

10 myths about gun violence in America



“You shouldn’t mess with guns. You might not know what it does, you might not know how it works and you might pull the trigger.”

—Ciara, age 10, Dallas, Texas. (Four years old at time of shooting.)

Although guns kill or injure more than 100,000 Americans every year, pervasive myths about guns and gun violence have thwarted meaningful dialogue about how to confront this epidemic. In an effort to facilitate a rational discussion — and set the record straight — Legal Community Against Violence debunks ten of these myths.



A Publication of

Legal Community Against Violence

expertise, information & advocacy to end gun violence



MYTH #1: Guns Keep Us Safe


TRUTH:

IF GUNS REALLY KEPT US SAFE, THE UNITED STATES WOULD BE THE SAFEST NATION IN THE WORLD, since we own an estimated 270 million firearms — approximately 90 guns for every 100 people.¹ Far from keeping us safe, guns are used to kill more than 30,000 Americans each year² and injure approximately 70,000.³ Guns are also used to commit nearly 400,000 crimes each year.⁴ The rate of firearm violence in America far exceeds that of other industrialized

nations, where gun ownership is strictly regulated.⁵

Although many people own guns for self-protection, studies have repeatedly shown that a gun in the home increases the risk of firearm-related death or injury to a household member. According to those studies, a gun kept in the home is more likely to be involved in an accidental shooting, criminal assault or suicide attempt than to be used to injure or kill an intruder in self-defense.⁶

In addition, no evidence exists to support the claim that society would be safer if more people carried concealed guns in public. Evidence shows that permissive concealed carry laws may increase crime.⁷ Moreover, common sense tells us that putting more guns into more hands does not make anyone safer: it merely increases the odds that everyday disputes will escalate into deadly encounters.



MYTH #2: We Don't Need New Gun Laws...We Should Enforce the Laws We Have

TRUTH:

THE FACT IS THAT VERY FEW FEDERAL LAWS REGULATE THE MANUFACTURE, SALE OR POSSESSION OF FIREARMS, and those currently on the books are filled with loopholes or significantly tie the hands of law enforcement. The Brady Act, for example, which requires licensed firearms dealers to perform background checks on gun purchasers, does not apply to private sellers, responsible for an estimated 40 percent of all gun sales.⁸ Because of

this “private sale” loophole, convicted felons and other prohibited persons are able to buy guns easily from unlicensed sellers in undocumented transactions.

Even when a gun is purchased through a firearms dealer, another loophole permits the dealer to transfer the gun to the purchaser if the background check isn't completed within three days.⁹ These “default proceeds” allowed nearly 4,000 prohibited persons to purchase guns between November 1998 and November 1999 alone.¹⁰ In addition:

- Federal law doesn't ban military-style assault weapons, 50 caliber rifles or large capacity ammunition magazines. Congress allowed the 1994 ban on assault weapons and large capacity magazines to expire in 2004, despite overwhelming public support for the law.
-



“People were firing guns up in the air, maybe it was fireworks; I really couldn’t distinguish the difference. Then I fell to the ground.”
—Joe, Philadelphia, Pennsylvania

As a result, assault weapons, 50 caliber rifles and large capacity magazines have proliferated on the civilian market.

- Because federal law exempts guns from the Consumer Product Safety Act, no federal health and safety standards exist for domestically manufactured firearms, though such standards do exist for all other consumer products manufactured in America.¹¹

Given the loopholes and unreasonable restrictions in our nation’s gun laws, it makes no sense to argue that we should merely “enforce the laws we already have.” We need to strengthen existing laws to give law enforcement the tools they need to keep guns out of the wrong hands, and to ensure that firearms do not endanger public safety.

MYTH #3: Gun Violence Only Affects People in Urban, Crime-Ridden Areas

TRUTH:

THE SAD REALITY IS THAT GUN VIOLENCE AFFECTS ALL SEGMENTS OF OUR SOCIETY.

As newspaper headlines regularly show, deadly shootings occur in areas which are supposed to be the safest – including schools, places of worship, office buildings, shopping centers and nursing homes. In addition, unintentional shootings and suicides, while less publicized, occur every day nationwide. No one is immune from the devastation caused by the easy access to guns.

MYTH #4: The Second Amendment Prohibits Common Sense Gun Laws

TRUTH:

ALTHOUGH THE U.S. SUPREME COURT HELD, IN DISTRICT OF COLUMBIA V. HELLER,

128 S. Ct. 2783 (2008), that the Second Amendment protects the right to possess a firearm in the home for self-defense, the Court made clear that the Second Amendment permits a wide variety of strong gun laws. The Court provided examples of laws it considered “presumptively valid,” including those which:

- Prohibit firearm possession by felons and the mentally ill;

- Forbid firearm possession in sensitive places such as schools and government buildings; and
- Impose conditions on the commercial sale of firearms.¹²

The Court noted that this list is not exhaustive, and concluded that the Second Amendment is also consistent with laws banning “dangerous and unusual weapons” not in common use at the time, such as M-16 rifles and other firearms for military service.¹³ In addition, the Court declared that its analysis should not be read to suggest “the invalidity of laws regulating the storage of firearms to prevent accidents.”¹⁴

Finally, because the Heller case involved a law enacted by Washington, D.C., a federal enclave, the Court did not address the issue of whether the Second Amendment applies to state and local governments.

MYTH #5: Gun Laws Aren't Effective

TRUTH:

SENSIBLE GUN LAWS CAN AND DO WORK.

Since the Brady Act went into effect in 1994, for example, background checks on prospective gun purchasers have prevented the sale of firearms to more than 1.6 million prohibited purchasers,¹⁵ notwithstanding that law’s “private sale” loophole. In addition, studies have shown that a variety of state laws have had a positive impact and can serve as “best practices” for other states:

- Virginia’s one-gun-a-month law, enacted to address gun trafficking, significantly reduced the number of out of state crime guns traced back to Virginia dealers.¹⁶
- In 12 states where child access prevention laws had been in effect for at least one year, unintentional firearm deaths fell by 23% from 1990-94 among children under age 15.¹⁷
- Following Maryland’s adoption of a ban on “junk guns,” firearm homicides dropped by 8.6% in the state – an average of 40 lives saved per year – between 1990 and 1998.¹⁸

Two recent studies looked at the impact of gun laws more broadly. The first report, released by Mayors Against Illegal Guns (MAIG) in 2008, focused on the relationship between a state’s gun laws and the likelihood the state would be a source of guns recovered in out-of-state crimes.¹⁹



“He shot me in the head and chest from about fifteen feet away with both barrels of a sawed-off shot gun. It was his father’s gun; he was only twelve years old. I don’t believe it’s an accident if a kid gets hold of his parent’s gun.”

—Jackie, Memphis, Tennessee

“When I came back to the party one of my friends who had been drinking was waving a gun around. They had to show me how to live the rest of my life in a wheel chair.”

–Gilbert, Los Angeles, California



© Wounded in America

The MAIG report found that states with the highest crime gun export rates – i.e., states that were the top sources of guns recovered in crime across state lines – had the weakest gun laws.²⁰ That report also found that states that export crime guns at a high rate have a significantly higher rate of gun murders than states with low export rates;²¹ and a significantly higher rate of fatal police shootings than states with low export rates.²²

The second study, released by The Violence Policy Center in 2009, found that states with weak gun laws and high rates of gun ownership have the highest rates of gun death.²³ Conversely, the study found that states with strong gun laws and low rates of gun ownership had significantly lower rates of firearm-related death.²⁴

MYTH #6: Gun Laws Only Punish Law-Abiding Citizens; Criminals Ignore Them

TRUTH:

SENSIBLE GUN LAWS DO NOT “PUNISH” LAW ABIDING CITIZENS – THEY SAVE LIVES.

Legislators nationwide have enacted laws to protect public safety, despite the fact they may impose a small burden on law-abiding citizens and despite the fact that some people will ignore them. For example, we have laws regulating automobiles and automobile drivers (such as speed limits and the use of seat belts), even though some people may find those

laws inconvenient and others will violate them. Similarly, laws regulating guns and gun owners (such as requiring buyers to undergo a background check or banning the sale of assault weapons) protect the public, despite the fact that some may find them burdensome and others may ignore them. The reality is that most Americans support sensible gun laws because they realize those laws help reduce gun violence.

“We got one of my dad’s guns out. He had gone hunting that previous night and he did not unload the guns or put the safeties on, he put it in the gun cabinet and he didn’t lock it. The end of the gun hit our couch and it went off. The bullet went through the glass in the gun cabinet and then it hit me in the back, on my left side.

“I remember waking up in the hospital. I don’t remember the first six surgeries, but I remember the rest.” –David with brother Ryan, Southern Ohio



© Wounded in America

MYTH #7: Gun Violence is Inevitable in an Industrialized Nation

TRUTH:

ALTHOUGH OUR SOCIETY HAS BECOME DESENSITIZED TO HIGH LEVELS OF GUN DEATHS AND INJURIES, GUN VIOLENCE IS NOT NORMAL

and should not be accepted as an unavoidable part of life in an industrialized country. Gun violence is, in fact, relatively rare in other industrialized nations. Studies have shown that:

- The U.S. has the highest rate of firearm deaths among 25 high-income nations.²⁵
- The overall firearm-related death rate among U.S. children under the age of 15 is nearly 12 times higher than that among children in 25 other industrialized nations combined.²⁶

The reasons for this great disparity are clear: Americans own far more civilian firearms – particularly handguns – than people in other industrialized nations, and U.S. gun laws are among the most lax in the world.²⁷

MYTH #8: Strong Gun Laws, Like Registration and Licensing, Lead to Government Confiscation

TRUTH:

ALTHOUGH SOME OPPONENTS OF STRONG GUN LAWS – particularly those requiring gun owners to register their firearms or obtain a license – claim these laws will lead to governmental confiscation, there is simply no evidence to support this claim. If it were true, confiscation of lawfully-owned guns would have taken place in jurisdictions that already require gun owners to register their guns or obtain a license (e.g. Hawaii, New York, New Jersey, California,

Massachusetts, Illinois, Cleveland and Omaha). The gun lobby can point to no such evidence, however. Moreover, the “slippery slope/confiscation” argument has been taken off the table by the Supreme Court’s interpretation of the Second Amendment.

**MYTH #9: Voting for
Common Sense Gun Laws
is Political Suicide**

TRUTH:

**ALTHOUGH MANY ELECTED OFFICIALS
ARE RELUCTANT TO SUPPORT RATIONAL
GUN LAWS BECAUSE THEY FEAR VOTER
REJECTION, THAT FEAR IS UNFOUNDED.**

A report by the Brady Campaign to Prevent Gun Violence following the 2008 elections found “no evidence that any candidate, at any level, lost because of support for sensible gun laws. Supporters of common sense gun laws won in

Senate, House and state races across the country.”²⁸

These findings are consistent with nationwide polling data, which show overwhelming public support for rational gun laws. Those polls show, for example, that:

- 92% of respondents, including 91% of gun owners, favor mandatory criminal background checks for all gun purchasers.²⁹
- 83% of respondents, including 72% of gun owners, favor registration for newly-purchased handguns, and 85% of respondents, including 73% of gun owners, favor laws requiring handgun purchasers to obtain a permit.³⁰
- 65% of respondents favor banning military style assault weapons,³¹ and 74.9% favor governmental safety standards for firearms.³²

**MYTH #10:
Guns Don't Kill People,
People Kill People**

TRUTH:

**THIS IS THE GRAND-DADDY OF ALL GUN
MYTHS.**

It is used by opponents of sensible gun laws to convey the idea that it is somehow unfair to regulate guns, since human intervention is generally required to fire a gun. That fact, while generally true, does not lead to the conclusion that guns should be free from governmental regulation. Indeed, our laws regulate the sale and possession of other dangerous instrumentalities, such as automobiles, despite the

fact that one could also say that “cars don't kill people, people kill people.” Automobiles, unlike guns, are subject to a myriad of federal health and safety standards to protect their owners and the public.

To the extent it is accurate to say that “people kill people” with guns, the gun lobby should actually be supportive of laws that require gun buyers and owners to demonstrate they are able to possess firearms lawfully and responsibly, such as those requiring purchasers to pass a background check, obtain a license and register their firearms.

**Help us spread the word about the gun lobby's mythology
and join the fight for stronger gun laws.**

About Legal Community Against Violence

HISTORY AND MISSION

LCAV is a public interest law center dedicated to preventing gun violence. We focus on policy reform at the state and local levels, marshaling the expertise and resources of the legal community to transform America's gun policies. Founded in 1993 in response to the tragic shooting at a San Francisco law firm, LCAV is the country's only organization devoted exclusively to providing legal assistance in support of gun violence prevention.

OUR SERVICES

LCAV conducts legal research, analyzes existing and emerging policy strategies, reviews proposed legislation, generates model regulations, and develops legal and analytical materials to help governments and nonprofit organizations achieve their policy goals. Our website, www.lcav.org, provides in-depth summaries of federal, state, and local firearms laws and is the most comprehensive resource on U.S. firearms regulation in either print or electronic form.

JOIN LCAV'S MEMBERSHIP PROGRAM TODAY

LCAV is only as strong as those who stand behind the LCAV mission. In 2004, we launched our national membership program to unite the gun violence prevention community and broaden our base of support, in both financial and human terms. Since then, 900 people have joined LCAV. And while most of our members are attorneys, a growing number are professionals from a wide range of fields.

LCAV welcomes all who support our work to prevent gun violence. Members receive a range of benefits, including: regular LCAV communications; invitations to educational events on issues in the gun violence prevention movement; participation in regional LCAV chapters; and more. Members who wish to become more involved in LCAV's work may inquire with us about opportunities for pro bono work or participating in member committees.

Please help make an immediate difference by joining or renewing your membership today at www.lcav.org/donate.



Legal Community Against Violence

expertise, information & advocacy to end gun violence

268 Bush Street, #555 San Francisco, CA 94104 (415) 433-2062 www.lcav.org

Portraits and quotes of gun violence survivors are courtesy of the *Wounded in America Documentary Project*, a traveling exhibit by photographer Robert Drea and writer Stephanie Arena, which records the oral histories and portraits of gun violence survivors in the United States. *Wounded in America* reveals the full spectrum of gun violence in the U.S. and the devastating outcome for all types of Americans. To read survivors' stories told in their own words, and to view their portraits taken at the scene of the shooting, visit www.woundedinamerica.org.

ENDNOTES

10 MYTHS ABOUT GUN VIOLENCE IN AMERICA

- ¹ Graduate Inst. of Int'l Studies, Geneva, Small Arms Survey 2007: Guns and the City 39 (Aug. 2007).
- ² U.S. Dep't of Health and Human Servs., Centers for Disease Control and Prevention, Nat'l Center for Injury Prevention and Control, Web-Based Injury Statistics Query & Reporting System (WISQARS), WISQARS Injury Mortality Reports, 1999-2006 (2009), at http://webappa.cdc.gov/sasweb/ncipc/mortrate10_sy.html.
- ³ U.S. Dep't of Health and Human Servs., Centers for Disease Control and Prevention, Nat'l Center for Injury Prevention and Control, Web-Based Injury Statistics Query & Reporting System (WISQARS), WISQARS Nonfatal Injury Reports (2009), at <http://webappa.cdc.gov/sasweb/ncipc/nfirates2001.html>.
- ⁴ U.S. Dep't of Justice, Bureau of Justice Statistics, Key Facts at a Glance: Crimes Committed with Firearms, 1973-2006, at <http://www.ojp.usdoj.gov/bjs/glance/tables/guncrimetab.htm>.
- ⁵ Wendy Cukier & Victor Sidel, The Global Gun Epidemic: From Saturday Night Specials to AK-47s 17, 131 (2006).
- ⁶ See, e.g., Garen J. Wintemute, Guns, Fear, the Constitution, and the Public's Health, 358 *New England J. Med.* 1421-1424 (Apr. 3, 2008) (living in a home with guns increases the risk of homicide by 40 to 170% and the risk of suicide by 90 to 460%); Arthur L. Kellerman et al., Injuries and Deaths Due to Firearms in the Home, 45 *J. Trauma* 263 (1998) (guns kept in the home are more likely to be involved in a fatal or nonfatal unintentional shooting, criminal assault or suicide attempt than to be used to injure or kill in self-defense).
- ⁷ Ian Ayres & John J. Donohue III, The Latest Misfires in Support of the "More Guns, Less Crime" Hypothesis, 55 *Stan. L. Rev.* 1371, 1397 (Apr. 2003); Violence Policy Center, License to Kill IV: More Guns, More Crime 1-2 (June 2002), at <http://www.vpc.org/graphics/ltk4.pdf>.
- ⁸ 18 U.S.C. § 922(s); Philip J. Cook & Jens Ludwig, Guns in America: National Survey on Private Ownership and Use of Firearms, U.S. Dep't of Justice, Nat'l Inst. of Justice Research in Brief 6-7 (May 1997).
- ⁹ 18 U.S.C. § 922(t)(1).
- ¹⁰ Criminal Justice Info. Servs. Division, Fed. Bureau of Investigation, U.S. Dep't of Justice, National Instant Criminal Background Check System (NICS) Operations Report (November 30, 1998-December 31, 1999) 6, 11 (Mar. 2000).
- ¹¹ 15 U.S.C. § 2052(a)(1)(ii)(E), referencing 26 U.S.C. § 4181.
- ¹² *District of Columbia v. Heller*, 128 S. Ct. 2783, 2816-17, 2817 n. 26. (2008).
- ¹³ *Id.* at 2817.
- ¹⁴ *Id.* at 2820.
- ¹⁵ Bureau of Justice Statistics, U.S. Dep't of Justice, Background Checks for Firearm Transfers, 2007 - Statistical Tables, at <http://ojp.usdoj.gov/bjs/pub/html/bcft/2007/bcft07st.pdf>.
- ¹⁶ Douglas S. Weil & Rebecca Knox, Evaluating the Impact of Virginia's One-Gun-A-Month Law, *Center to Prevent Handgun Violence* 1, 4-6 (Aug. 1995).
- ¹⁷ Peter Cummings et al., State Gun Safe Storage Laws and Child Mortality Due to Firearms, 278 *JAMA* 1084, 1084 (Oct. 1997).
- ¹⁸ Daniel W. Webster et al., Effects of Maryland's Law Banning "Saturday Night Special" Handguns on Homicides, 155 *Am. J. Epidemiology* 406, 409-411 (Mar. 2002).
- ¹⁹ *Mayors Against Illegal Guns, The Movement of Illegal Guns in America - The Link Between Gun Laws and Interstate Gun Trafficking* 9-19 (Dec. 2008).
- ²⁰ *Id.* at 2-3.
- ²¹ *Id.* at 25.
- ²² *Id.* at 26.
- ²³ Press Release, Violence Policy Center, States with Higher Gun Ownership and Weak Gun Laws Lead Nation in Gun Death (May 6, 2009), at <http://www.vpc.org/press/0905gundeath.htm>.
- ²⁴ *Id.*
- ²⁵ Cukier & Sidel, *supra* note 5, at 17.
- ²⁶ U.S. Dep't of Health and Human Servs., Centers for Disease Control and Prevention, *Morbidity & Mortality Weekly Rep.*, Rates of Homicide, Suicide, and Firearm-Related Death Among Children - 26 Industrialized Countries (Feb. 7, 1997), at <http://www.cdc.gov/mmwr/preview/mmwrhtml/00046149.htm>.
- ²⁷ Graduate Inst. of Int'l Studies, Geneva, Small Arms Survey 2007: Guns and the City 39 (Aug. 2007); Cukier & Sidel, *supra* note 5, at 17, 131.
- ²⁸ Brady Campaign to Prevent Gun Violence, *Guns & the 2008 Elections - Common Sense Gun Laws Won, the NRA Lost, & What it Means* 3-4 (Nov. 6, 2008), at <http://www.bradycenter.org/xshare/pdf/reports/guns-2008election.pdf>.
- ²⁹ Greenberg Quinlan Rosner Research & The Tarrance Group, *Strong Public Support for Tough Enforcement of Common Sense Gun Laws (Graphs)*, Jan. 23, 2007, at http://www.greenbergresearch.com/articles/1849/2630_MAIGslides.pdf.
- ³⁰ Lake, Snell, Perry & Associates, Inc. Poll, *Educational Fund to Stop Gun Violence* (May 15-21, 2001).
- ³¹ *Consumer Fed'n of America, Consumers Strongly Support Renewing and Strengthening the Federal Assault Weapons Ban* 3 (Feb. 2004).
- ³² Susan B. Sorenson, *Regulating Firearms as a Consumer Product*, *Science*, 1481-82 (Nov. 19, 1999).