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Preventing Firearm Related Deaths and Injuries in the United States of America

Mission Statement of Americans Against Gun Violence

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Firearm related deaths and injuries are a serious public health problem in the United States of America, and the rate of gun related deaths in our country is currently at least ten times higher than the average rate for the other high income democratic countries of the world.¹ It is the position of Americans Against Gun Violence that we have not only the ability, but also the moral responsibility, to reduce rates of firearm related deaths and injuries in our country to levels that are at or below the rates in other economically advanced democratic countries.

Like other gun violence prevention organizations, we support common sense firearm regulations. We believe, however, that common sense dictates that in order to reduce rates of gun violence in the United States to levels comparable to other high income democratic countries, we must adopt comparably stringent gun control laws – laws that go far beyond the limited measures currently being advocated by other U.S. gun violence prevention organizations. Specifically, we believe that we should follow the examples of Australia and the United Kingdom, both of which reacted swiftly and definitively following mass shootings in their countries over two decades ago, by banning civilian ownership of all automatic and semi-automatic rifles, as in the case of Australia,² and by banning civilian ownership of all handguns, as in the case of the United Kingdom.³ We also believe that we should follow the example of every other high income democratic country in requiring registration of all firearms and licensing of all firearm owners.⁴ Finally, we believe that in the United States, as in all other economically advanced democratic countries, the burden of proof should be on any person seeking to acquire a gun to show convincing evidence that he or she needs one and can handle one safely, not on society to show evidence that he or she should not have a gun.⁵ And given the large body of evidence showing that there is no net protective value from owning or carrying a gun,⁶ “self defense” should not be automatically accepted as a reason for owning a gun in the United States, just as it is not accepted in most other high income democratic countries.⁷

In the United States, like in other economically advanced democratic countries, stringent gun control laws need not prevent legitimate hunters and target shooters from pursuing their sports. As in those other countries, though, stringent regulation of civilian firearm ownership should be accompanied by stringent regulation of the use of lethal force by law enforcement officers.

The Second Amendment, as it was interpreted repeatedly by the Supreme Court and almost every lower court for the first 217 years of our nation's history,⁸ is no obstacle to the adoption of the stringent gun control laws advocated by Americans Against Gun Violence. The 2008 *Heller* decision, however, in which a narrow 5-4 majority of the Supreme Court ruled that the District of Columbia's partial ban on handgun ownership violated the Second Amendment,⁹ is a significant obstacle. In the *Heller* decision, five justices endorsed an interpretation of the Second Amendment that the late Supreme Court Chief Justice Warren Burger had called "...one of the biggest pieces of fraud – I repeat the word, 'fraud' - on the American public by special interest groups that I have ever seen in my lifetime."¹⁰ It is the position of Americans Against Gun Violence that the *Heller* case was wrongly decided. In the short term, *Heller* should be overturned. In the long term, Americans Against Gun Violence advocates the adoption of a new constitutional amendment that clarifies the Second Amendment in a manner consistent with the following statement in the majority opinion in the Supreme Court's 1980 *Lewis* decision:

The Second Amendment guarantees no right to keep and bear a firearm that does not have "some reasonable relationship to the preservation or efficiency of a well regulated militia."¹¹

We are confident that one day, the United States will adopt stringent gun control laws comparable to the laws that have long been in effect in every other high income democratic country of the world. The only question is how many more innocent Americans will be killed and injured by guns before that day arrives. It is our mission to make that day come sooner rather than later.

References

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- ² Rebecca Peters, "Rational Firearm Regulation: Evidence-Based Gun Laws in Australia," in *Reducing Gun Violence in America: Informing Policy with Evidence and Analysis* (Baltimore: The Johns Hopkins University Press, 2013), 195–204; Philip Alpers, "The Big Melt: How One Democracy Changed after Scrapping a Third of Its Firearms," in *Reducing Gun Violence in America: Informing Policy with Evidence and Analysis* (Baltimore: The Johns Hopkins University Press, 2013), 205–11.
- ³ Michael J. North, "Gun Control in Great Britain after the Dunblane Shootings," in *Reducing Gun Violence in America: Informing Policy with Evidence and Analysis* (Baltimore: The Johns Hopkins University Press, 2013), 185–93.
- ⁴ "Gun Law and Policy: Firearms and Armed Violence, Country by Country," GunPolicy.org, accessed December 3, 2017, <http://www.gunpolicy.org/>.
- ⁵ "Gun Law and Policy: Firearms and Armed Violence, Country by Country."
- ⁶ Arthur L. Kellermann and Donald T. Reay, "Protection or Peril?," *New England Journal of Medicine* 314, no. 24 (June 12, 1986): 1557–60, <https://doi.org/10.1056/NEJM198606123142406>; Arthur L. Kellermann et al., "Injuries and Deaths Due to Firearms in the Home," *Journal of Trauma and Acute Care Surgery* 45, no. 2 (1998): 263–67; Arthur L. Kellermann et al., "Gun Ownership as a Risk Factor for Homicide in the Home," *New England Journal of Medicine* 329, no. 15 (1993): 1084–1091; David A. Brent et al., "Risk Factors for Adolescent Suicide," *Arch Gen Psychiatry* 45, no. 6 (1988): 581–588; Michael R. Rand, "Guns and Crime: Handgun Victimization, Firearm Self-Defense, and Firearm Theft," Bureau of Justice Statistics Crime Data Brief (U.S. Department of Justice, April 1994); Charles C. Branas et al., "Investigating the Link Between Gun Possession and Gun Assault," *American Journal of Public Health* 99, no. 11 (November 1, 2009): 2034–40, <https://doi.org/10.2105/AJPH.2008.143099> See the post, "Should law-abiding people own guns for self-protection, on the Facts and FAQ's page for additional discussion and references on this point.
- ⁷ "Gun Law and Policy: Firearms and Armed Violence, Country by Country"; Rebecca Peters, "Welcome, Americans Against Gun Violence: A Message from Australian Human Rights Medal Winner Rebecca Peters," *Americans Against Gun Violence* (blog), June 12, 2016, <http://aagunv.org/welcome-americans-against-gun-violence-a-message-from-australian-human-rights-medal-winner-rebecca-peters/>.
- ⁸ *United States v. Cruikshank*, 92 US (Supreme Court 1876); *Presser v. Illinois*, 116 US (Supreme Court 1886); *U.S. v. Miller*, 307 U.S. 174 (1939) (n.d.); *Lewis v. United States*, No. 55 (U.S. 1980).
- ⁹ *District of Columbia v. Heller*, 554 US (Supreme Court 2008).
- ¹⁰ Warren Burger, PBS News Hour, December 16, 1991, <https://vimeo.com/157433062>.
- ¹¹ *Lewis*, 445.