

## Cozen Currents: Guns in America: How Did We Get Here?

### The Cozen Lens

- Americans are a global outlier in gun ownership and experience higher rates of gun death and gun violence than other peer nations. Yet the national conversation and political culture remains centered on other root causes.
- Gun control historically was a more regional issue than an ideological one politically, but Democrats and Republicans are increasingly talking right past each other as the partisan divide increases in Congress and across the nation.
- Democrats have renewed their calls for Congress to act on gun control in the wake of the mass shooting in Uvalde, TX but prospects for major changes to federal gun laws are limited. The recent string of mass shootings, however, are serving as a catalyst for broader reforms in several blue states. These new state laws will still have to contend though with the Supreme Court's recent rightward shift.

### How Did We Get Here (and Where is Here)?

**A Tale as Old as Time:** While it is indisputable that the US is in the midst of an epidemic of gun violence, the problem is not a new one at the national level.

- The Federal Bureau of Investigation defines a “mass shooting” as one with four or more victims in a single incident. Some mark the first mass shooting in the US as Howard Unruh’s “walk of death” in Camden, NJ in 1949 where he shot and killed 13 people over the course of a 12-minute walk using a Luger P08 pistol. Before this incident, mass killings were uncommon and the police reportedly did not know how to respond initially.
- The first mass school shooting came over a decade later in 1966 when Charles Whitman killed 17 people with a variety of guns at the University of Texas at Austin. The deadliest shooting in the US to date was the 2017 Las Vegas, NV attack that killed 58 people and wounded hundreds.
- In 2022 alone, there have been over 200 mass shootings. This averages to more than one mass shooting per day. This year’s numbers follow the trend of recent years: 2021 saw almost 700 mass shootings, up from the 611 in 2020 and 417 in 2019.
- But mass shootings do not tell the whole story. In 2020, more Americans died in gun-related incidents than any other year on record. That year, the US saw 45,222 people die from gun-related injuries. Fifty-four percent of these were suicides by gun, 45 percent were murder, and 3 percent were other, meaning deaths that were either unintentional, involved law enforcement, or the circumstances of which could not be determined.
- Though 2020 gun deaths were the highest in total deaths and the per capita rate at present of 13.6 gun deaths per 100,000 people in 2020 is the highest since the mid-1990s, the per capita gun death rate still has not peaked above its 16.3 gun deaths per 100,000 people in 1974.

**America the Outlier:** The US is an outlier in gun deaths, mass shooter events, gun ownership, and gun policy.

- Among high-income countries with populations greater than 10 million, the US ranks first in the rate of firearm homicides per 100,000 people. The US rate of age-adjusted firearm homicides is 22 times greater than the European Union and 23 times greater than Australia. This is especially unique given that the US is not an outlier from developed countries in terms of overall crime.
- The rate of firearm ownership in the US is higher than anywhere else in the world. In 2018,



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there were 120.5 firearms per 100 residents, with Yemen coming in at a distant second with 52.8 firearms per 100 residents. And gun ownership surged during the pandemic: 7.5 million Americans became first-time gun owners between 2019 and 2021. It is common for gun households to hold more than one firearm, concentrating ownership. A 2020 Gallup poll estimates that 44 percent of Americans live in a household with a gun.

- The United States' approach to gun policy in the wake of mass shooting events also differs from other developed nations. After a 2020 mass shooting in Nova Scotia, Canada banned assault weapons within two weeks. In recent weeks, Canada even went further in response to US gun incidents and froze handgun sales while considering a gun reform bill that would buy back assault weapons. Similarly, New Zealand's government bought back weapons and restricted assault weapons after a 2019 massacre in Christchurch. Australia went the same route after a mass incident in 1996. Other countries, including the United Kingdom, Switzerland, and Japan, have maintained strict gun restrictions and avoided having to tighten them after a tragedy.

**Root Causes?:** The national conversation has centered on a number of root causes of gun violence.

- Many proponents of gun control point to the relationship between increased gun ownership and increased gun crimes. States in the US with higher rates of gun ownership have been shown to have higher rates of gun deaths. And states with stricter gun control laws – see California, Hawaii, New York, and Massachusetts – have lower firearm mortality rates.
- Gun ownership has become entwined with the American identity and political culture. In 2017, 74 percent of American gun owners said they view gun ownership as a right that is essential to their own sense of freedom. Over time, the reason for defending Americans' right to bear arms has shifted from one of using guns for sport to being necessary for personal protection. Only half of gun owners in 2018 said they go to shooting or gun ranges and only a third said that they go hunting. Republicans and Republican-leaning independents are also more than twice as likely as Democrats to say that they own a gun.
- While lawmakers sometimes seize on banning assault rifles as the best solution, handguns still are used in an outsized number of gun deaths. Some have pointed out that banning assault rifles would reduce the total fatalities in deadly incidents, but is not likely to prevent them altogether. The qualities that make handguns attractive for self-defense – they are easy to conceal and use – also make them attractive for crime.
- Many in the national discourse blame mental health problems for the high levels of gun violence. Mental health has undoubtedly played a role in some mass killings, but there is no evidence that the US has substantially higher rates of mental illness than other developed nations. A 2015 study found that mental illness contributes to only four percent of violent crime in the US. Rather, the National Alliance of Mental Illness highlights research showing that “an increased risk of gun violence comes from a history of violence, including domestic violence; use of alcohol or illegal drugs; being young and male; and/or a personal history of physical or sexual abuse or trauma.”
- Other discussions have focused on the emerging profile of the American mass shooter: typically a young white male. Age has become a salient marker, too, as six of the nine deadliest US shootings since 2018 were carried out by someone 21 or younger. Researchers cite the still-developing brain as a factor in this phenomenon, which is bolstering policy discussions around raising the age to buy certain firearms to 21.

**How Did We Get Here Politically?**

**A Divided Nation:** Like so many other issues, increasing political polarization has made gun control mostly a party-line vote in a governing body that requires supermajority support.

- Gun control used to be a more regional issue than an ideological one. The 1994 crime bill that included an assault weapons ban was supported by 46 House Republicans and opposed by 64 House Democrats. The Senate effort was led by then Senator Joe Biden (D-DE), where seven Republicans supported it. Two Democrats opposed it, including now Republican Senator Richard Shelby (R-AL).
- Some national Republicans used to partner with Democrats on gun control legislation. President Reagan's press secretary, James Brady, was a leading advocate for gun control

after being shot in a Reagan assassination attempt in 1981. The eponymous Brady Bill was spearheaded by then Rep. Chuck Schumer (D-NY) to institute federal background checks and a waiting period on purchases. Passing in 1993, it received the support of the conservative Reagan.

- As politics has nationalized, so has the issue of gun control. Today, liberal Republicans and conservative Democrats are nearly extinct, leading to more party-line votes. Background check legislation that passed the House last year received the support of all but one Democrat but was opposed by all but eight Republicans.
- This nationalized and polarized environment makes overcoming the 60-vote threshold in the Senate nearly impossible. The last major effort to expand background checks in the Senate, the Manchin-Toomey bill in 2013, failed to overcome the filibuster despite coming in the aftermath of the Sandy Hook shooting. The Senate divisions have only increased since then and Democrats don't have the votes to change the filibuster.

**One Nation, Under God and Guns:** Gun culture and politics have become increasingly intertwined, leaving it a powerful force in rural politics. This goes beyond the money and sway of interest groups like the National Rifle Association.

- No one loses reelection by being too pro-gun. There was a "really nasty" backlash in the 1994 midterms to the assault weapons ban. Vice President Al Gore lost his home state of Tennessee in the 2000 presidential election in no small part to his position on guns. A Republican-controlled Congress and White House unsurprisingly let the assault weapons ban lapse in 2004.
- With fewer toss-up districts and states, the most competitive race for a majority of members of Congress is the primary, not the general election. This leaves Republicans risk averse to their right flank. Rep. Chris Jacobs (R-NY), who represents the suburbs of Buffalo, announced his support for an assault weapons ban after the Buffalo shooting last month. The backlash was so intense, that in just one week, he announced he wouldn't run for reelection. "If you stray from a party position, you are annihilated," Jacobs said. "For the Republicans, it became pretty apparent to me over the last week that that issue is gun control. Any gun control."
- Americans want greater gun control, but voters are more ambivalent. A majority of Americans want gun laws to be stricter compared to staying the same or being less strict. A supermajority wants expanded background checks. But background check ballot measures in Democratic states have routinely failed to outrun partisan divides.

#### What Can Be Done Politically?

**What Democrats Hope to Achieve Nationally.** Recent mass shootings including tragedies at an elementary school in Uvalde, TX; a grocery store in Buffalo, NY; and a hospital in Tulsa, OK have led Democrats to call for new restrictions on guns.

- In a prime-time televised speech last Thursday, President Biden called on Congress to enact new gun control measures. In his remarks, the president made an emotional appeal for change, saying, "For God's sake, how much more carnage are we willing to accept? How many more innocent American lives must be taken before we say "enough"? Enough." He advocated specific major reforms, including prohibiting assault weapons and high-capacity magazines, instituting "red flag" laws, and repealing the federal law shielding firearm manufacturers from liability. If an assault weapons ban isn't possible, Biden said, then the age limit should be changed from 18 to 21.
- House Democrats are moving ahead with new gun reforms. On Thursday, the House Judiciary Committee voted to approve the Protecting our Kids Act, legislation that would increase the legal age to buy semi-automatic rifles from 18 to 21, restrict high-capacity magazines, and crack down on bump stocks and "ghost guns" (i.e., firearms manufactured without serial numbers), among other provisions. House Speaker Nancy Pelosi (D-CA) said in a "Dear Colleague" letter released last week that the chamber would vote on the bill this week. Separately, House Majority Leader Steny Hoyer (D-MD) announced in a tweet before the Memorial Day recess that leadership would bring national red flag legislation up for a vote this week.
- Pelosi said at an event on gun violence last week that an assault weapons ban will also be

on the table in the House. “And then, as we get through those, we will be having a hearing and marking up the assault weapon ban,” she was quoted in *The Hill*. “So we just are trying to hit it every possible way.”

**Where Bipartisan Compromise Might Be Possible.** Most of Democrats’ preferred gun control policies will most likely lack a path to passage in the 50-50 split Senate, but senators’ bipartisan discussions on the issue could potentially lead to incremental legislation.

- Shortly after the Uvalde shooting, *CNN* reported that Senate Minority Leader Mitch McConnell (R-KY) asked Senator John Cornyn (R-TX) to negotiate with Democrats on a response to the tragedy. Cornyn has met with Senator Chris Murphy (D-CT), a leading voice in favor of gun control, per *CBS News*, and President Biden has indicated optimism. “Look, I don’t know, but I think there’s a realization on the part of rational Republicans — and I think Senator McConnell is a rational Republican; I think Cornyn is as well. I think there’s a recognition on their part that they — we can’t continue like this. We can’t do this,” he said to reporters last week.
- Per *The Hill*, a bipartisan group of senators are in negotiations on guns. This effort is centered on creating incentives for states to pass red flag laws, as well as expanding background checks. Republican senators involved in the discussions include Bill Cassidy (R-LA), Susan Collins (R-ME), Lindsey Graham (R-SC), and retiring Pat Toomey (R-PA), while the Democratic side includes Murphy, Richard Blumenthal (D-CT), Martin Heinrich (D-NM), Joe Manchin (D-WV), and Kyrsten Sinema (D-AZ). *NBC News* reported last week that the senators are making progress. “There is a framework for a bill,” an anonymous source said in an interview.
- In addition, *Axios* reported last week that a “core four” of Murphy, Cornyn, Sinema, and Senator Thom Tillis (R-NC) are holding discussions with a focus on mental health. This area could be part of a final deal along with limited gun reforms. “We are broadly trying to figure out what has 60 votes, but I think the template in Florida is the right one, which is, do some significant mental health investment, some school safety money and some modest but impactful changes in gun laws,” Murphy said on *CNN* on Sunday. “That’s the kind of package we’re putting together right now. That’s the kind of package I think can pass the Senate.”

**Gun Control on the State Level.** In the absence of major congressional action on gun control, some Democratic-controlled state governments are moving ahead with their own reforms.

- Last week, New York passed wide-ranging gun control legislation, which will increase the age limit to purchase semi-automatic rifles to 21 years old, bar most civilians from buying bullet-resistant vests, and beef up the state’s red flag law.
  - The Empire State isn’t alone in cracking down on guns. In a press conference late last month, California Governor Gavin Newsome, the state Senate president pro tempore, and the Assembly speaker promised to “expedite” gun control legislation. Bills under consideration would allow state residents to sue manufacturers and sellers of assault weapons or ghost guns (inspired by the Texas abortion law), prohibit advertising certain guns to children, and expose the firearms industry to greater legal liability.
  - State responses to the recent mass shootings vary by party. In a survey of the nation’s governors published this week by the AP, many Democrats endorsed stronger gun control, while only one Republican did: Governor Phil Scott (R-VT). Many GOP governors instead called for toughening security at schools.
  - Some of the proposals advanced by Democratic state lawmakers could ultimately run into legal challenges. Last week, a US appeals court ruled that a California law prohibiting those under 21 from buying semi-automatic weapons violated the Second Amendment. In addition, the US Supreme Court is considering a case this term that involves a New York state law on concealed carry of handguns and could issue a ruling that expands gun rights.
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