

THE NEW CENTER

Policy Paper



December 2020

Can the New Congress Find
Common Ground on Gun Safety?

CAN THE NEW CONGRESS FIND COMMON GROUND ON GUN SAFETY?

December 2020

AUTHOR

Julia Baumel

Policy Analyst

julia@newcenter.org

ABOUT THE NEW CENTER

American politics is broken, with the far left and far right making it increasingly impossible to govern. This will not change until a vibrant center emerges with an agenda that appeals to the vast majority of the American people. This is the mission of The New Center, which aims to establish the ideas and the community to create a powerful political center in today's America.

THE NEW CENTER

1808 I Street NW, Fl. 5

Washington, D.C. 20006

www.newcenter.org

EXECUTIVE SUMMARY

The COVID-19 pandemic and the widespread uncertainty it has created for Americans, as well as widespread social unrest, have led to an unprecedented nationwide surge in gun sales. Between March and June 2020, [13.7 million guns](#) were sold in America, more than [3 million more](#) than had been predicted by previous sales forecasts.

This isn't surprising given that Americans have frequently purchased more guns in the wake of mass shootings, social and economic unrest, or after elections in which gun control advocates are perceived to win power.

Of more concern is the surge in gun violence occurring across America.

In 20 major American cities this summer, homicides increased by an average of 53%. According to the Gun Violence Archive, which has been tracking gun violence statistics since 2013, there have been [587 mass shootings](#)—which are defined as shootings in which four or more people are shot or killed, not including the shooter, in the U.S. so far this year—up from 417 last year.

This year's increase in gun violence serves as a stark reminder of a longstanding problem:

Americans are [25 times more likely](#) to be shot and killed with a gun than people in other developed countries. The uniquely American fear of gun violence in our communities has led to routine [active shooter and lockdown drills](#) in 96% of American public schools.

While mass shootings are relatively rare, there are plenty more shootings that happen each day without making the news, such as suicides, acts of domestic violence, and acts of gang violence. For decades, our political system has failed to seriously address the gun violence epidemic in America.

This New Center issue brief discusses the gun violence epidemic and evaluates the potential effectiveness—and political feasibility—of several policy proposals intended to combat it.



THE PROBLEM

According to the [Centers for Disease Control](#), almost 40,000 Americans were killed by guns in 2018. Gun suicides made up 61% of all gun deaths while homicides accounted for 35%.

Mass and school shootings are also a uniquely American phenomenon.

According to Everytown for Gun Safety, there were 130 occurrences of gunfire [on school grounds](#) in 2019. The U.S. population is only five percent of the total global population, yet it constitutes [31% of all global mass shooters](#).

Though gun control and gun rights advocates ostensibly share the same goal of reducing this violence, their solutions could not be more different.

Gun control advocates have long been in favor of various policies that reduce the availability of certain kinds of weapons or the ability of certain people to obtain weapons, such as a ban on assault weapons, minimum age laws, extreme risk or “red flag” laws, and universal background checks.

Meanwhile, gun rights groups like the National Rifle Association (NRA) believe that the solution often involves more guns. Following the mass homicide of 26 people at Sandy Hook Elementary School in 2012, [NRA President Wayne LaPierre](#) remarked, “The only thing that stops a bad guy with a gun is a good guy with a gun.”

Although public polling finds broad bipartisan support for many specific policies advocated by gun control activists, the public is becoming more skeptical of measures that they believe infringe upon the rights of law-abiding gun owners.

A September 2020 [HarrisX/George Washington University poll](#) asked, “Do you think that we need to protect the right of law-abiding citizens to buy guns or is it more important to pass gun control legislation that regulates gun ownership?” Respondents were split narrowly in favor of protecting gun ownership rights, 51%-49%.

Decades of endless—and often fruitless—battles in DC over guns have made two things abundantly clear.

- 1.) Passing any legislation concerning guns is never easy; and
- 2.) Given this difficulty, anyone who cares about reducing gun violence needs to focus on policies that can actually move the needle without infringing too much on the rights of law-abiding gun owners.

The fact is that some popular and well-known gun control measures may not actually do much to enhance gun safety and reduce gun violence. So, in this paper, The New Center asks:

If a group of Democratic and Republican members were interested in passing legislation in the 2021-2022 Congress that could meaningfully enhance gun safety in America, where should they look? Here’s what the research says about the efficacy of several different policy options.

PUBLIC SUPPORT FOR...

- Minimum age requirements: 83% of Democrats, 54% of Republicans
- "Red flag" laws: 85% of Democrats, 70% of Republicans
- Universal background checks: 94% of Democrats, 72% of Republicans

Sources: [The Economist/YouGov](#), [APM Research Lab](#), [Monmouth University](#)

ASSAULT WEAPONS BAN

The gun deaths in America that make national headlines follow a pattern: they often involve semi-automatic weapons like the AR-15, which only fire one shot with each pull of the trigger but reload automatically. Several guns of this type were included in the Federal Assault Weapons Ban that was in effect between 1994 and 2003, and reinstating this ban has been a priority for many gun control advocacy groups.

However, [FBI statistics](#) suggest the focus on semi-automatic shotguns and rifles might be misguided. In 2019, 62% of all gun homicides involved handguns while only five percent involved rifles or shotguns (the other 32% were categorized as “other guns” or “type not stated”).

Further, comprehensive studies of the effectiveness of the 1994 assault weapons ban showed mixed results. A [2004 study](#) of the ban’s effects conducted at the University of Pennsylvania and funded by the U.S. Department of Justice concluded, “Although the ban has been successful in reducing crimes with [automatic weapons], any benefits from this reduction are likely to have been outweighed by steady or rising use of non-banned semi-automatics with [large-capacity magazines], which are used in crime much more frequently than [automatic weapons].” Christopher Koper, the lead author of the study, [wrote in 2013](#): “The ban did not appear to affect gun crime during the time it was in effect, but some evidence suggests it may have modestly reduced gunshot victimizations had it remained in place for a longer period.”

Only [18 types of guns](#) were prohibited under the 1994 law, and gun manufacturers often made simple modifications to banned models so that their guns would no longer be covered by the ban. In 2019, Senator Dianne Feinstein (D-CA) sponsored a [renewal bill](#) that would ban 205 different gun models. With continued innovation in gun production—including the use of 3-D printing and the widespread availability of after-market parts to modify weapons—it isn’t clear this updated ban would have any more success than the 1994 law in reducing gun violence. And this type of proposal might be especially difficult to pass in Congress, as it does not enjoy the same type of bipartisan support as some other measures. A September 2019 [Monmouth University poll](#) found that 56% of Americans supported a ban on the future sale of assault weapons, but public opinion was starkly divided by party identification: 86% of Democrats, but only 35% of Republicans, were in favor of the ban.



MINIMUM AGE REQUIREMENTS

In 2019, [37.6% of all murders](#) in the U.S. were committed by individuals between the ages of 13 and 24. [Suicide](#), which involves a firearm in 50% of all cases, is the second leading cause of death for Americans between the ages of 10 and 24. Scientific literature has shown that the prefrontal cortex—the brain region responsible for judgement and impulse control—does not fully develop until [around age 26](#). Until then, the [limbic system](#), which is responsive to social and emotional factors and responsible for reward seeking, dominates the adolescent brain. This is the rationale behind proposals that would raise the federal minimum age to buy a firearm.

Under [current federal law](#), a licensed dealer may sell a handgun to anyone at least 21 years old and a rifle to anyone as young as 18. Paradoxically, a private, unlicensed dealer may sell a handgun to an 18-year-old or a rifle to anyone, regardless of age. Under these regulations, young people wishing to purchase guns are incentivized to buy from unlicensed dealers who, unlike licensed dealers, are not required to conduct background checks.

According to a July 2018 poll conducted by [The Economist and YouGov](#), 65% of Americans (83% of Democrats, 54% of Republicans, and 57% of Independents) support the passage of a law that would raise the minimum age for buying any gun or ammunition to 21.

Theoretically, increasing the minimum gun purchase age should help reduce gun violence by targeting a demographic that is especially likely to engage in gun violence. But how well would it work in practice? Some new evidence suggests that preventing young people from purchasing guns does not necessarily prevent these individuals from acquiring them.

An [August 2020 study](#) conducted by researchers at University of Washington analyzed firearm homicide data from states that increased the minimum age to buy a gun to 21. Between these states and others without such laws, they found no significant difference in the rate of gun homicides perpetrated by adolescents. The researchers believe this finding can be explained in part by the easily accessible, informal channels through which adolescents can acquire guns. They write, "Because most handguns used in crimes by young adults aged 18 to 20 years are acquired from sources unlikely to be affected by statutory restrictions, it is not surprising that we found no association between state laws and homicide perpetration in this age group."

Creating a new federal law preventing gun purchases by young people—some have proposed “No Gun Under 21”—[would likely do more](#) to curb gun violence than the current patchwork of state laws that is on the books. But it is clear that this type of proposal comes with limitations, and it would not be a panacea for gun violence in America.



“RED FLAG” LAWS

Extreme Risk Protection Orders, also known as “red flag” laws, are provisions that allow for the temporary removal of firearms from a person who is determined to present a threat to themselves or others. Currently, 19 states and the District of Columbia have some type of red flag law in place. In these jurisdictions, friends, family members, or the police may request an order from a judge if a firearm owner has expressed suicidal thoughts or thoughts about harming others. An August 2019 [APM Research Lab poll](#) found that 77% of respondents—including 70% of Republicans and 67% of gun owners—supported allowing family members to seek court orders under red flag laws.

Research on their effectiveness in preventing homicides has been inconclusive, but some evidence suggests these laws may prevent gun suicides. A [Duke Law School study](#) focused on Connecticut, where the nation’s first red flag law was passed in 1999, and found that for every ten to eleven guns removed in the state, one suicide was likely prevented. Another study published in [Psychiatry Online](#) found that Connecticut and Indiana’s red flag laws decreased suicide rates by 7.5% and 13.7%, respectively. However, the study wrote, “Whereas Indiana demonstrated an aggregate decrease in suicides, Connecticut’s estimated reduction in firearm suicides was offset by increased non-firearm suicides.”

Following the Marjory Stoneman Douglas High School shooting in Parkland, Florida, Senators Lindsey Graham (R-SC) and Richard Blumenthal (D-CT) introduced the bipartisan [Federal Extreme Risk Protection Order Act of 2018](#), but the bill did not see a vote.

UNIVERSAL BACKGROUND CHECKS

Under federal law, licensed gun dealers are required to run a background check on any customer wishing to purchase a gun. However, no such requirement is in place for private gun sales, including those conducted online or at gun shows. Closing this “gun show loophole” is a policy proposal that has garnered plenty of public support. According to a [Monmouth University](#) poll, 94% of Democrats, 72% of Republicans, and 65% of NRA members are in favor of mandatory background checks for all gun purchases.

In order to determine the potential effectiveness of a universal background check law, it is necessary to consider how criminals typically obtain their guns. According to a survey of 287,400 inmates conducted by the [U.S. Department of Justice](#), an overwhelming majority of those who possessed a firearm during their offense did not obtain it from a traditional retail source. The sources and methods through which they were acquired were:

- Off the street or through an underground market, 43.2%
- From a family member, friend, or straw purchase, 25.3%
- From a gun store, pawn shop, flea market, or gun show, 10.1%
- Via theft, 6.4%
- From another source, 17.4%
- From multiple sources, 2.5%

A further breakdown of the above categories shows that only 0.8% of those charged with a gun-related crime purchased their gun from a gun show. But while several studies have been inconclusive, others have suggested universal background check laws could be effective in reducing gun violence. In 2017, [The New York Times](#) asked a panel of 32 peer-reviewed gun policy researchers to evaluate the effectiveness of 29 popular gun policy proposals. The panel ranked universal background checks as the most effective policy in preventing gun deaths, with an average effectiveness rating of 7.3 out of 10.

A 2019 study conducted by researchers at [Boston University School of Public Health](#) found that universal background check laws at the state level were associated with a 14.9% decrease in homicides as compared to states without such laws, although the authors acknowledged "further research is necessary to determine whether these associations are causal ones." Given that most criminals obtain their guns through informal sources, what could explain such a significant finding?

Universal background checks may reduce gun violence indirectly. Although most guns used to commit crimes are not acquired through a legal purchase, most guns that enter the illegal market originate from a legal retail source before changing hands. Gun traffickers—those who purchase guns legally and then sell them illegally—rely on retailers who are not required to run background checks or keep any records of their sales. For this reason, a federal universal background check law could, in theory, make it more difficult for gun traffickers to supply the illegal market gun criminals rely on. A [2013 study](#) conducted at the Johns Hopkins University Bloomberg School of Public Health found that universal background check laws at the state level reduced interstate gun trafficking by 29%. As the principal author of the study explained, "there is less in-state diversion of guns from legal owners to criminals when private sales are regulated."

Following the Sandy Hook shooting in 2012, Senators Joe Manchin (D-WV) and Pat Toomey (R-PA) [proposed an amendment](#) to the Safe Communities, Safe Schools Act of 2013 which would have required federal background checks on all gun purchases. However, it failed in a Senate vote.

While there has not been much action on universal background checks since then, Congress passed the [Fix NICS Act of 2017](#), which created incentives and penalties to ensure federal agencies report criminal convictions into the existing national background check system.



NEW CENTER SOLUTIONS

One of the strongest arguments for Washington doing more to curb gun violence is that the existing patchwork of state laws incentivizes gun trafficking and transfers across state lines. In 2014, the city of [Chicago released a report](#) revealing that 60% of the guns used to commit crimes in the city originated from somewhere else, many from neighboring Indiana and Wisconsin, where gun laws are much less strict.

But it is also clear that no single policy proposal will end the American gun violence epidemic. It will take a combination of measures to make a meaningful difference, and the new administration should focus on the proposals that have demonstrated effectiveness while also garnering broad, bipartisan support.

Based on a comprehensive review of the research by The New Center, three policy options seem to stand out as imperfect but potentially positive steps to enhance gun safety and reduce violence in America:

Red flag laws, an expanded universal background check system, and a federal law mandating that no one under 21 can purchase a gun.

