sup>15</sup> but no other action is being seriously considered by Congress to prevent future mass shootings.

A recent New York Times article about mass shootings in the United States concluded with a quotation from a British journalist, Dan Hodges, who wrote:

In retrospect, Sandy Hook marked the end of the US gun control debate. Once America decided killing children was bearable, it was over.<sup>16</sup>

In essence, Mr. Hodges is stating that the United States of America is a country that loves its guns more than its children. While I've come to the cynical conclusion that this statement may be true for some people in our country, I hope it's not true for the majority, and it's certainly not true for members of Americans Against Gun Violence. And I strongly disagree with Mr. Hodges's statement that the US gun control debate is over. On the contrary, I believe that the founding of Americans Against Gun Violence last year marks a new beginning.

Below is a list of what I see as some of the take home lessons from the Las Vegas and Sutherland Springs mass shootings. Please contact your state and federal elected officials and let them know that you expect them to take the actions in bold print. (There are a number of websites - including <https://www.usa.gov/elected-officials> - that you can go to obtain contact information for your elected officials by entering your ZIP code. If you're calling from a smart phone, you might want to enter the numbers of your US senators, your US representative, and your state legislators into your contact list for ease of calling in the future.) You can contact your elected officials about any one of the "bullet points" below that you feel most strongly about, or better yet, contact the same official on a new bullet point every day until you've gone through the whole list.

- All background check loopholes should be closed. A thorough background check should be required for any gun sale or transfer.
  - **Contact your elected officials to demand\* that they openly advocate and actively work toward requiring thorough background checks for all gun sales and transfers.**
- All semi-automatic rifles should be banned, with no grandfather clause, as was done in Australia within just 13 days of the infamous Port Arthur massacre there in 1996.<sup>17</sup> Such weapons are specifically designed for the purpose for which Devin Kelley and Stephen Paddock employed them – to kill and maim large numbers of people in a short period of time. There is no legitimate civilian use for such weapons. Since Australia banned all semi-automatic rifles in 1996, there have been no further mass shootings in that country. If Australia can do it, so can we.
  - **Contact your elected officials to demand that they openly advocate and actively work toward a complete ban on all semi-automatic rifles comparable to the ban enacted in Australia in 1996.**

- The paradigm for determining who can and cannot own a gun in the United States is backward. As the recent article in the New York Times about mass shootings pointed out, the United States is one of only three countries in the world, the other two being Mexico and Guatemala, in which the default standard for someone seeking to acquire a gun is that the person can have the gun unless society can prove that he or she falls into a category of persons prohibited from owning one.<sup>18</sup> In every other country of the world, the default standard is that the person cannot have a gun unless he or she can prove why he or she needs one.<sup>19</sup> And in most other high income democratic countries, “self defense” is not accepted as a reason for owning a gun given the well established fact that guns in the possession of honest, law-abiding people are much more likely to be used to kill or injure them than to protect them.
  - **Contact your elected officials to demand that they openly advocate and actively work toward requiring persons seeking to acquire a gun to submit convincing evidence that they have a good reason for having a gun and that they can handle one safely.**
- It’s the guns, stupid! As documented in the New York Times article referenced above,<sup>20</sup> the reason why the United States is the only high income democratic country in the world in which mass shootings occur on a regular basis, and why the overall rate of gun related deaths in the USA is 10 times higher than the average in these other countries,<sup>21</sup> is that the rate of gun ownership in our country is much higher than in every other high income democratic country of the world. The high rate of gun ownership in the United States is due, in turn, to our exceedingly lax gun control laws as compared with every other high income democratic country.
  - **Contact your elected officials to demand that they openly advocate and actively work toward the adoption of the same kind of stringent gun control laws in the United States that have long been in place in every other high income democratic country of the world, including a complete ban on civilian ownership of all automatic and semi-automatic rifles and stringent restrictions, if not a complete ban, on civilian ownership of handguns.**
- Good guys with guns don’t prevent mass shootings or reduce the daily toll of gun violence in our country. On the contrary, people with concealed weapons permits have committed mass shootings and many other criminal homicides themselves. (See the Violence Policy Center report on “Concealed Carry Killers” for more information on this topic.<sup>22</sup>)

- **Contact your US Senators and your US Representative and demand that they oppose H.R.38 and S.B.446, bills to make a concealed weapons permit issued in one state good in any other state.**
- Until the rogue *Heller* decision in 2008, there was no “Second Amendment right” for anyone to own any kind of a gun in the United States outside of service in a “well regulated militia.” Even after *Heller*, there’s no constitutional right to own an assault rifle. (See the post on the Facts and FAQ’s page of the Americans Against Gun Violence website concerning the Second Amendment for more details.)
  - **Contact your elected officials to demand that they openly advocate and actively work toward overturning the rogue *Heller* decision and restore the Second Amendment to its original meaning.**
- It’s not just the gun lobby and the politicians beholden to them who misrepresent the Second Amendment. On the November 7 edition of the PBS News Hour, during coverage of the Sutherland Springs mass shooting, PBS commentator William Brangham stated, “In the United States, the Second Amendment gives citizens broad rights to keep and bear arms. The Supreme Court has several times affirmed this fact.” This statement is false. Prior to 2008, the U.S. Supreme Court had never ruled that the Second Amendment conferred any kind of individual right to own a gun. On the contrary, the Court had ruled in *Miller* in 1939 and in *Lewis* in 1980 that there was no individual right. The narrow 5-4 decision in the rogue *Heller* decision in 2008 reversed over 200 years of legal precedent in ruling for the first in US history that the Second Amendment conferred any kind of individual right to own a gun, and even under *Heller*, this is a very limited right. (See the post on the Second Amendment on the Facts and FAQ’s page of this website for more details.)
  - **Contact PBS and demand that it retract the misrepresentation of the Second Amendment by CBS commentator William Brangham on the November 7 edition of the PBS News Hour.**
  - **Demand that PBS rebroadcast the PBS News Hour segment from December 16, 1991, in which the late Supreme Court Chief Justice Warren Burger stated in regard to the misrepresentation of the Second Amendment that was endorsed by Brangham, “This 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.”<sup>23</sup>**
  - **If you’re a PBS contributor, mention this fact in your message.**

Finally, if you haven't already done so, please become an official paid member of Americans Against Gun Violence via the Join/Donate page of the Americans Against Gun Violence website, and please make an additional donation if you're able.

The above "to do" may seem like a tall order. At our first annual dinner on October 22, though, our keynote speaker, Joshua Sugarmann, stated:

Gun violence is at epidemic levels in the United States, and this epidemic is preventable. You and I know that, and this knowledge is both a blessing and a curse. The blessing is that we know how to stop the epidemic of gun violence that afflicts our nation. The curse is that when the next "worst mass shooting" occurs, we can't just shake our heads like so many others and wonder why these horrific tragedies keep occurring. Instead, we have to ask ourselves, are we doing everything within our own power to prevent them?

Thanks for supporting Americans Against Gun Violence and for doing everything within your power to help stop the shameful epidemic of gun violence in the United States of America.

Sincerely,



Bill Durston, MD  
President, Americans Against Gun Violence

\* While the word, "demand," may seem too strong or adversarial, the term "urge" seems to me to be too mild-mannered, given the life threatening nature of the U.S. gun violence problem and the fact that the extraordinarily high levels of gun violence in our country have long been a national disgrace. Whatever terminology you use when you contact your elected leaders, please be polite but assertive in letting them know that you fully expect them to openly advocate and work diligently toward the enactment of stringent gun control laws in our country comparable to the laws that have long been in effect in every other high income democratic country of the world.

Note: Dr. Durston is a retired emergency physician. He is also a former expert marksman in the U.S. Marine Corps and a combat veteran of the Vietnam War, decorated for courage under fire.

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