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Press Release

Americans Against Gun Violence Responds to Mass Shooting at the Old National Bank in Louisville, Kentucky

Sacramento California, April 13, 2023: We at Americans Against Gun Violence extend our heartfelt sympathy to the families, friends, and colleagues of the five staff members who were killed in the mass shooting at the Old National Bank in Louisville, Kentucky, on April 10, 2023. We also send our sincere wishes for a prompt and complete recovery to the eight other people who were wounded, including police officer Nickolas Wilt, who was critically wounded by a gunshot wound to his head. We applaud the bravery of Officer Wilt and other members of the Louisville Police Department who immediately engaged in an exchange of gunfire with the shooter, killing him before he could kill or injure additional bank staff.

At the same time that we commend the immediate and courageous response of the Louisville Police Department to this latest mass shooting, just as we commend the similarly prompt and courageous response of the Nashville Police Department to the mass shooting at The Covenant School two weeks ago, we are compelled to once again point out that such mass shootings are preventable, but that we, as a nation, choose not to take the definitive measures needed to prevent them. In fact, for the most part, we choose not to even talk about the definitive measures needed to prevent them.

It has been reported that the Louisville shooter, Connor Sturgeon, had legally purchased the AR-15 rifle that he used in the shooting at a local gun shop the week before he committed the massacre, and that he had told at least one person that he was suicidal.¹ In the aftermath of the Louisville and Nashville mass shootings, there have been calls for stricter gun control laws that focus on the enactment of so-called “red flag laws;” renewing the federal “assault weapons ban,” and expanding “background checks.”

“Red Flag Laws”

“Red flag laws” (also known as “Extreme Risk Protection Orders” or “Gun Violence Restraining Orders”) provide a mechanism whereby family members – and in some cases, other close contacts – can initiate a legal process that results in police temporarily removing guns from the possession of individuals deemed to be at immediate and extreme risk of harming themselves or others. Tennessee and Kentucky don’t have such “red flag laws” in place.

The Nashville mass shooting clearly could not have been prevented by a red flag law, as neither family nor police knew prior to the shooting that the shooter had a gun.² And even

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if Kentucky had had a red flag law in place, for such a law to be have been used to prevent the Louisville mass shooting, whoever had been told that Connor Sturgeon was suicidal would have had to have known that he had a gun and would have had to take the time and effort to fill out a petition to have the gun removed; a judge would have had to review and approve the petition and forward it to law enforcement; and law enforcement would have had to locate Sturgeon and remove the gun, all in the week's time between Sturgeon's purchase of the gun and the time he arrived at the bank to commit the mass shooting.

California has had a red flag law in place since 2016. A study of the effectiveness of this law showed that from 2016 through 2018, red flag laws were used to temporarily remove 52 guns from individuals deemed to meet "extreme risk" criteria.³ During this same period of time, more than two million guns were sold in California.⁴ Despite efforts in California to increase the implementation of red flag laws, in January of this year, there were four horrific mass shootings in California in just eight days.⁵ The most recent data released by the California Department of Justice reveal that the number of gun homicides in California increased by 27% from 2016, the year red flag laws first went into effect, through 2021, the most recent year for which data are available.⁶

The truth about red flag laws is that at best, they provide cumbersome mechanisms for temporarily removing firearms from the possession of the tiny fraction of U.S. gun owners deemed to be at the most extreme and immediate risk of harming themselves or others with a gun, while guns are being sold to millions of other people who have no legitimate need for them.

"Assault Weapons Bans"

There is clearly no legitimate civilian use for the AR-15 style high power semi-automatic rifles that were used in both the Louisville and Nashville mass shootings, as well as in multiple other mass shootings in recent US history. This being said, the so-called federal "assault weapons ban" that was in effect from 1994 until Congress allowed it to sunset in 2004 was not really a "ban" at all any true sense of the word. The "ban" defined an "assault weapon" more based on the weapon's appearance than on the ability of the weapon to be used to kill and maim large numbers of people in a short period of time, and it contained a "grandfather clause" that allowed millions of people who already owned so-called "assault weapons" to keep them.⁷ A U.S. Department of Justice report summarized the shortcomings of the assault weapons ban with the statement:

The [assault weapons] provision targets a relatively small number of weapons based on features that have little to do with the weapons' operation, and removing those features is sufficient to make the weapons legal.⁸

The "assault weapons ban" currently under consideration in Congress, HB5471, suffers from similar deficiencies.

California claims to have some the most stringent gun control laws in the country, including an effective assault weapons ban, yet there were four mass shootings in just eight days in California in January of this year;⁹ and one can walk into almost any gun store in the state and see racks of menacing looking semi-automatic rifles that accept readily detachable magazines but that have been modified by the gun industry in a

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manner that enables them to evade California's definition of an "assault weapon."¹⁰

Universal "background checks"

Clearly, anyone who seeks to purchase a weapon as potentially lethal as a gun should be subjected to a thorough background check before being allowed to acquire the weapon. The federal Brady Act,¹¹ which went into effect in 1994, requires "background checks" for gun purchases from federally licensed firearm dealers, but not from private sellers. It's been estimated that 20-40% of gun purchases in the United States are done without the kind of "background checks" required by the Brady Act.¹² Multiple attempts to pass legislation requiring "background checks" for all gun sales have failed in Congress.¹³

Just as what we in the United States refer to as "assault weapons bans" aren't really bans, though, what we call "background checks" aren't really background checks in any real sense of the term. So-called "background checks" in the United States are done instantaneously by computer in most cases to see if a person is on a perennially incomplete federal database of persons prohibited from owning guns due to one or more relatively narrow exclusionary criteria. Serious mental illness does not usually land a person on the prohibited list unless the person has been involuntarily hospitalized,¹⁴ and even expressed criminal content is not automatically an exclusionary criterion unless the person has a history of a conviction for a felonious crime or a violent misdemeanor.¹⁵ Both the Louisville and Nashville mass shooters,¹⁶ like most other mass shooters in recent U.S. history,¹⁷ purchased the weapons they used to commit their horrific crimes legally after passing federal "background checks."

The Definitive Measures Needed to Stop our Country's Shameful Epidemic of Gun Violence

The United States is the only high income democratic country in the world in which mass shootings, including shootings on school campuses and civilian workplaces, occur on a regular basis. We know – or should know - what we need to do to prevent mass shootings, as well as most of the other more than 120 fatal shootings that now occur on an average day in our country.¹⁸ As the late Senator Thomas Dodd stated more than half a century ago, in June of 1968:

Pious condolences will no longer suffice....Quarter measures and half measures will no longer suffice....The time has now come that we must enact stringent gun control legislation comparable to the legislation in force in virtually every civilized country in the world.¹⁹

The main reason why the United States is an extreme outlier as compared with all other high income democratic countries in terms of our rate of gun violence is clear. It's our extraordinarily lax gun control laws and the related extraordinary ease with which almost anyone can acquire almost any kind of a gun in our country. And the definitive measures needed to reduce our rate of gun violence to a level comparable to the rates in the rest of the high income democratic countries of the world are equally clear. We need to adopt comparably stringent gun control laws – laws that will completely ban civilian ownership of large categories of guns and that will drastically reduce the vast pool of privately owned guns currently in circulation.

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Specifically, in order to prevent horrific mass shootings like the ones that occurred in Louisville on April 10, 2023, and in Nashville on March 27, 2023, as well as to stop the shameful epidemic of gun violence that now claims more than 120 lives on an average day in our country, the United States must adopt the following measures:

1. Change the guiding principle for gun ownership in our country from a “permissive” one to a “restrictive” one.²⁰

The United States is the only high income democratic country in the world in which the guiding principle for firearm acquisition is that a person who seeks to acquire a gun can legally do so if the person is of a certain age and can pass a rudimentary background check to see if the person is on a perennially incomplete database of people who meet one or more limited criteria for being prohibited from owning a gun.²¹ This guiding principle is termed, “permissive.” In all other advanced democracies, the burden of proof is on the person seeking to acquire a gun to prove that he or she has a good reason to own one and can handle one safely. This guiding principle is termed, “restrictive.” And recognizing that there is no net protective value in owning or carrying a gun, many other democratic countries, including Australia, New Zealand, and the United Kingdom, do not accept “self defense” as a legitimate reason for acquiring one.²²

2. Ban civilian ownership of all automatic and semi-automatic long guns, with no grandfather clause that would allow people who already own these kinds of weapons to keep them.

The United Kingdom, Australia, and New Zealand all promptly banned civilian ownership of all automatic and semi-automatic long guns, with no grandfather clause, after mass shootings committed with these kinds of weapons in 1987 in Hungerford, England;²³ in 1996 in Port Arthur, Australia;²⁴ and in 2019 in Christchurch, New Zealand.²⁵ While the New Zealand ban is too recent to fully assess its effect, there have been only three mass shootings in the UK since 1987 and one in Australia since 1996.²⁶ The United States should follow the examples of the UK, Australia, and New Zealand in banning civilian ownership of all automatic and semi-automatic long guns, not just so-called “assault weapons,” with no “grandfather clause.”

3. Ban civilian ownership of all handguns, with no grandfather clause.

Handguns are the type of firearm used in the vast majority of all gun related deaths in the United States,²⁷ including in most mass shootings.²⁸ Following a mass shooting committed at an elementary school in Dunblane, Scotland in 1996, in which 16 five and six year old students and their teacher were murdered by a man who legally owned the handguns he used in the massacre, Great Britain completely banned civilian handgun ownership, with no grandfather clause. There hasn't been another school shooting since the ban went into effect.²⁹ The mass shooting at The Covenant School in Nashville was the 89th U.S. school shooting this year,³⁰ and the overall rate of gun related deaths in the United States is now 70 times higher than the rate in the Great Britain.³¹

Overturning the Fraudulent Misrepresentation of the Second Amendment

Prior to 2008, there was no constitutional obstacle, Second Amendment or otherwise, to the adoption of stringent gun control laws of the type described above.³² In the rogue 2008 *Heller* decision,³³ though, a narrow 5-4 majority of the Supreme Court reversed over two centuries of legal precedent, including four prior Supreme Court opinions,³⁴ in ruling for the first time in U.S. history that the Second Amendment conferred an individual right to own guns unrelated to service in a “well regulated militia.” The late Supreme Court Chief Justice Warren Burger had described such an interpretation of the Second Amendment as “one of the greatest pieces of fraud – I repeat the word, ‘fraud’ – on the American public by special interest groups” that he had ever seen in his lifetime.³⁵ The late Supreme Court Justice John Paul Stevens, who authored a dissenting opinion in *Heller*, described the *Heller* majority opinion as “unquestionably the most clearly incorrect decision that the Court announced during my [35 year] tenure on the bench.”³⁶ Now, though, in order to change the guiding principle for firearm ownership in the United States from a “permissive” one to a “restrictive” one, to ban handguns, and to avoid any possible constitutional challenge to banning all automatic and semi-automatic long guns, the *Heller* decision and its progeny, which now includes the 2022 *Bruen* decision,³⁷ must first be overturned.

In Conclusion

Despite our best efforts to get other organizations to join us, Americans Against Gun Violence remains the only gun violence prevention organization in the entire United States that openly advocates and is actively working toward overturning the *Heller* decision and its progeny and toward adopting stringent gun control laws in the United States comparable to the laws in other high income democratic countries. Until we adopt such laws, we shouldn’t be surprised when the next horrific mass shooting occurs. Instead, no matter how quickly and courageously police respond to limit the carnage, we, as a nation, should be ashamed for not taking the definitive measures needed to prevent mass shootings from occurring in the first place.

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