

GUN VIOLENCE: AS AMERICAN AS CHERRY PIE?

CIVILIAN FIREARMS MANUFACTURING, OWNERSHIP, AND MURDER TRENDS IN CONTEXT OF THE TWO DEADLIEST MASS SHOOTINGS IN U.S. HISTORY

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In the 1960's, political activist H. Rap Brown described that violence "is as American as cherry pie".¹ **This paper investigates the particularity of gun violence in the United States by considering the prevalence of firearms laterally to an escalation in firearms murders. The prevalence of firearms is assessed by considering trends in gun manufacturing and ownership.** This examination takes place in the context of the deadliest mass shooting in U.S. history taking place in Las Vegas on 1 October 2017, and the deadliest church shooting in Texas on 5 November 2017, which illustrate a recent escalation in gun violence. This paper will also consider the political discussions following the shootings, which highlight political points of interests in current U.S. gun legislation. The shootings were utilized by both those opposing current legislation and those who support it, with new dimensions introduced to the debate including bipartisan concerns regarding the transformation of assault rifles into automatic weapons.

On 1 October, Stephen Craig Paddock killed 58 people and injured 515 people after opening fire from his hotel window at the Mandalay Bay Casino in Las Vegas, and aiming at crowds attending the Route 91 Harvest Music Festival. Authorities say that there are no indicators that the attack was religiously motivated, though the exact motivation of the attack remains unclear.

Just about one month later, **on 5 November, Devin Patrick Kelley shot and killed 26 people and injured 24 other people at the First Baptist Church in Sutherland Springs, Texas.** Kelley was armed with a Ruber AR-556, a type of AR-15 military rifle that has been used in other mass shootings in the United States recently. Kelley previously served at Holloman Air Force Base in New Mexico from 2010 until 2014. In 2014 he was discharged after being court-martialed in 2012 for assaulting his wife and child, and received a bad conduct discharge from the Air Force as well as confinement for 12 months and a reduction in rank. The assault conviction should have made it impossible for Kelley to buy a gun, but the information was not entered into the National Criminal Information Center database which led to Kelley being able to obtain the gun that he used in the shooting in November.

The two incidents are an illustration of a recent escalation of gun violence in the United States, yet few studies point to statistical evidence of gun violence trends. Notably, there is little federal statistical information available. In January 2016, the Atlantic wrote that "gun violence is far more of a mystery than most people realize", describing that little evidence and research is focused on developing laws that might reduce deaths from gun violence in the United States.² **The lack of credible data on gun violence is attributed to a 1996 appropriations bill also known as the Dickey Amend-**

¹ Jamil Abdullah Al-Amin, also known as political activist H. Rap Brown was affiliated with the Black Panther Party in the 1960's and fought for rights for African Americans. He is quoted as saying that violence was necessary for political change, that it is as American as cherry pie. See, for example: 2002, Ex-Black Panther convicted of murder, *CNN*, 9 March.

² Foran, C., 2016, The Missing Data on Gun Violence, *The Atlantic*, 21 January.

ment, which states that “none of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention may be used to advocate or promote gun control”.³ The amendment effectively restricts funding for any measures that may be considered as gun control. Though research into gun violence is not prohibited, some researchers have described it as discouraged.⁴ In addition, some experts in gun violence have claimed that they have received death threats.⁵ **As such, this paper aims to contribute a numerical assessment of available data relating to murders by firearms, and the prevalence of civilian firearms in the United States as well as a compilation of recent legislative proposals in order to illustrate the context of firearms violence today.**

It is beyond the scope of this paper to consider the various motivations of perpetrators of recent mass shootings. **Meanwhile, it is worth noting that IS propaganda has numerous times attempted to take advantage of the ease of access to firearms in the United States, and the success of mass shooting events in the United States in order to inspire copycat attacks** though neither of the attacks has been connected to radical Islam. This is evident in the praise that the events received by Islamic State supporters. The Las Vegas shooting resulted in a massive propaganda campaign by official IS channels. The Texas shooting also sparked a series of messages of support in social networks from jihadists praising the attack. As ESISC has mentioned before, by claiming responsibility for the Las Vegas shooting and launching large-scale propaganda campaign following the incident, Islamic State attempted to inspire its followers for copycat attacks which can be linked to possible further escalation of firearms violence in the United States. The utilization of the double trend of mass shootings and firearms prevalence by a terrorist organization to inspire attacks is another justification of this paper. Moreover, the risk of copycat shootings is not limited to IS and terrorist organizations. Indeed, on 28 November 2017, an incident reminiscent of the Las Vegas shooting took place in Reno, Nevada, where a gunman fired shots from a high-rise on to the street. The incident is described by the Chicago tribune as having “eerie echoes” of the Las Vegas shooting.⁶

According to data released on 3 November 2017 by the Center for Disease Control and Prevention, **the rate of gun deaths in the United States has increased in 2015 and in 2016 after a period of relative stability.**⁷ In 2015, there were approximately 11 deaths caused by firearms for every 100,000 people in the United States.⁸ In 2016, the rate had increased to 12 deaths by firearm per 100,000 people in the United States.⁹ Moreover, Chief of the mortality statistics branch at the Health Statistics Center, Bob Anderson, described **the rates for the first quarter of 2017 to show an upward trend compared to the first quarter of 2016.**¹⁰ As the majority of firearms deaths are suicides, this paper will more closely consider the use of firearms in murders in order to zoom in on the link between firearms prevalence, and murder committed by firearms, with more precision.

Table 1: Murders by firearm as proportion of all murders in the United States, and percentage increase in murders by firearm per year, 2012 – 2016

Year	Total murders	Total murders by firearm	Total murders by firearm as proportion of all murders	Percentage increase from previous year, murder by firearm
2016	15,070	11,004	73%	14%
2015	13,455	9,616	71%	18%
2014	11,961	8,124	70%	-4%
2013	12,253	8,454	69%	-5%
2012	12,765	8,855	69%	-

This table uses data from the FBI Criminal Justice Information Services Division.¹¹

³ Foran, 2016.
⁴ Ibid.
⁵ Ibid.
⁶ Associated Press, 2017, Police say gunman who fired shots from Reno high-rise to street below is dead, *Chicago Tribune*, 29 November.
⁷ 2017, Vital Statistics Rapid Release: Quarterly Provisional Estimates, *Centers for Disease Control and Prevention*, 3 November.
⁸ Ibid.
⁹ Ibid.
¹⁰ Hauser, C., 2017, Gun Death Rate Rose Again in 2016, C.D.C. Says, *The New York Times*, 4 November.
¹¹ 2013, 2014, 2015, 2016, 2017, Crime in the U.S., *FBI Criminal Justice Information Services Division*.

In the absolute value, murders and the use of firearms as means of committing murder have increased, particularly in 2015 and 2016 according to statistics provided by the FBI Criminal Justice Information Services Division presented in Table 1. **Moreover, firearms are used in an increasing proportion of murders relative to other methods of committing murder in the United States**, also demonstrated in Table 1. **Notably, the percentage increase of murder by firearm from 2014 to 2016 demonstrates a 36% increase. Together, these trends suggest an escalating trend of gun-related violence in the United States.**

In 2016 the largest number of murders took place in California, with Texas as a close second place and Illinois taking third place, noted in Table 2. Table 2 compares the proportion of murder by firearm as a proportion of all murders per state. The comparison shows that where murders are more common in the absolute value, firearms are also more often used as a murder weapon. One interpretation of such a comparison is that **where criminality (distinguished by a higher murder rate) is most common, it is also deadlier due to the use of firearms.**

Table 2: Murders by firearm as proportion of all murders in the United States, for select States representing States with highest and lowest numbers of murders in 2016

State	Murders	Murders by firearm	Murders by firearm as proportion of all murder
California	1,930	1,368	71%
Texas	1,459	1,066	73%
Illinois	941	799	85%
Pennsylvania	655	486	74%
Georgia	646	522	81%
Wyoming	19	6	32%
New Hampshire	16	8	50%
North Dakota	14	8	57%
Vermont	14	6	43%
Alabama	3	1	33%

The data on murders and murders by firearm in this table is compiled from the FBI's Criminal Justice Information Services Division's statistics on crime in the U.S., from 2016.¹² States were selected to represent the states with the highest numbers of murders and states with lowest numbers of murders in 2016.

Latest observations also demonstrate an increase in gun attacks targeting churches and religious facilities. The Texas church shooting is the deadliest church shooting in the history of the United States. ESISC noted in September that a shooting at a Tennessee church in Antioch on 24 September, where one person was killed and 7 were injured, **led to more church officials beginning to consider heightened security measures and working with security consultants to address concerns of violence.**¹³ Security measures were described as including surveillance cameras, armed guards and allowing members to carry concealed handguns if they are police officers or otherwise trained and have a license to do so. These developments suggest a trend in increasing violence and targeting of places of worship, though the exact motivations for that trend are likely manifold and context specific. None have been connected thus far to IS.

Increasing gun violence may also be examined in parallel to the prevalence of guns in the United States, which can be viewed as creating the conditions for the use of firearms for means of committing murder and mass shootings. The commonness of firearms is a notable characteristic of the United States. A 2011 publication by the Small Arms Survey regarding civilian owned firearms per capita **places the United States in first place, with 89 civilian firearms per 100 residents.**¹⁴ The estimate is based on an approximate number of 270,000,000 civilian firearms in the United States.¹⁵ To compare, Yemen is in second place with 55 civilian firearms per 100 residents and 11,500,000 civilian firearms, Switzerland ranks third with 46 firearms per 100 residents and 3,400,000 civilian firearms, and Finland ranks fourth with 45 civilian firearms per 100 residents and

¹² 2017, Crime in the U.S., *FBI Criminal Justice Information Services Division*.

¹³ See, for example, Spencer, T., 2017, Preaching security after deadly Tennessee church shooting, *Associated Press*, 27 September.

¹⁴ 2011, Estimating Civilian Owned Firearms, *Small Arms Survey*, 9, September, pp. 2.

¹⁵ *Ibid.*

2,400,000 civilian firearms.¹⁶ A UN study presents data on national intentional homicides from 2012 or the latest year.¹⁷ According to the study, the United States has a count rate of approximately 5 intentional homicides per 100,000 people, Yemen has a count rate of approximately 4.5 intentional homicides per 100,000 people, Switzerland has a count rate of less than 1 intentional homicide per 100,000 people and Finland’s intentional homicide rate is approximately 1.7 per 100,000 people.¹⁸ **The implication that gun prevalence creates the conditions for gun violence, but is not necessarily the only factor explaining high levels of gun violence, is meaningful.** As such, this paper will consider legislative controls on firearms below.

To return to indicators of the prevalence of firearms in the United States, a PEW Study published in June 2017 found that **40% of Americans own a gun or live in a household with guns**, and 48% grew up in a household with guns.¹⁹ At least 66% have lived in a household with guns at some point.²⁰ 67% of respondents said that protection was the main reason for owning a gun.²¹

Table 3: Total number of machine guns and firearms registered in the United States 2011 – 2017, and percentage increase of firearms registered from the previous year

Year	Machine guns registered	Total firearms registered	Percentage increase from previous year, total firearms
2017*	630,019	5,203,489	17.3%
2016	575,602	4,436,096	6.65%
2015	543,073	4,159,569	13.75%
2014	512,790	3,656,649	4.15%
2013	505,861	3,510,980	10.2%
2012	488,065	3,184,804	11.7%
2011	456,930	2,850,406	-

*2017 data is from April, 2017.

Machine guns registered and total firearms registered are noted from data on registered weapons published in the annual report on Firearms Commerce in the United States, by the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives.²²

Not only are weapons more prevalent in the United States, but the number of guns owned by civilians is increasing. Indicators of this can be noted in an increase in total firearms and machine guns registered, and the percentage increases per year, noted in Table 3. **Another indicator of the increasing prevalence of firearms can be seen in an increasing number of firearms processed by the National Firearms Act shown in Table 4, and the number of firearms manufactured in the United States shown in Table 5.** In line with these observations, the FBI stated that a record number of background checks per day reached a new record in 2017. In total, 203,086 background checks were requested on 24 November 2017, the Friday following Thanksgiving known as Black Friday.²³ Previously, the day receiving the highest number of background checks was 25 November 2016, with 185,345 background checks requested, also occurring on Black Friday.²⁴

The number of firearms processed per fiscal year is accounted for by the National Firearms Act (NFA) Branch, responsible for the administration of the National Firearms Act and for maintaining the National Firearms Registration and transfer Record, also known as the central registry of all NFA firearms in the United States. **The data from the NFA shows a sharp increase in the number of NFA firearms processed from applications in Fiscal year 2016 in contrast to previous years.**²⁵

¹⁶ 2011, Estimating Civilian Owned Firearms.

¹⁷ 2013, Global Study on Homicide, *United Nations Office on Drugs and Crime*.

¹⁸ Ibid. The study does not distinguish between intentional homicide, and intentional homicide by firearm. This paper assumes that the intentional homicide rate is also representative of the rate of homicide by firearm.

¹⁹ Igielnik, R. and A. Brown, 2017, Key takeaways on American’s views of guns and gun ownership, *Pew Research Center*, 22 June.

²⁰ Ibid.

²¹ Ibid.

²² 2011, 2012, 2013, 2014, 2015, 2016, and 2017, Firearms Commerce in the United States: Annual Statistical Update, *United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives*.

²³ 2017, US gun background checks hit new record on Black Friday, *CNN*, 27 November.

²⁴ 2017, NICS Firearm Checks: Top 10 Highest Days/Weeks, *Federal Bureau of Investigation*.

²⁵ 2016, Data & Statistics: Number of NFA Firearms Processed by Fiscal Year.

In 2016, the NFA processed 2,538,397 firearms.²⁶ In FY 2015, the number of firearms processed was 1,426,211, and in FY 2014 the number was 1,383,677.²⁷ These numbers appear to be consistent with both an increase in gun ownership and coincide with an increase in mass shootings.

Table 4: Number of firearms processed by the National Firearms Act Bureau, 2011 – 2017, and percentage increase from firearms registered from the previous year

Fiscal Year	Firearms Processed	Percentage increase from previous year, firearms processed
2016	2,538,397	78%
2015	1,426,211	3%
2014	1,383,677	20%
2013	1,152,163	36%
2012	1,112,041	12%
2011	992,975	-

Data the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives.²⁸

Recent years have also seen an increase in firearms production. The Bureau of Alcohol, Tobacco, Firearms and Explosives Firearms Commerce statistical update notes that in 2011, the total number of firearms produced for the first time reached over six million.²⁹ Moreover, **the last three years noted in the study, 2013-2015 saw an average production of approximately 9.7 million firearms.**³⁰ Table 5 notes the increases in firearms production per year, as well as the percentage increase from the previous year. **Overall, the percentage increase in firearms production from 2009 to 2015 was 68%, suggesting a significant increase in firearms production and by extension an increase in firearms prevalence.**

Table 5: Firearms manufactured, 2009 – 2015, and percentage increase from firearms manufactured from the previous year

Year	Firearms Manufactured	Percentage increase from previous year, firearms manufactured
2015	9,358,661	3%
2014	9,050,626	-17%
2013	10,844,792	26%
2012	8,578,610	31%
2011	6,541,886	20%
2010	5,459,240	-2%
2009	5,555,818	-

Data obtained from the Firearms Commerce in the United States Annual Statistical Update, published in 2017 by the U.S. Department of Justice Bureau of Alcohol, Tobacco, Firearms and Explosives.³¹

A study by the Congressional Research Service published in 2017 details Appropriations for the Bureau of Alcohol, Tobacco, Firearms and Explosives and other initiatives.³² The study describes **that moments where gun ownership have peaked can be observed to coincide with mass shooting incidents and fears that firearms would be regulated more closely.**³³ The study notes that **one of the highest peaks in civilian gun stock occurred in 2013 following the mass shooting in Newton, CT in December 2012, and that spikes were associated with the Virginia Tech tragedy in 2007, high-profile mass public shootings in 2009.**³⁴ 2013 is noted as the year with

²⁶ 2016, Data & Statistics: Number of NFA Firearms Processed by Fiscal Year.

²⁷ Ibid.

²⁸ Ibid.

²⁹ 2017, Firearms Commerce in the United States: Annual Statistical Update, *United States Department of Justice Bureau of Alcohol, Tobacco, Firearms and Explosives*, pp. 1.

³⁰ Ibid.

³¹ 2017, Firearms Commerce in the United States: Annual Statistical Update.

³² Ibid.

³³ Krouse, W. (2017). Gun Control: FY2017 Appropriations for the Bureau of Alcohol, Tobacco, firearms and Explosives (ATF) and Other Initiatives. *Congressional Research Service*. 7 August.

³⁴ Krouse, 2017, pp. 10.

the highest net annual increase of firearms.³⁵ Data is only available until 2014. This paper has also previously noted that recent years have seen an upward trend in gun violence, as well as a record number of applications for civilian firearms in 2016. **As such, this data appears to be in line with the observation that gun prevalence is positively associated with increases in gun violence.**

In addition, a study by Adam Lankford published in 2016 models the global distribution of public mass shooters.³⁶ The study found that there is some statistical significance in the availability of firearms and a susceptibility to future mass shootings despite otherwise appearing healthy on other national indicators.

The evidence presented above suggests a conclusion whereby the increasing prevalence of firearms, possibly due to the ease of acquisition and an increasing feeling of insecurity, is likely to lead to further escalation in gun violence. Yet, as noted above, the prevalence in civilian firearms is not directly correlated to gun violence on a global level. This is demonstrated by the examples of Switzerland and Finland where intentional homicide rates are lower despite high civilian gun ownership. This is evidence that **prevalence of civilian firearms is not only a function of the production of firearms, but other elements play an important role. One such factor is the ease of firearm acquisition.** As such, another important dimension when assessing gun violence in the United States is the question of gun control. Indeed, the two recent mass shootings have re-ignited public debate on U.S. gun legislation, **where the second amendment guarantees constitutional right to have a weapon.**

Gun control debates following the shootings in Las Vegas and Texas have been oriented on the legislation regulating prevalence, distribution, and nature of the weapons available to private citizens. Supporters of current gun legislation argue that the prevalence of guns are necessary for self-defense. In the aftermath of the shootings, a Michigan Senate committee passed a three-bill package. The measures include allowing gun owners to take concealed weapons into gun-free zones such as schools, churches, day care centers, bars, dorms and stadiums. Another measure that passed in the Senate would reduce age to carry concealed weapons from 21 years, to 18 – 20 years old. To become law in Michigan, the bills need to be read three times, twice in the Senate and once in the House. Once a bill is introduced it will be referred to a standing committee. On 9 November, the bills were referred to a Judiciary committee who will debate the bills.

The Las Vegas and Texas shootings have also introduced new debates. Previously, Republicans in Congress have not been open to discussing gun legislation. After mass shootings at Virginia Tech and after the Orlando nightclub massacre, Republicans blocked legislation which would stop gun sales to buyers on terrorism watch lists. **In contrast, the days following the Las Vegas shooting, a bipartisan discussion on ‘bump stock’ devices united Democrats and Republicans.** On 4 October Sen. Dianne Feinstein of California introduced the Automatic Gunfire Prevention Act to the Senate with 40 cosponsors, and Rep. David Cicilline introduced the same Act to the House of Representatives with 175 cosponsors. In the Senate the Act was read twice and referred to the Committee on the Judiciary. In the House the Act was referred to the Subcommittee on Crime, Terrorism, Homeland security, and Investigations. To become law, the Act needs to pass the Senate, pass the House, and be presented to the President. The act would ban bump stocks, trigger cranks and other accessories and the Act received bipartisan interest. A related measure proposed by Rep. Carlos Curbelo on 10 October to “prohibit the manufacture, possession, or transfer of any part or combination that is designed and functions to increase the rate of fire of a semiautomatic rifle but does not convert the semiautomatic rifle into a machine gun” has received bipartisan sponsorship from 27 representatives.

Bump stocks have become a particular issue in connection to the Las Vegas shooting. A bump stock device replaces the stock of a gun held against the shoulder, enabling a semiautomatic rifle to fire at a higher frequency as it frees the weapon to slide back and forth rapidly.³⁷ Forthcoming shots are accelerated also by harnessing the energy from the kickback of the weapon when a shot has been fired. The frequency of shots with the use of a bump stock approaches that of an automatic firearm. A fully automatic firearm manufactured after May 19, 1986 is illegal for private citizens. According to Jill Snyder, special agent in charge at the Bureau of Alcohol, Tobacco, Firearms and Explosives described

³⁵ Krouse, 2017, pp. 10.

³⁶ Lankford, A. (2016). Public Mass Shooters and Firearms: A Cross-National Study of 171 Counties. *Violence and Victims*, 31(2).

³⁷ Buchanan, L., E. Grothjan, J. Huang, Y Parashina-Kottas, A. Pearce and K. Yourish., 2017, What is a bump stock and how does it work?, *The New York Times*, 5 October.

on 3 November that “bump-fire stocks, while simulating automatic fire, do not actually alter the firearm to fire automatically, making them legal under current federal law”. **The National Rifle Association also appeared to endorse such restrictions, with NRA representative Chris Cox stating on 8 October that when a semiautomatic weapon functions as an automatic it should be regulated differently.** The bill has received push back from gun owners, however, and a petition to prevent the measure being signed into law has received 25,000 signatures out of the necessary 100,000 it needs to get a response from the White House.

After the Las Vegas shooting, on October 4 Sen. Edward Markey with 2 cosponsors introduced a **Handgun Trigger Safety Act**, which was read twice and referred to the Committee on Commerce, Science and Transportation. The Act was introduced to the House of Representatives by Rep. Carolyn Maloney with 6 cosponsors and has been referred to the Subcommittee on Crime, Terrorism, Homeland Security, and Investigations. The Act aims to authorize grants for developing handgun technology to mandate that all new manufactured guns can be used only by authorized users.

On 5 October by Rep. James Clyburn with 38 cosponsors introduced the **Background Check Completion Act** in the House of Representatives and Sen. Richard Blumenthal introduced the Act in the Senate with 22 cosponsors. The Act aims to close what is called a Charleston loophole which currently allows authorized dealers to sell guns after three business days if a background check is inconclusive. The Act would prohibit dealers from transferring a firearm before a background check is complete.

Also on 5 October, Sen. Blumenthal and Rep. Adam Schiff introduced a bill called the **Equal Access to Justice for Victims of Gun Violence Act** to the House and Senate, with 30 co-sponsors and 18 cosponsors respectively. The Act would repeal the Protection of Lawful Commerce in Arms Act PLCAA, which gave gun manufacturers, distributors, dealers and trade associations immunity from getting sued if crimes were committed with firearms that they sold.

The Texas church shooting also triggered a debate regarding access to weapons and the reliability of the system that is supposed to ensure that guns are distributed legally. On 7 November following the shooting, Sen. John Cornyn from Texas stated that he will introduce legislation relating to the gun background check system, arguing that the records shared with the National Instant Criminal Background Check System is too low.

The two deadly shootings approximately one month apart in October and November this year are in line with a trend of increasing murder and firearms violence across the United States that has emerged more clearly in the last two years. Today in the U.S., guns are more prevalent among civilians than in most other countries in the world. This is encouraged by upwards trends of weapons production and civilian ownership. Parallel to such trends, there have also been increases in murders committed by firearms. The observed positive correlations between mass shootings coinciding with spikes in firearms sales is an indicator that the upwards trend in murder committed by firearm is compounded by the prevalence of firearms. By extension, this is an indicator that gun violence will continue to rise.

Further, this assessment notes that gun violence is a function not only of the prevalence of weapons, but also of civilian access to weapons. This is highlighted by the political discussion evoked by the Las Vegas shooting in particular. The results of this paper would be well complimented by an assessment into the nature of the distribution of firearms in the United States in order to more precisely diagnose other factors contributing to the increasing trends observed in this paper. This conclusion would also benefit from a comparative consideration of gun control globally in order to better understand the significance, and particularity of U.S. gun control and by extension to prescribe effective legislative controls. **The trends described in this paper are concerning on many levels. Firstly, the prevalence of weapons creates the conditions for more firearms murders, which can be seen in the correlated upwards trends. Secondly, the inspiration that the mass shootings can provide for copycats, regardless of their source of motivation, is particularly problematic due to the ease of access to weapons in the United States.**

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