



Americans Against Gun Violence
921 11th Street, Suite 700
Sacramento, CA 95814
(916) 668-4160
aagunv.org / info@aagunv.org

Press Release

Americans Against Gun Violence Applauds Commissioner Leary for Being the Sole Member of the Folsom Planning Commission to Oppose Allowing Gun Dealers to Do Business Out of Their Own Homes

Sacramento, California, November 19, 2021: The Folsom City Planning Commission voted 6 to 1 on Wednesday evening to continue to allow gun dealers to sell guns and ammunition from their residential homes. Commissioner Barbara Leary was the sole member of the commission to oppose the measure.

The city of Folsom is a bedroom community located about 15 miles east of Sacramento. There are currently 15 schools in Folsom, including three high schools, as well as a community college. The Folsom school district made the news in 2016 when it was revealed that school officials had been allowing an unspecified number of school employees to bring loaded guns to school during the previous six years without the knowledge of students or parents.¹ This practice was halted the following year when a new California state law was enacted banning anyone from bringing a gun onto a school campus.²

The city of Folsom is best known, though, for Folsom State Prison, and for the fact that it was within the prison walls that Johnny Cash resurrected his failing career in January of 1968 by recording a live album during his performance for prison inmates. Cash elicited the loudest roar of admiration from his captive audience when he sang the line from his song, "Folsom Prison Blues," "I shot a man in Reno just to watch him die." The city of Folsom has a bike trail named for Johnny Cash and invites visitors to make a donation to "Be a part of Johnny Cash History."³

During the planning commission meeting on Wednesday, Commissioner Leary asked commission staff how many Folsom residents were currently selling guns out of their homes, how many and what kinds of guns they were selling, and how many of these guns had been used in crimes or in the commission of suicides. Commission staff responded that five gun dealers were currently operating from their residential homes, but they couldn't answer Commissioner Leary's other questions. Staff also acknowledged that no other surrounding city allows gun sales from private homes. Staff indicated that they had personally contacted the five home-based gun dealers to invite them to the meeting on Wednesday. Staff did not report making any special effort to personally contact other city residents,

including parents of school children.

Americans Against Gun Violence president, Dr. Bill Durston, sent a letter to the Folsom Planning Commission in advance of the meeting in opposition to allowing residents to sell guns and ammunition from their homes, and the commission allotted him just three minutes to speak in person at the meeting. In his letter, Dr. Durston noted that there was no shortage of guns and gun dealers in our country or in the Folsom area. It's estimated that there are currently approximately 400 million privately owned guns in circulation in the United States, which amounts to more than one gun for every man, woman, and child in the country.⁴ There are currently more than 50,000 federally licensed firearm dealers in the United States.⁵ Dr. Durston noted that a Google search of "gun stores near Folsom" came up with 16 stores where one can buy guns in and around the city. A Google search of "grocery stores near Folsom" came up with 19 stores where one can buy groceries. Dr. Durston noted during his brief talk that including the five home-based gun dealers, there are currently more businesses in and around Folsom where people can buy guns than groceries.

Dr. Durston noted in his letter to the Planning Commission that every year, approximately 40,000 Americans are killed by guns,⁶ and that two to three times this number of U.S. residents suffer non-fatal but often devastating gunshot wounds.⁷ He also noted in his letter, and re-emphasized at the meeting, that gun-related deaths and injuries are far more common in the United States than in any other high income democratic country in the world. For all ages combined, the rate of gun homicides in the United States is 25 times higher than the average rate in the other high income democratic countries of the world,⁸ and for high school age youth, the U.S. rate of gun homicides is 82 times higher.⁹

In his letter, Durston noted that our country's extraordinarily high rate of gun violence is not a result of Americans being more violent in general than people in other democratic countries. On the contrary, the U.S. rate of violent assault by any means is below the average for the other high income democratic countries of the world.¹⁰ The extraordinarily high rate of gun homicide in the United States is due to fact that because of the easy availability of firearms, guns are used in assaults far more frequently in our country, and guns are far more lethal than fists, knives, and other weapons commonly used in assaults in other high income democratic countries.¹¹

In his letter, Dr. Durston included a graph demonstrating that there is a direct relationship between rates of gun related deaths and rates of private gun ownership; and that the United States is an extreme outlier among high income democratic countries in both categories. (See appended Figure). Dr. Durston also noted that the extraordinarily high number of guns in circulation in our country is a direct result of our extraordinarily lax gun control laws as compared with the laws in other advanced democracies.¹²

In his letter and during his live presentation, Dr. Durston emphasized that guns in

the homes and in the communities of honest, law-abiding people are far more likely to be used to kill, injure, or intimidate innocent people than to protect them. In one of the best known studies on this subject, it was shown that for every one time a gun in the home was used to kill an intruder, there were 43 gun-related deaths of a household member.¹³ Another study showed that someone who was carrying a gun at the time of an assault was four times more likely to be killed than someone who was not carrying a gun.¹⁴ In 2018, the most recent year for which expanded homicide data are available from the FBI, guns were used by private citizens to commit murders 34 times more often than they were used to kill an attacker in self defense.¹⁵

At the planning commission meeting, some of the gun dealers present spoke of their “Second Amendment rights,” implying that selling guns from their homes is an extension of such “rights.” Dr. Durston noted that the Second Amendment states, in its entirety:

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.¹⁶

Dr. Durston noted at the meeting that none of the gun dealers present claimed that their sales were related in any way to the maintenance of a “well regulated militia,” and that prior to 2008, there was no constitutional right, Second Amendment or otherwise, for any individual person in the United States to own or carry a gun unrelated to service in a “well regulated militia,” much less sell guns from a private residence. Durston noted that the Supreme Court had ruled in all four Second Amendment cases that it had considered prior to 2008 that the Second Amendment did not confer an individual right to own or carry guns.¹⁷ He quoted from the Supreme Court’s 1980 *Lewis* decision:

[T]he 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.”¹⁸

Dr. Durston also noted that the late Supreme Court Chief Justice Warren Burger had called the gun lobby’s misrepresentation of the Second Amendment as conferring an individual right to own guns “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.”¹⁹ Sadly, though, in the 2008 case of *District of Columbia v. Heller*, a narrow 5-4 majority of Supreme Court justices became a party to that fraud in ruling that Washington DC’s partial handgun ban violated the Second Amendment.²⁰ Dr. Durston noted, however, that as flawed as the *Heller* decision was, it said nothing about a right to sell guns and ammunition from one’s own home.

The gun dealers who spoke at the meeting complained that their personal incomes would be adversely affected if the Planning Commission banned sales of guns and ammunition from private residences. Dr. Durston responded to this complaint by

inviting Planning Commission members to view the November 7, 2021 interview with Dr. Michael North of Scotland, which is [posted on the Americans Against Gun Violence website](#). Dr. North lost his five year old daughter, Sophie, in the 1996 mass shooting at the elementary school in Dunblane, Scotland, in which 15 other students and their teacher were also murdered and three other teachers and 12 other students were wounded by a man who legally owned the handguns he used to commit the massacre. Dr. North and other grieving parents subsequently led a successful campaign to completely ban civilian ownership of handguns in Great Britain.²¹ (Britain already had a ban on automatic and semi-automatic long guns, including so-called “assault rifles.”) There have been no further school shootings since the handgun ban went into effect in 1998,²² and that the rate of gun deaths in Britain is currently 1/60th the rate in the United States.²³

Dr. Durston noted that gun dealers who opposed the British handgun ban, like the gun dealers present at the Folsom Planning Commission meeting, had complained that a handgun ban would adversely affect their incomes. Dr. North and his fellow grieving parents responded that these gun dealers could find other sources of income, but Sophie and her classmates could not find other lives.

Dr. Durston pointed out to the Planning Commission that even after repeated mass school shootings, including the 2012 Sandy Hook Elementary School massacre in which 20 first graders, their school principal, and five other female staff members were murdered, the United States has taken no definitive action to prevent such tragedies from recurring; and that there is no reason to believe that another mass shooting on the scale of the Sandy Hook massacre could not occur on a Folsom campus.

Dr. Durston stated further that Folsom children and youth were already being seriously harmed by the threat of gun violence. He read to the Planning Commission an excerpt from one of this year’s winning essays in the annual Americans Against Gun Violence National High School Essay Contest, submitted by a student who attends Folsom High School. The student noted that for the first time in many years, there were no school shootings in 2020, not because elected officials had adopted stringent gun control laws, but because schools had been physically closed in response to the Covid pandemic. The student went on to write:

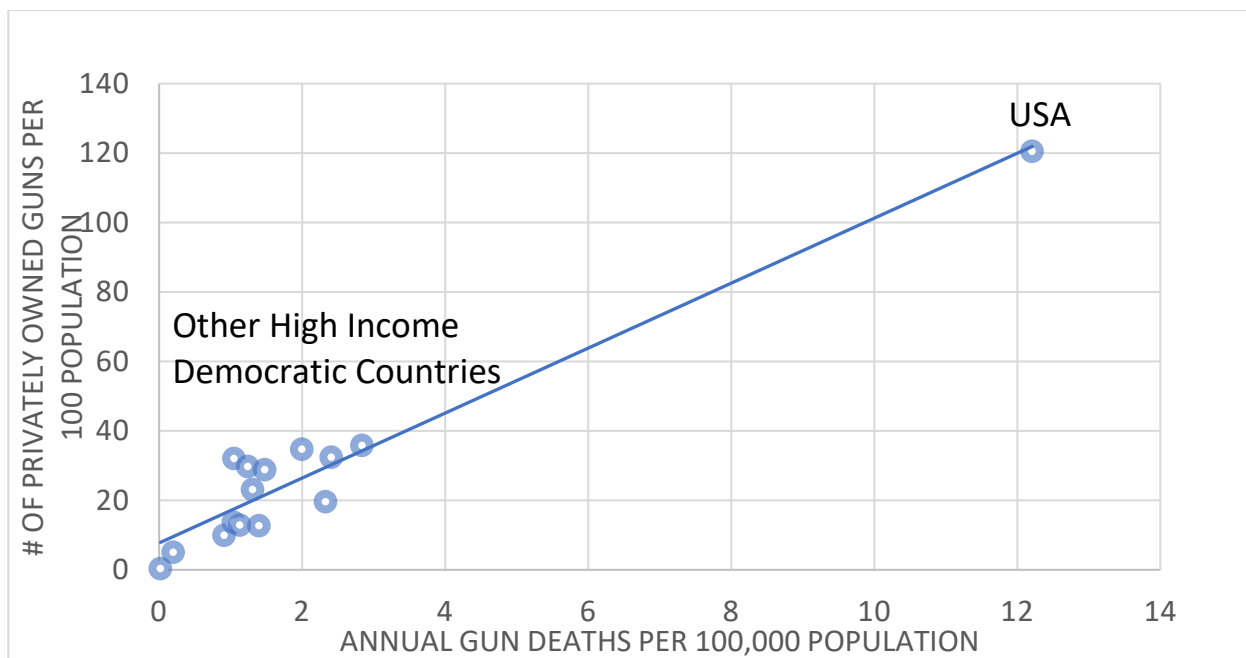
It is shameful that it took a pandemic-induced shutdown to quell mass shootings in America. It especially pains me when I hear stories of students breathing sighs of relief when they learned they no longer had to go to school in-person. Now more than ever, it has become excruciatingly clear that guns cause widespread fear and unease in the population. A school should be a safe haven for students and a hub for collaborative education, not a site of trauma and worry. Because of the presence of guns in their communities, young people in America have experienced great harm.

At this point, the Planning Commission chairperson told Dr. Durston that his time was up and asked him to conclude his remarks. Dr. Durston concluded by stating

that in a country with approximately 400 million privately owned guns in circulation, with more than 50,000 gun dealers already in business, and with approximately 40,000 annual gun deaths, the Folsom Planning Commission's decision concerning whether to ban sales of guns from private residences would have little overall effect on these appalling statistics, but that the commissioners' votes would reveal a great deal about what they valued most – their guns and the profits of the five home-based gun dealers, or the safety and wellbeing of the city's children and youth.

Commissioner Barbara Leary voted to prohibit sales of guns and ammunition from private homes in Folsom. The other six commissioners, Kevin Duewel, Bill Miklos, Eileen Reynolds, Ralph Pena, and Daniel West, voted to continue to allow Folsom residents, including the five current home-based gun dealers and an unlimited number of future gun dealers, to sell guns and ammunition from their residential homes.

Figure



Legend: Annual rates of gun deaths are plotted against estimated per capita gun ownership for the United States and 16 other high income democratic countries, all represented as circles. (Because of overlap, there appear to be fewer than 16 circles representing other high income democratic countries.) The line is a computer generated best fit line. Data used to construct the graph were taken from the most recently available data posted on the website, GunPolicy.org, hosted by the University of Sydney School of Public Health. In cases in which GunPolicy.org listed a range of per capita gun ownership estimates for a given country, the mean of the highest and lowest estimates was used. The 16 other high income democratic countries represented on the graph are, in alphabetical order, Australia, Belgium, Canada, Denmark, Finland, France, Germany, Italy, Japan, New Zealand, Norway, Sweden, Switzerland, and the United Kingdom.

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- ³ “Be a Part of Johnny Cash History,” Folsom Cash Art Trail, accessed November 18, 2021, <https://folsomcasharttrail.com/>.
- ⁴ “United States – Rate of Civilian Firearm Possession per 100 Population,” GunPolicy.org, accessed October 15, 2018, https://www.gunpolicy.org/firearms/compareyears/194/rate_of_civilian_firearm_possession.
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- ⁶ “Fatal Injury Data | WISQARS | Injury Center | CDC,” Centers for Disease Control and Prevention, accessed July 1, 2021, <http://www.cdc.gov/injury/wisqars/fatal.html>.
- ⁷ Statistics regarding annual numbers of non-fatal gunshot wounds were taken from “NonFatal Data | WISQARS | Injury Center | CDC,” Centers for Disease Control and Prevention, accessed September 11, 2016, <https://www.cdc.gov/injury/wisqars/nonfatal.html> For unknown reasons, the CDC stopped reporting non-fatal gunshot wounds beginning about 2015 and removed old data from its website.
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- ¹¹ Franklin E. Zimring and Gordon Hawkins, *Crime Is Not the Problem: Lethal Violence in America* (New York: Oxford University Press, 1997).
- ¹² “Gun Law and Policy: Firearms and Armed Violence, Country by Country,” GunPolicy.org, accessed July 1, 2021, <http://www.gunpolicy.org/>.
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- ¹⁶ “The United States Constitution,” 17912nd Amendment.
- ¹⁷ *United States v. Cruikshank*, 92 US 542 (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).

¹⁸ John Paul Stevens, *The Making of a Justice: Reflections on My First 94 Years* (New York: Little, Brown, 2019), 483; *Lewis*, 445 at 65n8.

¹⁹ Stevens, *The Making of a Justice*, 483; Warren Burger, PBS News Hour, December 16, 1991, c.

²⁰ *District of Columbia v. Heller*, 554 US (Supreme Court 2008).

²¹ 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.

²² North, "Gun Control in Great Britain after the Dunblane Shootings."

²³ "Gun Law and Policy: Firearms and Armed Violence, Country by Country," GunPolicy.org, accessed July 1, 2021, <http://www.gunpolicy.org/>.