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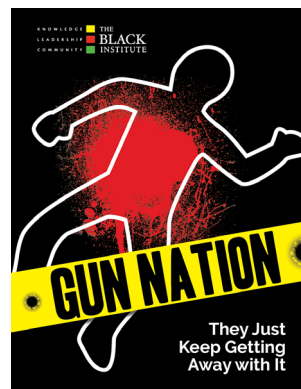


GUN NATION

They Just
Keep Getting
Away with It

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Gun Nation

They Just Keep Getting Away with It
June 2022

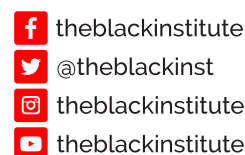
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II. EXECUTIVE SUMMARY

The gun violence epidemic and recent rises in firearm deaths, especially homicides, is a threat of existential proportions for the United States. While all communities are threatened by this rise, it is communities of color that have continuously borne the largest share of violent firearm shootings in New York and the nation at large. As just one of the many organizations who are concerned about the threat firearms pose for the future safety of our communities, The Black Institute (TBI) has undertaken a general review of the issue in order to detail not just the symptoms of this disease, but especially the major underlying causes as well as a review of possible options to help deal with this crisis,

The report is broadly broken into three parts: understanding the causes of gun violence, how gun violence manifests in our communities, and how gun violence not only affects but can be treated in our communities. While the issue is complex, TBI finds that much of it has to do with a lack of regulation and an overabundance of protection for the firearm industry in America that allows for weapons to be continuously made, bought, and sold in large numbers. This manifests in higher rates of violence compared to other similarly developed nations and also results in higher rates of death among people of color to firearms, both due to criminal exploitation of regulatory weaknesses as well as general manifestations of socioeconomic root causes.

This has a large net effect for our communities in terms of human, macroeconomic, and social costs that arise from high rates of gun violence. While, in relation to both the extraordinary size and scope of the issue, it may seem that this issue is beyond salvaging, there is hope. In addition to emphasizing the common elements of gun control and industry regulation, we also suggest legislation, judicial action, and community-based solutions that would address some of the historical socioeconomic factors that lead to higher rates of gun violence in communities of color which could have a positive effect on reducing the rates of violence and homicide in our most vulnerable communities. It is stressed that these issues need to be addressed quickly, as slow response will only lead to more individuals, especially Black and brown individuals, losing their lives in vain.

III. INTRODUCTION

The gun violence epidemic in New York and the nation has been an existential threat that has threatened the health and well-being of our communities for decades now. While gun violence rates have been steadily declining around the nation, the advent of the Covid-19 pandemic and increasingly violent behavior from criminal elements has caused the number of lives claimed by firearms to skyrocket. In New York and New York City especially, despite being among the strictest areas in the country when it comes to the ownership and usage of firearms, the impact has been tremendous, especially in our vulnerable communities of poor and nonwhite citizens. Preexisting reasons for firearm violence are being continuously aggravated without any sign of abatement, and new threats loom on the horizon that threaten to cause more of our communities to lie riddled and bleeding in our streets.

In this special report, The Black Institute (TBI) intends to undertake a general review of existing facts and literature to try and understand what is arguably one of the most complex issues in American politics today. We, along with much of the nation, understand that there is not only a plethora of weapons that exist in our nation but that there is an overwhelming will to use them. But why is this the case? There are several easy answers, like pointing to an overwhelming lack of standard laws that can help to restrict dangerous individuals from purchasing them, but these do not fully encapsulate the issue. After all, guns do not grow on trees across America; they are made, bought, and sold. Who does the making, the buying, and the selling, and what are the restrictions they face? What about the reasons our nation has such extraordinary levels of firearm ownership; after all, in the capital of worldwide capitalism, for there not be demand to match supply would simply be ludicrous. Guns must offer something to consumers that no other product offers; is it simply protection, as some pro-gun organizations would have us believe, or are there other, more compelling reasons for individuals to arm themselves?

In relation to that, this report will also examine how the reasons that have helped to fuel the ever-growing number of both firearms and their victims are manifesting within our communities. We are sick to death of simply looking at the numbers – we want to examine how the presence of guns and the violence they enable specifically manifest and what implications that holds for the nation. This of special interest to TBI and the communities of New York City as our home is located in one of the strictest states in the nation when it comes to the right to keep and bear arms, yet we see levels of violence that are disproportionately elevated relative to what they should be. How do criminals take advantage of loopholes and exploit demand to import in so many weapons, and where are those weapons going? What about the arms industry, which like any capitalist interest is invested in ensuring that guns continue to be bought and sold even in areas where they are all but forbidden to operate in? Do they have a role in accelerating innovation in arms that allows for near-functional weapons to be legally trafficked in or, even more terrifying, providing the components that individuals can use to make their own untraceable guns?

Like any disease, these causes and symptoms manifest into issues that threaten the host's health. Gun violence has enormous costs at all levels, especially damaging the economic aspects of both the individuals they affect and the communities that unwillingly host the violence itself. But there are social and human costs that are easy to forget in the face of so much gun-related misery, and the voices of victims and their families deserve to be heard, not simply glazed over and forgotten like a bad food review. Whether because of our culture of violence, or simply because there has been so much death, it is easier than ever to forget that every life lost due to a firearm is a tragedy unmatched in our nation precisely because it is a preventable tragedy. To that end, TBI explores multiple efforts that can have a positive impact on reducing gun violence beyond the easy suggestion of simply banning and confiscating all firearms, including national and community-based solutions that can target the roots of gun violence, not just guns themselves.

While hyperbole is all too common in today's world, there is no exaggerating the facts of gun violence. Minority communities, *our communities*, are especially affected by these senseless tragedies. So, while it may hyperbole to invoke the image of the apocalypse in relation to the gun violence epidemic, it should be noted that the four horsemen of Christian theology are typically held to represent War, Pestilence, Death, and Famine. How curious that guns so snugly fit with three of those four; they are a plague in our nation and communities, the topic and tools of both political and actual war, and undeniably deal death in far greater amounts than they preserve life. Real people are dying every day in our nation every day because of them: mothers, fathers, siblings, friends and associates. We must quickly understand and act to stop this violence.

IV. GUNS IN THE NATION AND THE WORLD

Since the ratification of the Bill of Rights on December 15th, 1791, the United States of America has, in the form of the Second Amendment, protected the notion that “A [well-regulated] Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.” Although the exact interpretation of this single sentence has been debated for well over 200 years, many of the Founders believed that nations would abuse their monopoly on force to oppress citizens,² and thus believed that citizens had the right to own weaponry that would allow them to defend themselves against threats, including tyranny by the federal government itself. It was generally viewed as standing alongside the freedom of speech and religion that the people were inherently entitled to, though as all know by now, “the people” and the people in America are not the same. Nonwhite people, though primarily Black people, were banned from privately owning guns in America for nearly a century after the nation was founded due in large part to the “security threat Black slaves could pose” and a widespread notion among White people that “a Black person owning a gun was a sheer act of defiance.”³ In retrospect, there is a certain level of irony in this example of our nation’s history of inequity. The White Founders, concerned as they were with the ability of the nation to resist tyranny, were themselves perpetuating tyranny themselves. We were the foundation of the nation, tyrannically forced to participate in its creation, yet we were excluded from a right that was intended to allow us to resist tyranny ourselves. The Stono Rebellion of 1793 is just one such example of Black Americans exercising their Second Amendment right to take up arms against the tyranny of the state. But of course, that was not seen as a heroic utilization of our natural rights, but an unlawful agitation that was put down without mercy.

In the 21st century, America remains a world leader in many respects, but occupying the top position is not always so illustrious. When it comes to gun violence and the number of deaths caused by firearms, America occupies a high rank stained with blood. In 2019, the United States was ranked second for the highest total of gun deaths, with 39,707⁴ people dead because of a firearm, and exceeded only by Brazil.⁵ It is telling that the United States so far outranks most of its fellow highly developed nations and stands at the top in the company of more less developed nations. According data from the Institute for Health Metrics and Evaluation (IHME), the U.S. had a rate of 3.96 deaths per 100,000 people in 2019, placing it at #32 on the list of global firearm deaths,⁶ a rate that is well above that of its developed peers and instead more common in areas with greater domestic instability and illegal functions. In perspective, this is an average of 38,000 people that die from firearm-related incidents in the United States every year.⁷

This is an inordinately high rate, especially when considering that the IHME estimates that, given the U.S.’s socioeconomic development and population, the true rate should be closer to 0.46. Indeed, many of the nations ranked ahead of America in 2019 are in Latin America and other nations that have continued to struggle with large and sophisticated criminal gangs and cartels. Of the roughly 250,000 known deaths caused by firearms in 2019, two-thirds occurred in just six nations: Brazil, the United States, Venezuela, Mexico, India, and Columbia.⁸ By comparison, fellow developed nations such as Japan and the United Kingdom in 2019 had violence rates of 0.02 and 0.04,⁹ respectively. It is no coincidence that these nations are among the strictest in the world when it comes to regulation of private firearm ownership.

However, it is important to note the IHME’s statistics only track rates of homicide,¹⁰ and exclude data for instances of suicide and accidental deaths. Despite the fact that most firearm deaths worldwide are typically homicides Tragically, the vast majority of gun deaths in the United States are actually not the result of homicides, but instead because of suicide. Of the nearly 40,000 gun-related deaths in America in 2019, 60% of these were classified by the CDC as firearm suicides; only about 30% of firearm

deaths that year were the result of homicide. That is a rate of 7.1 suicides by gun per 100,000 people, and the highest in the world in 2019.¹¹ These are saddening figures to report, not only due to the sheer amount of life lost, but also because of the weighting in and of itself. That the majority of these deaths are due to suicide is a clear indication that there are significant underlying issues within the nation that firearms only help to facilitate; according to the National Institute of Health (NIH), 55.9% of all successful suicide attempts in 2018 involved the use of a firearm.¹² To put this tragedy into further perspective, the United States saw a rate of suicide by firearm that was ten times as high as many of its European counterparts in 2017.¹³

To specifically focus on the United States for a moment, it must be stated that firearm violence in our nation does not claim lives equally either. While the CDC notes that guns affect people fairly equally when it comes to age – firearm injuries are in the top 5 leading causes of death for people 1 to 64 years old¹⁴ – the equality stops there. Across the board, men are at a significantly higher risk of death and injury due to firearms. From 2001 to 2018, the age-adjusted rate of violent firearm deaths¹⁵ for males was 18.21 per 100,000 persons; for women, it was only 2.85.¹⁶ Equally as troubling is age-adjusted rate for race; black individuals have a fatality rate of 18.34 per 100,00 individuals;¹⁷ nearly double the rate for white individuals. Within the category of fatalities from gun violence, there are also significant discrepancies between the actual cause of death (whether suicide, homicide, or unintentional) and the demographic of the victim. Urban youths are more likely to be the victims of firearm-aided assaults, whereas White rural, middle-aged individuals are more consistently the victims of suicide.¹⁸ It is clear that within the great tragedy of gun violence in the United States, the effects are not equitably distributed; Black males suffer an inordinately fatality rate from homicides in comparison to White males.

With that in mind, it bears out that an examination of the distribution of weapons both domestically in the United States and, internationally, the proportion of firearms within the United States against that of the rest of the world. As previously mentioned, the Second Amendment broadly grants American citizens the right to keep and bear arms for the security of a “free” state.¹⁹ However, due to the relative vagueness of the amendment regarding the nature and number of firearms, it offers a broad liberty to Americans to buy and own as many guns as they wish. The result of this is that America, in 2017, ranks first in the number of civilian-held firearms, with a rate of 120.5 firearms per 100 residents.²⁰ These numbers are drawn from the Small Arms Survey, which tracks the number of firearms around the world. **Out of the roughly 857 million civilian guns on Earth in 2017,²¹ Americans own approximately 393.3 million guns, or 46% of the 2017 total.** The number of American military and law enforcement firearms, or the weapons that would be turned against these civilian owners in the event of oppression by the federal government? The estimated number of both military and law enforcement firearms totals to a little above 5.5 million.²² **That’s a ratio of one government gun to 70.84 civilian guns, and even rounding that number to 71 would not capture the insane growth in American civilian firearm holdings.** Ironically enough, this is somewhat reflected in worldwide numbers as well; there were roughly 1.013 *billion* guns on the planet in 2017, and respectively civilians, militaries, and law enforcement own roughly 85%, 13%, and 3% of that number. The citizens of the world hold about 5.5 guns to every one owned by militaries and law enforcement.

It is both shocking and unsurprising that America's firearm arsenal and love, in relation to the rest of the world, is so inordinately high. Anecdotally, as can be seen in the figure on the left, it is both shocking and unsurprising that America's firearm arsenal and love, in relation to the rest of the world, is so inordinately high. Anecdotally, as can be seen in the figure on the right,²³ the United States is known for being so gun-crazed that the issue has circled from sarcasm to genuine concern and criticism all the way back to sarcasm and irony. Yet the issue is further complicated by the fact that, even though guns in our nation outnumber our residents, only about a third of Americans in 2021 reported personally owning²⁴ a firearm – roughly 81.4 million people.²⁵

Figure 1: "AMURRKA" by pokketmowse, subtitled "I JUST WANT TO TEA PARTY ALL THE TIME"



That means that of that massive 393.3 million number of firearms, every gun-owning American owns an average of 5 guns. Ownership statistics mirror aforementioned violence statistics to a certain extent – 39% and 22% of men and women respectively report personally owning firearms. Interestingly, however, when discussing the breakdown of gun owners by race we find that ownership is actually fairly distributed. In 2021, White Americans still comprised the majority of gun owners at 34.3% of personal owners, but the share of nonwhite owners has been on the rise with Hispanic persons comprising 28.3%, Black persons comprising 25.4%, and Asians comprising 19.4%.²⁶ Yet, as previously mentioned, nonwhite persons are far more likely to be the victims of homicide with a firearm, a rate that is not proportional to the relatively equal distribution of firearms. This suggests several things about the relationship between homicides and race, several of which will be discussed later in this report, but the very fact that this is the case is incredibly concerning.

On the topic of gun deaths and the sheer number of guns in America, there is significant research to indicate that the two are firmly linked together. Much scholarly attention has been drawn to examining, and ultimately establishing, a relationship between the prevalence of firearms in developed nations like the United States and deaths related to firearms. **The overwhelming consensus of this research is conclusive; more guns mean more gun deaths.^{27,28} It means more homicides, more suicides, more accidents,²⁹ and even increased killings of law enforcement officers.³⁰** The United States is an extreme example of this, but as Hemenway and Miller point out, even when the U.S. is removed from calculations there is still a correlation between more guns and more violence.³¹ It is prudent to remember a previous example comparing America's rate of firearm death to that of Japan and the United Kingdom. With rates of 0.02 and 0.04 deaths per 100,000 people respectively, these two nations are on par with America in terms of development, but they suffer far less violence; the reason is because they have strict firearm regulation that severely limits the number of private firearms. In Japan, for example, one can only obtain a license for sport shooting or hunting³² and must undergo numerous evaluations, third party references, continuous re-qualification, and are limited to one gun per household.³³ The United Kingdom is much the same way, except that the UK does not stipulate a limit on firearms or require training for possession, along with certain differences regarding the age of owners and license holders.³⁴ This restrictiveness, which some might consider oppressive, has a demonstrable effect on reducing the number of guns within these countries with a positive correlation to low instances of firearm violence and death.

So, it becomes clear that the United States is an exceptional nation on Earth, but not for a good reason. Rather, it is exceptional because it is an exception – a developed nation that protects its citizen's natural right to own firearms at the cost of its civilians' lives. We know from our history and the history of the world that there are many freedoms we have had to earn and protect with the blood of our brothers and sisters. But among all nations of the world, only we insist on continuing to pay this blood tribute for the right to keep and bear arms – even if it is our own nation's brothers and sisters, children and parents. Why this obsession to remain the exception demands further exploration.

V. THE ROOTS

The problem of gun violence in our city, state, and nation is a complex and multifaceted one, where symptoms and causes feed each other in an endless cycle of misery and bloodshed. It would be reductionist and disrespectful to those who have lost their lives, and those who have lost their loved ones, to assert that there is only one cause. However, when examining this issue, it becomes clear that there are several major factors that have fueled the incredible penetration of firearms in our nation, and why these factors are instrumental in maintaining and expanding the bloodshed attributable to firearms.

MANUFACTURERS AND DEALERS

The overwhelming abundance of our personal arsenals has already been discussed, but the logical question that arises from it is why, in the face of so much death in misery, do we continue to make so many weapons for civilian usage and ownership? **In the capitalist center of the world, our nation, the answer is simple – there is money to be made making and selling these instruments of death and misery. And our nation's arms manufacturers are making a lot – they just keep getting away with it.**

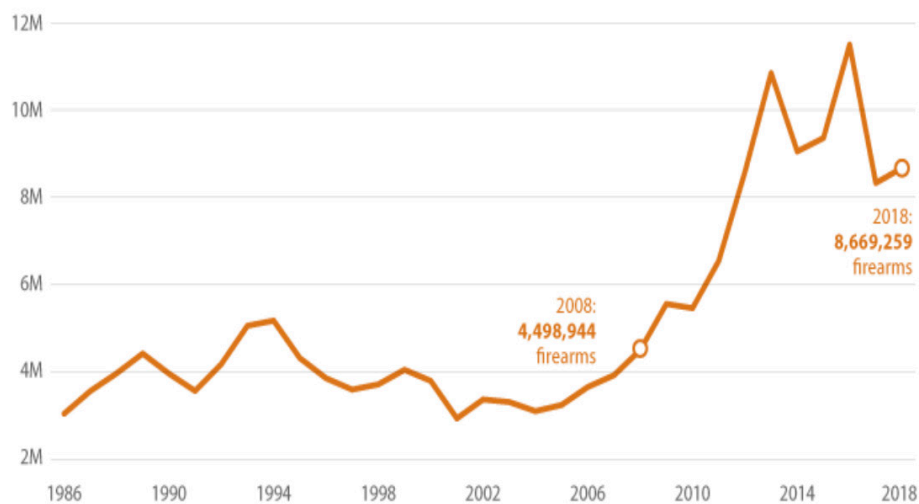
The debate over the gun violence epidemic tends to heavily focus on the individual aspect; why are people buying guns, why are people shooting other people, why is it so easy for people to get guns, why do we permit military-grade firearms for civilian purchase, and so on. But little is asked or said about the “how” of firearm violence in the United States from the fundamental level; how are there guns on the marketplace in the first place? There is nowhere else to point but towards gun manufacturers, the supply side of that great law of market economics. There are over 12,000 legal gun manufacturers in the United States that, since 1986, have annually poisoned our nation with millions of new and more lethal firearms, with numbers that have only increased over time. Between 1986, the first year that firearm manufacturing numbers were made publicly available, and 2008 the annual average was around 3.8 million; between 2009 and 2018, the number rose to 8.4 million annually.³⁵

Figure 2: Annual Firearm Manufacturing in the U.S. 1986-2018.

Credit to Parsons et al with data from the ATF

U.S. gun manufacturing has grown since 2008

Firearms manufactured in the United States, 1986–2018



Note: The number of manufactured firearms for 2018 is based on an interim report. Official figures may slightly change.

Despite the overwhelming number of manufacturers, within the U.S. the vast majority of market share is controlled by only a few companies. According to the Bureau of Alcohol, Tobacco, Firearms, and Explosives from 2008 to 2018 three companies were responsible for producing 58% of all pistols in that decade: Smith & Wesson,³⁶ Sturm, Ruger & Co. (Ruger), and SIG SAUER. In that same period, three manufacturers were responsible for 45% of all rifles produced: the now-defunct Remington Arms, Ruger, and Smith & Wesson. While these companies were overwhelmingly market leaders, as previously mentioned they are far from the only merchants of death. Below is a list of the companies that have been identified by both the ATF and financial analysts as the largest suppliers of arms in America, in no particular order, with stock tickers as needed:

Smith & Wesson Brands, Inc. (SWBI)
Sturm, Ruger & Company, Inc. (RGR)
Remington Arms Company
O.F. Mossberg & Sons
Glock Ges.m.b.H³⁷
SIG SAUER
Savage Arms (formerly owned by Vista Outdoor Inc.)
Beretta Holding S.P.A.³⁸
Springfield Armory, Inc.
Herstal Group (owner of Winchester Arms, Browning, and FN Herstal)³⁹

Part and parcel with manufacturers of the weapons themselves are the companies that supply owners with ammunition and accessories that transform the firearms from glorified and unwieldy iron clubs into the lethal dealers of death that they are. Again, in no particular order:

Vista Outdoor, Inc. (VSTO)
Sportsman's Warehouse Holdings, Inc. (SPWH)
AMMO, Inc. (POWW)
Olin Corporation (OLN)
Smith & Wesson Brands, Inc. (SWBI)
Sturm, Ruger & Company, Inc. (RGR)

Lastly, on the retail side, there are similarly a mixture of private and public companies, but unlike the manufacture of firearms, ammunition, and accessories, the landscape of gun dealing in America is primarily comprised of small distributors. This is also complicated by grey-market firearms trade, which will be discussed later in this report, but below you will find a list of gun dealers with a large geographic distribution. It is worth noting that several companies on this list, in the wake of the 2018 Parkland mass shooting, have altered their policies to stop selling certain guns or to phase out gun sales entirely:⁴⁰

Cabela's (now a subsidiary of Bass Pro Shops)
Walmart (WMT)⁴¹
DICK's Sporting Goods, Inc. (DKS)⁴²

Vista Outdoor, Inc (VSTO)
Sportsman's Warehouse Holdings, Inc. (SPWH)
Big 5 Sporting Goods (BGFV)

While these lists provide an incisive look at the major players of America's arms economy, it is important to reiterate that the firearms industry in the U.S. is not as monolithic as other large industries, especially on the retail side. This is especially important to consider when examining the growth of online retailers of arms and arms accessories, including "ghost gun" components that can be used by customers to build or complete firearms, the "unfinished receiver" market, and other attachments and ammunition that can be retailed for the purposes of creating firearms that are illegal under the 1934 National Firearms Act (NFA) and other federal restrictions.⁴³

Due to the fairly decentralized nature of the arms economy and the lack of stringent reporting requirements, moreover, it is difficult to fully pin down the exact value of the gun economy in America. The economic value of the market in the U.S. and North America ranges anywhere from \$3.24 billion⁴⁴ to over \$63 billion,⁴⁵ but what is for sure is that manufacturers have, especially in recent years, posted record quarterly and annual profits. For example, in 2021, Smith & Wesson's gross revenue and net earnings were \$1.06 billion and \$252.05 million respectively, nearly doubling gross revenue from 2020 and reversing a net loss of \$61.23 million that same year.⁴⁶ Since October 2019, at a 5-year low of \$4.16, the value of SWBI stock has increased nearly 292% to a value of \$16.31 per share.⁴⁷ Pending release of Ruger's annual 10-K report for 2021, the company posted a gross revenue growth of 38.6% between 2019 and 2020 and a 180% increase in net profits for the same period.⁴⁸

Figure 3: Weekly Chart of Smith & Wesson (SWBI) stock price, from Yahoo Finance.

Note that following SWBI's Q1 2020 earnings, the price increased nearly 400% in the next three months. Even after a stock split in August 2020, typically a catalyst for share price downturn, the price remained stable.



As has been stated previously, many of the largest manufacturers are privately owned and thus are not required to disclose financial performance. However, it can be reasonably assumed that all other major firearm manufacturers saw similar increases in revenue and profit, reversing a downward trend in industry performance beginning in 2017. Similar increases were seen in accessory and ammunition manufacturers and retailers, with AMMO, Inc. (POW/W) seeing gross revenue growth of 312% between 2020 and 2021 alone, representing an increase of over \$40 million in gross revenue.⁴⁹ Companies including VSTO, SPWH, DKS and WMT also saw large to moderate revenue and profit increases, though due to their more diversified product range it is difficult to ascertain exactly how much of that growth was attributable to the arms trade. As Walmart CEO Doug McMillon claimed in 2019,⁵⁰ "We estimate that we represent about 2 percent of the market for firearms today, which we believe places us outside at

least the top three sellers in the industry." However, he stated directly afterwards that Walmart may account for around 20% of the nation's ammunition retailing, so the value of that particular segment within retailers may have been a major driver in revenue increases between 2019 and now.

It is clear that no matter the exact numbers of weapons, ammunition, or profit, the arms industry in America is not only large but incredibly profitable. But it is an industry of death, merchandizing weapons that dramatically elevate the risk for both armed and unarmed individuals around the nation. The number of Americans buying guns has skyrocketed, along with deaths related to guns, and everyone is losing because of it except for these merchants of misery. And while there are several macro reasons for this exceptional windfall for manufacturers and distributors, there is one overriding factor that is directly tied to their ability to profit off these weapons in the first place.

A LACK OF EFFECTIVE FEDERAL OVERSIGHT

On the topic of the 2005 Protection of Lawful Commerce in Arms Act (PLCAA), then-CEO of the National Rifle Association (NRA) Wayne LaPierre was quoted that year as saying that the act was "the most significant piece of pro-gun legislation in 20 years."⁵¹ He was not wrong, as 15 years later the PLCAA remains the most significant law in the country regarding firearms, preceded only by the Second Amendment itself and possibly the National Firearms Act of 1934. The very existence of this law is an embodiment of the protections that firearms and arms manufacturers enjoy in 2022, and the lack of effective regulation of both which has led to so many of us dying with a bullet in our bodies. Because of these protections for the industry, and the lack of protection for ourselves, guns have evolved and evaded any attempts to curtail their lethal impact in our communities.

Figure 4: A modern depiction of Prohibition-era Mafia members with tommy guns.

Note the size of the weapon relative to the individuals' sizes, which makes it easy to conceal.



The story of America's poor gun management began in 1934 with the National Firearms Act (NFA), the first meaningful attempt by the federal government to regulate the large and maturing firearms industry that began in the mid-1800s. It was initially introduced in order to curtail the manufacture and use of firearms that enjoyed popularity with the criminal community against law enforcement.⁵² Readers are no doubt aware of the iconic image of a gangster with a cigar and a tommy gun, much like the image above⁵³ – the tommy gun, along with the sawed-off or short-barreled shotgun, were weapons of choice due to their size and lethality. The original NFA specifically targeted machine guns, short-barreled rifles and shotguns, silencers, and any other firearm with a barrel less than 18 inches that was not classified as a pistol or rifle, requiring them to be registered and taxed an amount of \$200.⁵⁴ The fine, which is roughly \$4,196.24 adjusted for inflation as of February 10th, 2022, was to legitimize⁵⁵ what was intended to be an effective ban on especially dangerous weaponry.

This was largely undone in 1968 in the Supreme Court decision for *United States vs. Hayes*, where it was decided that the registration component of owning NFA weaponry violated the Fifth Amendment, or the right against self-incrimination.⁵⁶ This was then codified in Title II of the 1968 Gun Control Act (GCA), which set up the foundation for what little federal regulation of firearms trafficking currently exists in the form of requiring manufacturers, dealers, and importers to register for a license allowing interstate transport of firearms.⁵⁷ This same act also included language that led to the creation of the modern Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) which took over responsibility for the enforcement of firearm laws from the Treasury Department that previously was responsible.⁵⁸ However, the prior legislation and following legislation until 2005 greatly restricted the ATF's ability to enforce the few bans on firearms that existed, including the 1986 Firearm Owners' Protection Act (FOPA), which limited the ATF's capacity to pursue negligent or noncompliant firearm and ammunition manufacturers.⁵⁹ Although the 1993 Brady Handgun Violence Prevention Act did allow for the creation of the National Instant Criminal Background Check System (NICS), and the 1994 Violent Crime Control and Law Enforcement Act banned assault weapons entirely, subsequent legislation including the PLCAA substantially weakened the ATF's capacity to utilize NICS, work with other federal agencies on firearms cases, and the assault weapon ban was lifted in 2004 when it was not renewed.⁶⁰

With that in mind, what exactly does firearm regulation and regulation of the arms industry in the United States look like? The single word best suited to define it is "fractured." For individual rights at the federal level, as protected by the Second Amendment and subject to federal laws:⁶¹

- Any person of legal age is permitted to acquire, own, and sell firearms so long as they do not have a criminal past that disqualifies them. As part of this, individuals must fill out ATF Form 4473 when purchasing from a Federally Firearms Licensee (FFL) so that a NICS background check may be performed⁶²
- An individual must be 18 years old to purchase a shotgun, and 21 years old for all other legal firearms
- It is federally legal to possess the following provided the individual is licensed and the weapon is registered:
 - Fully automatic firearms
 - Long guns such as rifles
 - Shotguns with federal licensing and registration
- It is federally legal for individuals to possess the following without license:
 - Handguns, including pistols and revolvers

- Semiautomatic assault weapons
- Under modified NFA law, the following firearms and accessories are banned from civilian possession:
 - Machine guns
 - Short barreled⁶³ automatic weapons
 - Short barreled shotgun
 - Concealed firearms that do not qualify as pistols or rifles (such as pen and cane guns)
 - Silencers,⁶⁴ destructive devices such as RPGs, and armor-piercing ammunition
- The previously listed NFA firearms are exempted from the ban if they are classified as "curio" or "relic" firearms. For these and certain other exempted weapons and ammunition, collectors must possess a license and pay an annual fee of \$10⁶⁵ to the ATF
- Unlawful possession of a firearm has a maximum penalty of 10 years in prison and certain firearms carry additional financial and penal penalties

That is the total of federal firearms regulation for individuals. **It is perfectly legal to own almost any gun you could conceivably wish to own within the United States of America except machine guns, short-barreled rifles and shotguns, and firearms disguised as canes or other items, and even then, all you need to do is prove that it is a "curio" or "relic" to own it.** To clarify that bit, curios and relics are weapons which fall into one of the following categories, per 27 CFR § 478.11:⁶⁶

- Non-replica guns manufactured 50 years or more prior to the current date
- Guns certified by a museum curator at a local, state, or federal firearms museum as an object of museum interest
- Any gun(s) that are valued substantially due to them being "novel, rare, bizarre, or because of their association with some historical figure, period, or event"⁶⁷

Which means that everything from the flintlock muskets and pistols the Founders used to secure American independence to Prohibition-era tommy guns to Vietnam-era rifles are legal, even if they violate the NFA, as long as you pay the fee and submit the paperwork. When the laws are laid out so plainly, it is hard not to see why so many of the horrific mass shootings and murders that have plagued our nation for decades have so easily occurred and continue to occur. Civilians are capable of buying and owning military-grade weaponry provided they fill out a few forms and do not have a felony on record, regardless of whether they are trained, are psychologically stable, have the ability to safely store their weapons, or any other qualifier one could think of that might disenfranchise someone from owning a firearm.

Figure 5: The M16A2 assault rifle, the primary weapon used by the U.S. military during the Vietnam War. These weapons are classified as machine guns and not technically legal for civilian owners under the NFA, but under the curio and relics statute are permissible as long as they are 50 years or older. Image from the Swedish Army Museum (Armémuseum).



Of course, simply having the right to purchase and own the same weaponry as the military is theoretically different from actually having the ability. But as mentioned previously, arms, ammo, and accessory manufacturers are all too willing to make whatever weapons they can sell, and dealers are all too willing to sell them as well. To that end, it would be pertinent to examine what general restrictions the arms industry faces in the United States. At the federal level:

- Arms Manufacturers⁶⁹

- Must obtain a 07 license from the ATF and register with the Directorate of Defense Trade Controls (DDTC). The former entails an applicant being over 21 years old, be eligible to own firearms, and not have willfully violated federal firearms law. The ATF license is \$50 annually for firearms⁷⁰ and is good for three years; the DDTC is \$2,250 annually
- Maintain records of production and sales figures, including an annual production report
- Are subject to one potential inspection of inventory and records by the ATF
- Must report lost or stolen firearms to the ATF within two days of discovery and must immediately comply with trace requests
- Must add serial numbers to all firearms, receivers, and frames produced⁷¹ except in the case of a destructive device, which must be approved by the ATF Director
- Parts defined as component or as a machine gun, muffler, or silencer not part of a complete weapon must be identified as above
- Must comply with federal laws regarding NFA firearm restrictions, including providing sample products to the ATF's Firearm Technology Industry Services Branch (FTISB) for regulatory approval

- Arms Importers⁷²

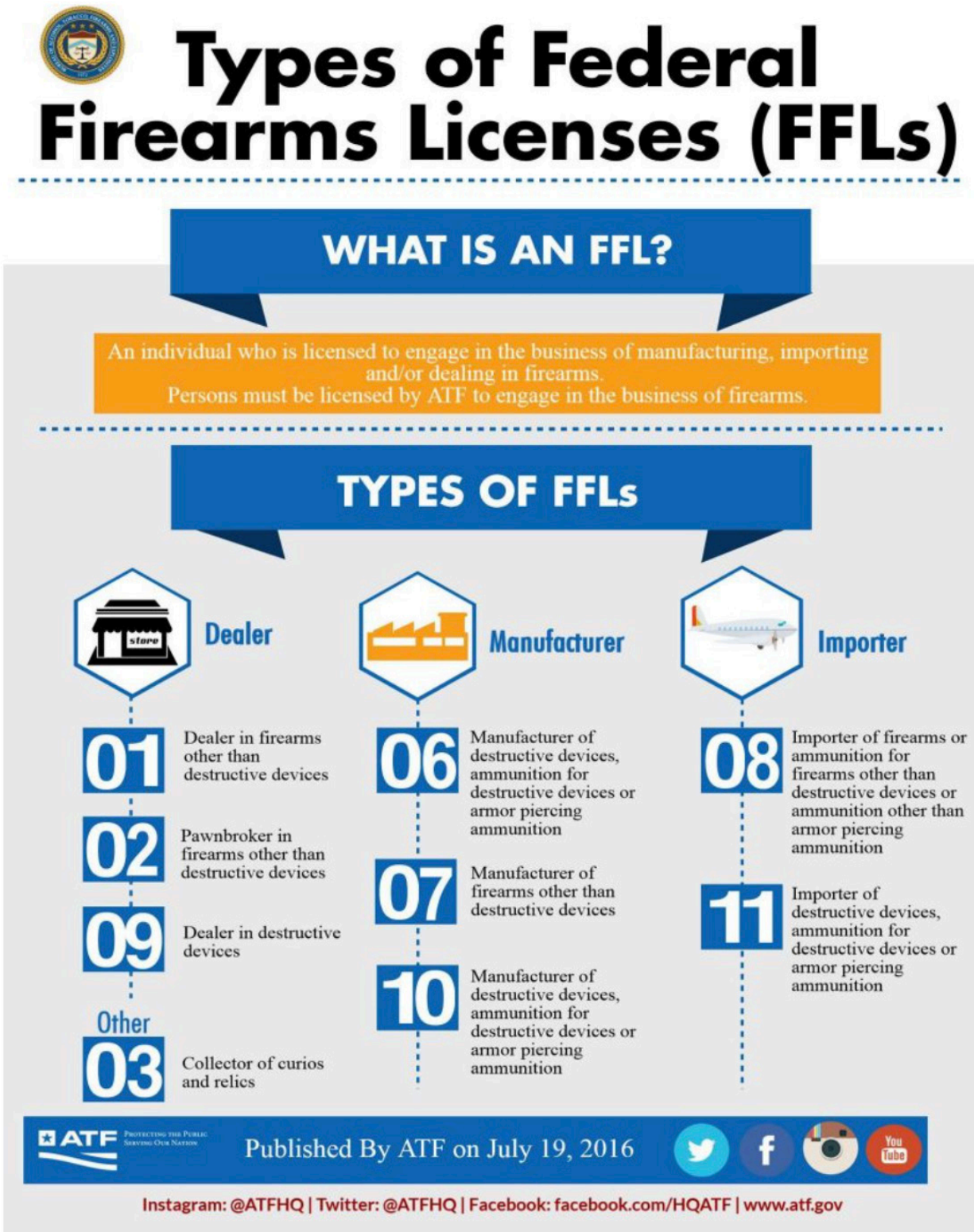
- Must obtain a license from the ATF that entails a \$50 annual fee for firearms and a \$1,000 annual fee for explosives or explosive/armor-piercing ammunition and background checks to ensure possession eligibility. The license is good for three years.
- For each shipment, must fill out a form specifying the type and number of guns being imported and submit the shipment to the U.S. Customs and Border Patrol to confirm the veracity
- Firearms imported must be legal under federal laws regulating legal firearms
- Armor-piercing ammunition must be at least 50% painted black on visible portions of the ammunition and packaged with the words "ARMOR PIERCING" on the packaging⁷³

- Arms Dealers⁷⁴
 - Must obtain an ATF license that entails the following requirements:
 - Eligible to own firearms
 - Provide fingerprints
 - Pass a background check
 - Pay a \$200 fee for a three-year license
 - Submit to a qualification interview and inspection by ATF agents
- Dealers are required to obtain licenses if they “repetitively buy and sell firearms with the principal motive of making a profit.”⁷⁵ Individuals are not required to have a license in order to engage in private or occasional sales.
- Ammunition Manufacturers⁷⁶
 - Must obtain an ATF license that entails the following requirements:
 - \$1,000 annual fee for explosives or explosive/armor-piercing ammunition⁷⁷ and \$10 annual fee for regular ammunition. The license is good for three years.
 - Is federally eligible to possess firearms and passes a background check to ensure possession eligibility.
- Armor-piercing ammunition must be at least 50% painted black on visible portions of the ammunition and packaged with the words “ARMOR PIERCING” on the packaging.

This is the total of federal regulation of America's arms industry. Certain other common provisions apply to all of the aforementioned categories, such as the safe storage of firearms, but as will be discussed shortly many of the specific and common regulations are relatively easy for arms industry players to circumvent or ignore entirely. But even disregarding that, one can see that the amount of scrutiny and regulation of the arms industry in America is incredibly minimal. Many of the requirements deal with simply getting into the business in the first place, and with the aforementioned number of manufacturers, the over 1,100 arms importers, and over 55,900 licensed gun dealers nationwide in 2018,⁷⁸ it's clear that many people would have little trouble successfully obtaining a license for any place within the industry.

Figure 6: An official graphic from the ATF breaking down the types of FFLs.

Dated to July 19th, 2016



That in itself is a problem, as it is painfully clear from these lacking regulations that "unscrupulous individuals can exploit this ambiguity in the current regulatory framework" to work around needing to track inventory, transactions, and so on regardless of their place in the arms industry.⁸⁰ American national agencies have never been particularly shy when it comes to pushing the boundaries of their stated objectives and regulatory rulesets if they deem it necessary – the FBI's usage of domestic counterterrorism surveillance programs to spy on civil rights leaders and gay activists under J. Edgar Hoover is an excellent example.⁸¹ But the ATF is somewhat unique among other regulatory institutions in that it faces a "constellation of restrictive laws and policy riders attached to the agency's budget that severely limit its ability to conduct effective oversight of the gun industry."⁸² Below is a list of acceptable and prohibited actions for the ATF:

The ATF can:⁸³

- Conduct one compliance inspection of each licensed arms participant per year
- In the event of a criminal investigation, trace specific firearms and investigate the path of the gun to the scene of the crime
- In the event a manufacturer, dealer, or importer has failed to comply with federal laws and regulations:
 - Revoke the offenders' FFL in the event of "willful violation," defined as "the intentional disregard of a known legal duty or plain indifference to a licensee's legal obligations"⁸⁴ of federal laws regarding operations, security, or trafficking FFA ammunition
 - Suspend an offender's license for up to six months or issue a fine of \$5,000 if the offender willfully fails to conduct a background check
 - Suspend an offender's license or issue a fine of \$2,500 if the offender fails to offer safe storage options to a customer⁸⁵
- Inform, warn, and meet with offending FFLs regarding the nature and severity of the FFL's offense.
- Decide whether new firearms and accessories from arms manufacturers comply with NFA through the FTISB and change rulings to allow or prohibit said firearms and accessories
- Issue recommended practices for FFLs regarding operations, security, or other business components

That is everything that the ATF has to regulate and discipline FFLs. For the things that they are prohibited from doing, the ATF cannot:⁸⁶

- Create or maintain records of guns, their owners, or transactions involving guns⁸⁷
- Monitor or trace the status of specific guns outside of criminal investigations, and cannot make public any specific trace data; they are allowed only to release annual aggregated data
- Alter or change any definitions within existing federal firearms law regarding firearms or components
- Alter or change any requirements or qualifications for individual possession, ownership, and transfer of firearms⁸⁸

- Require specific or essential operations practices regarding inventory, security, or other related rules
- Require firearm dealers to conduct annual inventory reconciliation or deny license renewal due to a lack of business activity
- Suspend or revoke FFL licenses, or issue fines to an FFL, for any reason other than those listed previously
- Remove weapons from the list of designated "curio & relic" firearms, alter the time restriction for those weapons, or deny import applications for firearms filed under that designation
- Transfer any of its responsibilities to other agencies, which functionally keeps them from seeking aid from better-equipped agencies like the FBI

When taking into consideration the limitations of the ATF to meaningfully regulate the arms industry, it may be tempting to see them as the suffering government heroes in a war against the capitalist and legislative evil actors. It is hard not to when one learns that there were only 770 industry operations investigators (IOIs) in 2019 and that of the ATF's \$1.3 billion dollar budget, only around \$299 million was left to those IOIs for their mission of monitoring the nearly 75,000 businesses and individuals engaged in the arms industry.⁸⁹ That same money also funds the agency's licensing process and other functions crucial for them to monitor the firearms industry. There is certainly a level of irony, if nothing else, in a government agency whose name literally includes the term "Firearms" in its name being prevented from doing much of anything in regards to that term.

But the fact is that while the ATF is most certainly hampered by legislative and budget restrictions, it is not entirely powerless. Both its ability to assess compliance and the decisions it can issue through the FTSIB regarding the legality of new guns under federal gun laws can be fairly potent tools. When a manufacturer tries to bring a firearm to the market that is technically not FFA but can function as an FFA restricted weapon, or an accessory that can convert a legal firearm into an FFA-type weapon, the ATF has the power to say no. Limited as it is, they have the power to put noncompliant arms industry participants out of business. However, all evidence points to the ATF doing anything but struggling. In 2018, it was reportedly uncovered that senior officials regularly overruled or ignored decisions by IOI agents regarding non-compliant gun dealers.⁹⁰ The ATF indicated that they view suspension and revocation as last resorts used only when FFLs fail to comply after warnings and education on the laws.⁹¹

Put more plainly, the ATF's punishment system is akin to trying to teach small children why they have been bad and asking them not to do it again very nicely; when that fails, the ATF puts them in a time-out. The humor of this rapidly deflates, however, when one considers that arms dealers in this country are supposed to know and follow the rules from the start – this is simple logic. But the true horror is revealed when one realizes that stores that meet the ATF's definition of "willful violation" are being allowed to remain open.⁹² Only a fraction of a percent of violators ever have their license revoked, and even if not every violation is entirely based, it implies that many grounded ones are ignored. In the case of gun manufacturers, the ATF plays it equally lax – one need look no further than issue of bump stocks and recent industry moves to develop and market firearms. Using design trickery and hiding behind "intended use" arguments, manufacturers attempt to circumvent restrictions on short-barrel guns and accessories. It is reasonable to assume that even with their restricted budget and capacity issues, the ATF is at least aware of the general impression within the "firearm enthusiast" community regarding such weapons and accessories – how can you not when popular firearms blogs post article titles like "F*** THE NFA: Remington V3 TAC-13 Scattergun" and openly celebrate that "Today we welcome a new firearm into the short-barreled [*emphasis added*] 12 gauge world..."⁹³ Yet the ATF moves slowly and overly cautiously, emphasizing the conditional nature of certain approvals with the implied understanding that if an incident occurs, the design is going to end up behind NFA licensing

and paywalls.⁹⁴ Rather than be proactive and work for the people, the ATF is willing to put lives at risk to keep manufacturers happy and pumping out more of these functionally illegal weapons.

Figure 7: The Remington V3 TAC-13 Semi-Auto Scattergun.
While the barrel length of 13" makes it illegal under the NFA by three inches,
no shoulder stock and a legal overall length makes this a regular shotgun.⁹⁵



Why? Past and current agency personnel cite an unwillingness on the part of senior officials to act out of fear that it could lead to unsuccessful court cases that would further delegitimize the agency's already meager authority in the industry.⁹⁶ When your agency is already little more than a hall monitor, why take the risk of being downgraded to a sign-in sheet? But the issue runs much deeper than simple agency reluctance and fear – it is an inhibition born out of our nation's Constitution and the Bill of Rights and now layered with a slew of court decisions that have reinforced the current state of firearms in the nation. As previously mentioned, the Second Amendment was intended to protect the people from tyranny by a centralized government's military. Opponents to the centralized structure of the United States were concerned that without affording citizens a means to defend themselves against tyranny would leave open the possibility of America doing what the British did to the colonists, so the amendment protected their right to keep and bear arms in such an event. But because firearm technology at the time was largely underdeveloped, the founders did not specify a mechanism for regulating the keeping and bearing of arms.

This is where the Tenth and Fourteenth Amendments come in. The Tenth Amendment states that all powers not given to the federal government were to reside in the hands of the states,⁹⁷ and Section I of the Fourteenth Amendment contains the clause known as the Privileges, or Immunities, Clause, which states that "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States"⁹⁸ Because the federal government under the Second Amendment is forbidden from infringing on individual rights to keep and bear arms, the Tenth Amendment comes into bear on the status of firearms within "the nation." Through the Tenth Amendment, the responsibility for regulating firearms was left to the individual states.⁹⁹ This progression is a big part of the reason why different states can have very different gun laws. The Fourteenth Amendment, through the Privileges/Immunities Clause, also arguably strengthened the ability of citizens within the States to keep and bear arms by likewise forbidding the States from infringing on that right.¹⁰⁰ While this particular interpretation of the clause was struck down by the Supreme Court in *United States v. Cruikshank* (1876), the overall impression among certain populations that the government should have as little to do with regulating civilian ownership of firearms seems to have persisted to this day. The decisions handed down by the Court in *District of Columbia v. Heller* (2008) and *McDonald v. City of Chicago* (2010) affirmed, tragically, that the Second and Fourteenth Amendments respectively placed fatal restrictions on both federal and state capabilities to restrict ownership of handguns by citizens.¹⁰¹ Certain states have taken this and run to push the boundaries of civilian firearm ownership, while others have done their best to protect their citizens' lives with far more stringent regulations.

So, while one might have begun to view the ATF's lack will to utilize the few tools that they have to enforce the meager federal restrictions in place in a rightfully negative light, it should be clear that this lack of will is not simply due to the ATF's senior management. They may be afraid that pushing too hard could lead to even further restrictions on their powers, but they have fairly substantial reasons to be afraid. The constitutional, legislative, and court protections of firearm ownership and by extension those of manufacturers is formidable and does not favor enforcement activities. Sadly, this means that the ATF is legally and psychologically bound to wait until more innocent blood is shed due to a firearm or accessory that occupies that grey area of legality. Manufacturers, dealers, and enthusiasts all know or understand this, and as a result more and more of these "technically legal, functionally illegal" weapons continue to be designed, produced, and enter civilian armories.

THE PROTECTION OF LAWFUL COMMERCE IN ARMS ACT (PLCAA)

On the topic of the 2005 Protection of Lawful Commerce in Arms Act (PLCAA), then-CEO of the National Rifle Association (NRA) Wayne LaPierre was quoted that year as saying that the act was "the most significant piece of pro-gun legislation in 20 years."¹⁰² He was not wrong, as 15 years later the PLCAA remains the most significant law in the country regarding firearms, preceded only by the Second Amendment itself and possibly the NFA. The preceding section of this report has dealt extensively with the lacking regulations and, by extension, the protections that the American arms industry enjoys. However, no law is a better embodiment of the protections that firearms and arms manufacturers have enjoyed for nearly two decades than the PLCAA. **By granting immunity from most forms of potential liability caused by the usage of their products, the arms industry has little incentive to change their business practices or ensure their products are, so far as the statement applies to instruments of death, safe.** The end result is that we have, and continue to, suffer and die with bullets and buckshot lodged in our bodies.

The PLCAA has its roots in the 20th century with the founding of the modern National Rifle Association and an overall decline in the gun industry's economic power. The NRA most people are familiar officially began in 1977, when "conservative activists" took over control of the NRA from its less politically minded leadership and began to aggressively lobby states and the federal government for more a more relaxed gun environment.¹⁰³ But this change was sparked in large part to the seminal publication of *Principles of Personal Defense* by ex-military man Jeff Cooper in 1972. Cooper's military background led him to have a rather nuanced view of what he considered to be growing lawlessness in the country and emphasized that "This [booklet] is for those who feel that anyone who chooses physically to attack another human being *does so at his peril* [emphasis added]."¹⁰⁴ Inspired by Cooper, the NRA baked the idea that violence, even lethal violence, using a firearm could be justified for the purposes of self-defense.

The NRA's rising activism in the political realm and the concept of personal defense could not have come at a better time for America's arms manufacturers. Foreign competition and a decline of traditional market segments had significantly crippled the industry, which was desperately attempting to find new markets in order to live on. And with the help of the NRA, they found it in people who were troubled by the rising violence of the 1980s and 90s, though it should be noted that the phrase "rising violence" during this time carries significant racial implications.¹⁰⁵ Crime has always been a problem in urban areas, and while one could argue that the relationship between that fact and the fact that minority share of urban population has been steadily rising¹⁰⁶ over decades, one cannot disagree that in the wake of the Civil Rights Act more white Americans were becoming afraid that violent criminals (who just so happened to not be white) were coming to destroy their communities. Osnos, writer of The New Yorker article "Making a Killing" cites the 1992 decision that let Rodney King's police beaters walk free as the seminal example,¹⁰⁷ but fueled by both media and political opportunism on issues like the

"superpredator" myth of the 1990s **American perception of the crime problem became underlined by the idea that Black and brown people were the problem.**

The industry was all too happy to jump on this opportunity, despite the fact that crime rates at the time had begun a national decline,¹⁰⁸ and began to market and innovate firearms that would deliver what customers wanted – lethality, portability, and ease of use. But then began the fallout from having more and more guns in the system that fulfilled those requirements – crimes, accidents, and death from firearms began to increase, and not everyone was subscribing to the myth of apocalyptic criminal rampages. Cities around the country, with New York City in particular being heavily involved, began to sue arms manufacturers for instances of liability typically standard in other industries.¹⁰⁹ In particular, these cases tried to emphasize that the arms industry was producing and marketing arms in a way that was both willfully negligent of federal regulations (selling guns to felons, for example) and which encouraged a lively secondhand market that in turn encouraged the use of firearms to commit crimes.¹¹⁰ These suits had mixed results, though successful ones such as New York's 2005 lawsuit alleging willful negligence on the part of creating public nuisance ended up securing laws in the city that allow for lawsuits against manufacturers and dealers that do not voluntarily implement paving the way for the city's laws which are among the strictest in requiring that operators must voluntarily implement certain practices.¹¹¹ Or, more simply, in NYC if you do not do the right thing to keep guns out of the wrong hands, the PLCAA does not protect you from a lawsuit.

But that is a bit in the future. What should be clear is that in the 1990s and early 2000s, there were a number of lawsuits against the industry and while not all were successful, the number that were (as well as the damages resulting) was enough. The industry and the NRA began to lobby extensively for a law that would, effectively, allow them to keep breaking the laws and regulations they already were in order to stay in business. From this effort, the PLCAA was passed in 2005, which granted an immunity from liability that was exceptional even by American standards.¹¹² **The arms industry was, and remains, exempted from any lawsuits alleging liability due to the "criminal misuse" of a firearm, ammo, or parts, as well as lawsuits originating from reckless marketing and sales practices by the industry.** The phrase "criminal misuse" is critical because, depending on the jurisdiction's laws, exempted cases can include everything from willful crime to children accidentally shooting themselves or others. Under the PLCAA, the industry is safe from lawsuits such as the latter because the incidents occurred from misuse stemming from the user's status. Children are generally prohibited from owning and operating firearms both federally and in the states, so instead of it being the manufacturer's fault for designing a gun that was easy enough for a child it is the child or their parents' fault for using or improperly storing the firearm¹¹³ So when your baby accidentally kills itself or others with a gun, under the PLCAA it is the baby's fault for shooting the gun or your fault for not keeping it locked up. This also protects the industry from many instances of defective firearms or design faults that render the weapons, and business practices that are negligent and/or reckless regarding the sale and marketing of firearms are also protected. For the latter, this means that failing to conduct a background check and selling a gun that is used in a crime does not constitute liability under the PLCAA.

The PLCAA does have a few cracks.¹¹⁴ The aforementioned defects and designs protection only applies in instances where the firearm can be proven to have been used or owned in a way that constituted criminal misuse. So, if you were at the firing range and your gun exploded because of a barrel defect, you theoretically have a case; if your child kills someone, even though a lack of safety features might have prevented it, you have no case because the child broke the law by misusing the gun.¹¹⁵ Knowingly and willfully breaking the law by selling to ineligible persons is another; complementary is marketing that violates the law.¹¹⁶

As multiple analyses can attest, this liability is unprecedented in the world of civil lawsuits. Carmakers, drug companies, food producers, and other consumer goods producers can and have been held liable in the past for misuse, defectiveness, negligence, and safety violations for their products. The tobacco industry, which also happens to fall under the ATF's jurisdiction, has been a model for how goods with dangerous health and safety effects on users and non-users can be regulated and controlled in a way that renders them far less of a menace. We, as a society of consumers, are safer because such lawsuits paved the way for strong regulatory restrictions and strong precedents for further regulation, should it be necessary. Yet the arms industry, aside from some token promises to improve product and sale safety, is prevented from the same scrutiny because of a broad, dangerous law like the PLCAA. It is also worth noting that this liability shield has no sunset clause – for nearly two decades, the industry has largely enjoyed full immunity from liability despite judicial and legislative efforts to crack the shield. As former CEO of Sturm, Ruger and Co. Mike Fifer stated in 2011 before an NRA convention, the PLCAA is “probably the only reason we have a U.S. firearms industry anymore.”¹¹⁷ Eleven years later, and posting record profits, the arms industry remains indebted to the PLCAA for allowing them to continue making and selling large volumes of dangerous and potentially illegal firearms.

There is a little hope for those of us who fail to relish in the idea of a nation armed to the teeth. In the 2016 and 2020 presidential elections, the law was brought up by Democratic contenders as a primary factor in contributing to the increases in firearm crimes and, particularly, mass shootings. This renewed interest has exposed more people to a law that has fundamentally endangered the safety of our communities for 17 years. On the litigation side, while most lawsuits against the arms industry have been dismissed pretrial under the PLCAA, a handful have survived to the courtroom and several have had success. The most high-profile lawsuits to succeed, and the one with the most potential to erode the PLCAA, is a lawsuit brought against Remington, the maker of the firearm that was used in the 2012 Sandy Hook Elementary shooting. The plaintiffs argued that Remington broke state law in Connecticut by directly marketing to individuals who could not legally purchase a product and, secondarily, represented a potential threat to the common well-being of the community.¹¹⁸

Figure 8: A side-by-side comparison of the magazines used by the Sandy Hook shooter (left) and a magazine from Call of Duty (right). The similarity is chillingly strong. Image source is Koskoff, Koskoff & Bieder, PC, taken from “How They Did It: Sandy Hook Families Gain Long-Awaited Legal Wins”



As depicted in the image to the above, the shooter utilized a firearm and loading style mirrored from an identical weapon within the well-known realistic first-person shooter (FPS) franchise Call of Duty. They successfully argued that Remington, although defunct by time of the trial, had deliberately taken design and marketing cues from FPS games popular with young men. While the trial ultimately was settled for \$73 million dollars, it has established an important precedent for future cases. However, this is far from a decisive blow; while this case will undoubtedly serve as a foundation, judicial precedent for cases involving the broad immunity to criminal misuse hold strong. The gun industry's marketing may require tweaking, but for the foreseeable future their protection is not under significant threat. Nevertheless, it is the first time such a high-profile case has ended successfully for the plaintiffs and should be celebrated for what it is – proof that we can, and must, continue to struggle for our right to life against the grim specter of firearms.

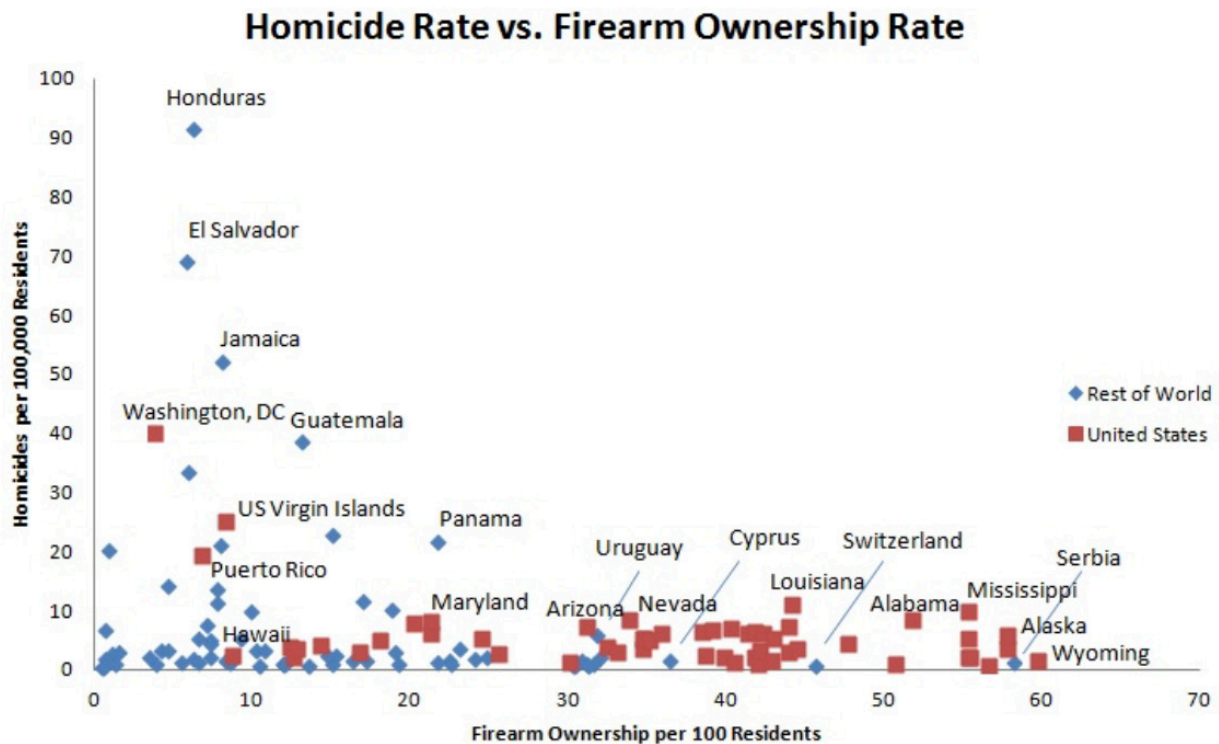
POSSESSION OF ARMS, INEQUALITY, AND THE COVID-19 PANDEMIC

Gun violence, in all forms, has a complex relationship with a variety of social, economic, and political factors that lead to it being a cause and caused by those very factors. Tragically, these factors frequently converge on vulnerable communities of color within the United States. As referenced previously in this report, Black and brown communities suffer a far greater proportion of criminal homicides and injuries involving firearms. Understanding how these factors play into the pure statistics of gun violence allows for a more comprehensive approach to implementing solutions.

As has been previously referenced, the United States has the most heavily armed civilian population on the planet. The estimated total civilian-held firearms, both illicit and legal, in the United States is five and a half times larger than the next highest nation, India.¹¹⁹ When viewed in relation to the United States' equally high placement in lists concerning firearm fatalities it is not only logically self-evident, but scientifically proven, that the high rate of gun ownership corresponds to a higher rate of gun violence.^{120,121} Over the course of this report, it has been repeatedly demonstrated that this is not because America has a number of qualified firearms users, or that every person in the country including infants and children legally possesses a gun. Only a third of all legally-aged Americans admit to owning a gun¹²² and as has been exhaustively detailed, the lack of stringent federal requirements for ownership means that those decisions are left up to the individual states. Because of this, state requirements for buying, owning, and selling firearms can range from highly restrictive to only slightly improving on the federal requirements.¹²³ In Mississippi, which Giffords ranked as the deadliest state in 2021, you only need to meet federal requirements and pass a partial mental health check and somewhat secure your firearms from minors.¹²⁴ There is an undeniable association, notwithstanding private and industry propaganda that being armed leads to safer communities, that the opposite is in fact true.

Figure 9: Comparison of firearm homicide rates vs. gun ownership.

Many American states have higher gun violence rates than entire countries while also boasting higher private firearm ownership. The association between the two could not be clearer - more guns do not make us safer.



The lack of standard and stringent controls puts America at odds with other developed nations with comparatively high ratios of guns to citizens. Switzerland for example, has a ratio of 27.6 guns for every 100 residents,¹²⁶ but their fatality rate due to firearms is practically nonexistent. Switzerland ranks near the United States on the list of nations with the most permissive gun laws in the world as well – in 2011, a referendum calling for military weapons stored at home to be relocated to public arsenals was easily defeated for reasons that included defense against tyranny in an echo of America's own Second Amendment.¹²⁷ And like America, ownership of firearms has deep roots within Swiss culture, with teenagers able to participate in shooting competitions. So why is it that despite being number three on the list of private ownership rates, there is so little firearm violence?

One reason why this may be the case is that Switzerland has an ingrained culture of gun safety. All Swiss men between the ages of 18 and 34 are required by law to serve in the armed forces, where they are drilled as soldiers on topics that include the proper use, care, and storage of firearms. The United States federally does not require either theoretical or practical demonstrations of firearm safety law and practices¹²⁸ – Switzerland does,¹²⁹ and provides it to half the population automatically through their mandatory enlistment. But perhaps the biggest difference, and thus the reason for why the violence rate is so different between the two nations comes from how gun ownership is treated by the law. Unlike America, the right to keep and bear arms is not guaranteed by the Swiss constitution but by federal and canton law.¹³⁰ This legal difference grants far more leeway to the government to specify what weapons are permissible, as well as the requirements for ownership and storage. Americans and Swiss¹³¹ citizens can buy and own almost all of the same guns with the exception of automatic assault firearms for the Swiss unless it is a service weapon or receives special permission.¹³² This is incidentally why the 2011

referendum specifically addressed automatic military firearms. Swiss Service members who are issued an assault rifle¹³³ keep them at home until their service ends, but the Swiss military overall functions more like America's National Guard with many members leading private lives outside of periodic training once boot camp is completed.¹³⁴ This led to concerns that should a member decide to commit a firearm crime, they have access to far more deadly weaponry than the average citizen might have.

Returning to the original topic, unlike the United States the Swiss have a battery of regulations that affect the purchase and ownership of firearms. Switzerland requires: a universal background check, third party references, aforementioned safety proficiency, licensing for most firearms except certain rifles and shotguns, a valid reason for owning any firearm that requires a license, and re-licensing every five years.¹³⁵ Open carry is generally allowed depending on the weapon, license, and canton laws, but concealed carry is practically impossible without passing additional background checks and credible evidence of need or danger to one's person. The United States, as discussed, requires none of these federally except licenses for certain firearms and the legality of ownership and open and concealed carry are left to the states.¹³⁶ When faced with this yawning difference, it is clear that America's lack of not just industry, but individual regulation is eminently responsible for the number of lives taken or damaged by firearms each year.

Moving away from the issue of ownership and its relationship with gun violence, one of the most important factors in understanding gun violence is its association with income inequality. There is an undeniable link between poverty and crime, as has been established in countless studies,¹³⁷⁻¹³⁸ but it bears repetition due to the importance of this connection on gun violence. The reality is that households and individuals that have less access to wealth, adequate income, or economic opportunities that can pave a way to financial stability and prosperity are two times as likely to commit violent crimes as those with better opportunities or economic statuses.¹³⁹ The report by The Brookings Institute previously cited, while primarily focused on understanding the economic factors that drive individuals before and after incarceration, paint a picture of economic stress that is chilling to say the least. Only about 49% of able-bodied men were employed three years prior to their imprisonment, and were only making median earnings of \$6,250 while employed.¹⁴⁰ More recently, a 2021 study of nearly 68,000 firearm deaths in youths 5-24 years of age from 2007 to 2016 found that nearly two-thirds of firearm-related homicides occurred or could be attributable to living in an area with high poverty rates.¹⁴¹

From the general notion that poverty and crime are inexorably linked spawns a variety of secondary factors regarding the relationship between the two, especially with guns. There are a number of theories that purport to explain exactly what motivates people in economic distress to commit crimes,¹⁴² but many agree in some form that for most individuals, a cost-benefit ratio of sorts is employed to assess whether a crime will result in a substantially better outcome than not committing a crime. This is complicated, however, by the number and nature of the factors that can affect that ratio for individuals depending on how those factors are weighted, but one's economic situation is undoubtedly one of, if not the most, important factor. Faced with the numerous problems associated with poverty and poor economic opportunity – lack of housing, lack of food and water, lack of opportunities to improve one's situation, and so on – it is no wonder that more people feel that criminal activity is their only choice to survive. This is exacerbated in areas where income inequality is greater; there are a plethora of studies, the Department of Housing and Urban Development's (HUD) Office of Policy Development and Research (PD&R) noted in a 2016 article entitled "Neighborhoods and Violent Crime", which point to this being the case.¹⁴³ This same report also demonstrated that even in cities with far less income inequality and poverty, violent crimes disproportionately occurred in areas that were poorer.

This should hardly be a surprise, though it remains tragic regardless. All of us have an instinct to survive and live no matter our situation. Those living in poverty are no different than the likes of Jeff Bezos and Bill Gates in that regard. Yet the similarity ends when we see that these areas are populated by people who have been forced to live and grow in areas where the number and quality of legal opportunities are stagnant or receding, not expanding. They have little to no generational wealth to rely on, their education quality is more than likely subpar relative to wealthier areas, their health and development have likely been stunted from a lack of access to expensive healthy food. Proximity to toxic environments can have a significant effect on the overall health of poor individuals; a 2019 report by this organization in particular found that in New York City, poor minority communities were more likely to be sprayed with higher concentrations of carcinogenic herbicides than wealthier communities¹⁴⁴ and other studies have confirmed that toxic waste sites and poor communities go hand in hand.¹⁴⁵

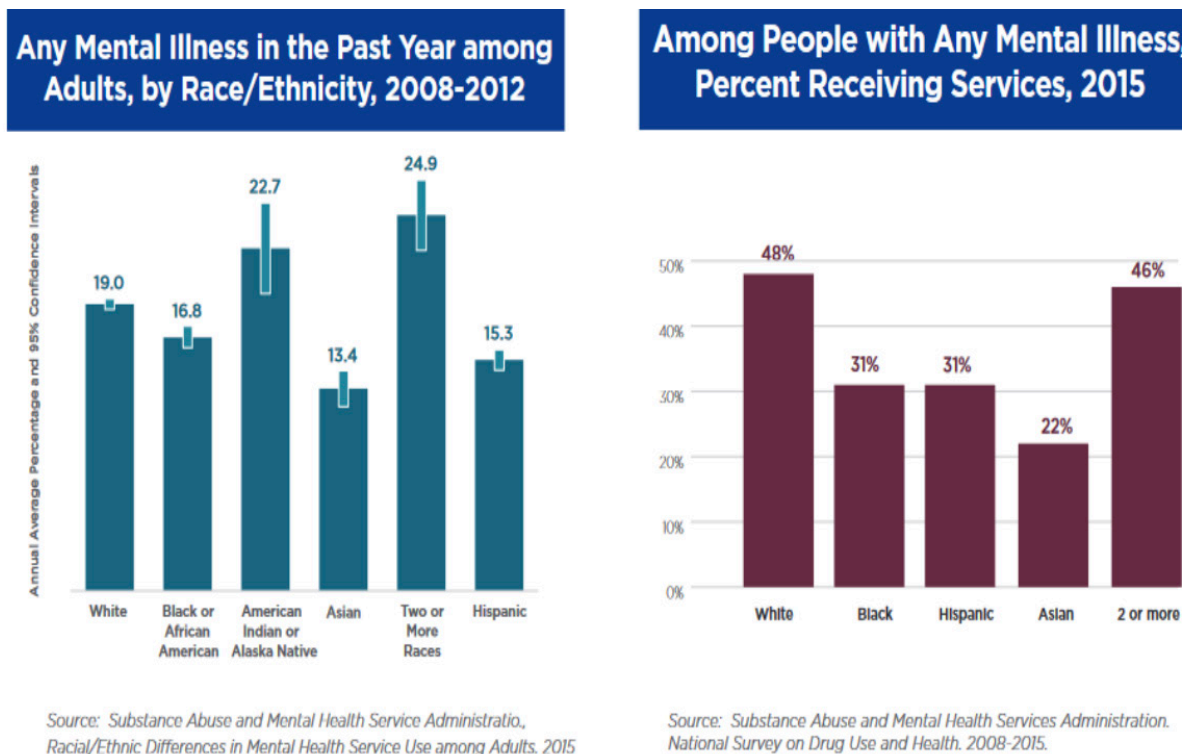
One should look at this list of disadvantages and wonder how it is possible to *not* feel like crime is the only way out. In this context, much like how a degree increases one's ability to find a high paying job, a firearm increases one's ability to ensure that their illicit enterprises have a higher chance of succeeding. Guns are deadly weapons, capable of inflicting lethal wounds in the hands of individuals regardless of their proficiency. We are afraid of guns because they can be used to kill so easily; a desperate criminal can easily leverage this their advantage. The result, ironically enough, is that in the ensuing crime that springs from economic distress, the economic opportunities for the areas the crime occurs in further decreases. Less employers open shop, and more shut down. The value of housing in the area begins to fall even more, and the availability of services may begin to falter. In the latter's case, this can include law enforcement that might otherwise help to deter a rise of criminal activity, though for communities of color the absence of law enforcement is sadly both a blessing and a curse – despite stated obligations to serve and protect the people, law enforcement has a long and horrific record of abuse. But all of these developments serve to accelerate the decline of poor neighborhoods, which in turn spark a new wave of even more desperate individuals who fall into crime, and the cycle repeats.

With that link in mind, it is especially poignant that in New York alone, 26% of all Black people are classified as living in a high-poverty neighborhood.¹⁴⁶ We have made these neighborhoods our homes not by choice, but by compulsion – since our visible chains were broken at the end of the Civil War, we have been consistently denigrated and systemically kept in a state of financial destitution barely better than the dark days of slavery. We have been denied and passed over for work that we have the capacity to do, reduced to jobs that pay us as little as possible and force us to work multiple jobs just to keep ourselves and our families barely fed. Our neighborhoods still suffer from federal redlining from the 1930s,¹⁴⁷ when we were denied loans to improve our houses and communities for no reason other than our race, and now lie dilapidated with us as virtual sharecropper tenants. Our children are not being educated, are not being given the same opportunities as wealthier, white children, and as a result have no choice but to face a question no child should ever have to face. When one thinks about the chains of economic bondage and systemic economic oppression that still remain, and the mouths we have to feed, the choice between legal and illegal employment suddenly becomes murkier. It is not that we condone crime, but simply wish to highlight the desperation we face and how it compels people who might otherwise be law-abiding to have pause.

Which leads to another example of inequity fueling gun violence – social inequality within the United States, especially racial social inequality. Much of this is tied to the effects that economic stress has on populations. Poverty has been linked to worse performance in schools by children, increased disciplinary actions, and can actively encourage the development of psychological disorders such as depression and anxiety through biological and social pressures associated with the general stress of impoverishment.¹⁴⁸ If you are poor, you are more likely to sustain psychological damage in your early years that can affect the quality of life you enjoy later on. This has enormous social implications, given what has already been

established regarding the high poverty rates of minority communities, especially Black communities. And indeed, it is sadly the case that Black and brown people, while they have similar or even lower rates of depression than white people, are more likely to have persistent struggles with depression and other mental illnesses.¹⁴⁹ Non-white groups are also more likely to report higher rates of PTSD and substance abuse, with Indigenous Americans reporting the highest rates of any group, and all minority groups are less likely to receive any sort of mental health care than white persons.

Figure 10: Bar charts depicting mental illness precedency in racial/ethnic groups (left) and patients receiving mental health services by racial/ethnic group (right). Image sourced from American Psychiatric Association; data sources listed under respective charts



Understanding of exactly how mental illness within nonwhite groups, especially on Black individuals, affects perception of quality of life, feelings of control, etc. is a sadly understudied aspect of psychological research. Studies typically tend to focus on broader perspectives and more directly addressable topics, such as improving mental health treatment options to better address gaps in treatments that have historically used data and treatments geared towards middle-class white individuals. However, what research there is tends to find that especially for people of color, experiences with racism, discrimination and bias have a strong relation to the development of feelings of helplessness¹⁵⁰ and powerlessness in Black individuals. This in turn detrimentally increases the likelihood of depression and other mental health issues manifesting in the population.

On the topic of racial discrimination and bias, it is important to also consider the general climate in the United States towards people of color. The existence of substantial racism and individual, cultural, and systemic levels within America is a fact that cannot be avoided or denied. Over 150 years since the end of the Civil War and the passage of the Thirteenth Amendment, and nearly 60 years since the passage of the Civil Rights Act, Black and brown individuals and communities still face enormous barriers towards equality. The economic manifestations of those barriers have already been discussed, but these are fueled by a perception of nonwhite people in this nation by a fairly substantial portion of the country. A 2019 study conducted by The Pew Research Center's Social & Demographic Trends Project found that majorities of both White and Black respondents believe that the legacy of slavery continues to be a major hinderance in America's move towards racial equality, but half of all Black respondents believe that true racial equality will never be achieved in America compared to just 7% of White respondents.¹⁵¹ Across the board, Black individuals were more likely to answer negatively to questions regarding the progress and future of racial equality in America.

This is hardly surprising. Despite breaking the chains of slavery and overthrowing the most egregious instances of systemic segregation, marginalized populations continue to suffer from both implicit and explicit racism by both individuals and the American system itself. Large gaps in pay parity continue to persist despite Title VII of the Civil Rights Act, with Black individuals placing third in median weekly earnings behind Asian and White individuals,¹⁵² respectively first and second, and only barely exceeding median earnings by Hispanic individuals. The election and subsequent term of Donald Trump as President of the United States has led to a perceived increase in both the number and acceptability of racist statements in the public realm.¹⁵³ In particular, the rise of social media and online forums has led to more visible expressions of racist sentiments and degradation, some of which can be found in the image below. Exacerbating this is the fact that oftentimes these venues give users options for significant anonymity, protecting them from real-world backlash and encouraging the continued posting and dissemination of racist content. Additionally, portions of nonwhite, especially Black, culture have been continuously appropriated and used by white creatives without respect or acknowledgement for both its origination or for its cultural significance. This is especially insulting considering common stereotyping of our culture as brutish, excessively violent, and lacking cultural merit by broader society.

As discussed, in regards to systemic economic injustice towards Black and brown communities, young people are particularly vulnerable to the constant pressures of discrimination and racism, promoting aforementioned feelings of helplessness, mental illness,¹⁵⁴ and a sense of hopelessness regarding their futures in society at large. A component of this is that they typically attend schools that are underfunded and are potentially lacking in support structures for students with educational disabilities and/or disadvantageous circumstances. Similarly, students who may be talented or hardworking may also suffer from a lack of resources and encouragement to continue pursuing educational attainment. Their availability of inspiring and stable role models for conventional success may be limited or non-existent depending on the nature and stability of their home lives and parents or guardians. Their neighborhoods may already violent or becoming more violent, but law enforcement is not their friend; in many cases, it can be as great of a threat as being or getting caught in a targeted shooting by others in the community.¹⁵⁵ And growing up in environments with high levels of gun violence and/or witnessing firearm fatalities has been shown to be particularly detrimental to mental health outcomes.¹⁵⁶

Figure 11: Image collage exemplifying belligerent internet racism.

Slurs have remained uncensored to illustrate the gravity of the situation on certain sites. Left is a Presidential tweet, top right and middle are posts from the /pol/ board of 4chan,, bottom right is from a Tweet discussing formats used for racist sentiment.



All this can have devastatingly negative effects, damaging their internal sense of self-worth early and leading youths to seek outside alternatives to protect, socialize, and create a sense of ego for themselves, even if those methods are violent or illegal. As outlined in a 2014 article testing a theory in Antwerp, Belgium, to explain why youths participate in violent gangs, youths that demonstrated higher levels of "normlessness," or willingness to break rules for a greater goal, were more likely to participate in violent gangs.¹⁶⁰ While not directly applicable to the United States, and especially Black youth, a multitude of other research and ground-level testimony¹⁶⁴ has confirmed that the need for protection and control is a large part of why minority youths, involved in gangs or not, are more likely to carry firearms.

It should be clear now why this is such an issue – more guns mean more deaths, especially youth deaths, and thus more profit for the arms industry. But the social pressures that feed gun violence point to far more deep-seated issues in how our country treats vulnerable youth. Whether or not it particularly alludes to our children, the research is there to prove that we are coerced by forces of culture well beyond our ability to resist without damage. We live in a nation that has never believed that we are human, and has only grudgingly given us little trinkets and tokens of respect and recognition that we have had to fight tooth and nail for every single time. Our culture is vilified and ignored, yet praised and appropriated depending on the whims of white social, cultural and political elites. Our children, our future, are continuously reminded that this country barely cares whether they live or die, and as a result they are conditioned to remain in the cycle of oppression and violence. The high rates of firearm violence seen in our communities is only an extension of this underlying social oppression that, despite all fanfare to the contrary, remains strongly embedded in the hearts, minds, and practices of our nation.

The advent of the 2020 Covid-19 pandemic has only served to exacerbate these casual socioeconomic forces in the gun violence epidemic. We were already struggling to make ends meet, to stay alive and hopeful in the face of some of the most blatant racism this nation has ever expressed, and then the world ground to a halt. Our employers laid us off or suspended us in far greater numbers than white workers,¹⁶⁵ many of whom enjoyed the privilege of retaining their pre-pandemic salaries and benefits and could afford to work from home. But we could not, because we were shackled by the aforementioned socioeconomic pressures to hourly in-person jobs that vanished with lockdowns. The closure of in-person schooling, confusion, and initial inefficacy of online learning further damaged our children's education, forcing us to deal with the combined pressure of economic privation and attempting to supplement our children's learning. Already-lacking distractions and diversions that could help to keep our children away from negative influences similarly disappeared, and the lack of structure or accountability in online learning the early learning allowed our children greater time to be exposed to these negative influences.

Figure 12: Graphic illustrating the disparity in layoffs between White and Black men and women in the hospitality and leisure industry. Black men and women saw losses disproportionate to their representation in these industries – losses were similar in other key service industries.

Employment shares in 2019 and shares of losses in 2020 in key leisure and hospitality occupational groupings, by race/ethnicity and gender

	Management and professional occupations	Service occupations	Sales and office support occupations
White men			
Share of 2019 employment	32.5%	22.5%	14.3%
Share of losses	25.7%	19.4%	15.3%
White women			
Share of 2019 employment	31.6%	26.9%	30.7%
Share of losses	31.1%	26.9%	30.0%
Black men			
Share of 2019 employment	5.8%	6.6%	4.9%
Share of losses	5.6%	6.3%	6.9%
Black women			
Share of 2019 employment	5.3%	6.7%	13.5%
Share of losses	7.3%	7.1%	13.8%

Our physical health, already poor from the effects of negative socioeconomic modifiers, put us at special risk of dying to the virus in numbers that were disproportionate to other racial and ethnic groups. In particular, in New York City, our children suffered; 1 in 600 children lost at least one parent to the pandemic.¹⁶⁷ Our mental health, similarly poor from the same factors, led to increased reporting of mental health crises, especially in our children,¹⁶⁸ and increased the risk we already had of developing long-term mental illnesses. Our businesses and organizations, important to the economic growth and prosperity of our communities, were routinely beaten out or stiffed of relief funds by bigger, white-owned businesses that our businesses and communities needed far more desperately.¹⁶⁹ When the federal government half-heartedly attempted to alleviate some of the economic pressures resulting from the pandemic, we were mocked and ridiculed for being parasites on the backs of “decent, hardworking (implied) white people.” We became the target of greater and more aggressive hate crimes; our Asian brothers and sisters also became targets due to slander at the highest political levels as the reason for the “China virus.”

The Covid-19 pandemic did not add any especially significant new causal reasons for gun violence. Its primary role was to exacerbate the conditions that we already were suffering from: economic destitution, social degradation, poor health and poor education. It showed that what little progress had been made in addressing those issues could be undone in the span of weeks, leaving us mired in fallout that will take years if not decades to fully recover from. The rise in gun violence during this time was the result of this aggravation.

“GUN CULTURE”

America's firearm violence epidemic, it should be clear, is the result of deeply-rooted issues that cause this violence to be the preferred vector. There is one more major causal reason to address with regards to firearm violence, however, and it has already been alluded to, to a certain extent. This, of course, refers to the fact that Americans really, truly, love their guns with a passion unmatched anywhere else in the world. “Gun culture” refers to the conscious and unconscious ways that individuals in society perceive and interact with guns as both a material and immaterial concept,¹⁷⁰ and it has a large role in understanding gun violence.

Like the United State's liberal gun regulations and the virtually unrestricted capacity of states to determine firearm laws, the origin of this obsession has its roots in the Second, Tenth, and Fourteenth Amendments.¹⁷¹ Following its codification, subsequent and relatively recent interpretations of the Second Amendment have shifted focus away from the first clause of the amendment, or the “well regulated Militia[sic]” clause. Instead, it is the second clause, of the amendment, that “the right of the people to keep and bear Arms, shall not be infringed”, which receives much of the legal attention. In simpler terms, this means that judicial and legislative interpretation at the state of the federal level from viewing firearm ownership as a means of securing the collective freedoms of the country (forming a militia to defend against foreign invasion, etc.) to a far broader means of securing personal safety *within* the state. As previously discussed, the limitations on federal oversight under the Second Amendment means that the Tenth Amendment and Fourteenth Amendment, which as a respectively delegate and confirm the rights of the states to decide exactly how guns should be regulated. This theoretically grants any U.S. citizen the extensive liberty to purchase, keep, and bear any number and almost any kind of firearms in any state. While this is not the case in all states in practice, there are no shortages of states that defend this liberty to the absolute limits of constitutional law.

This constitutional liberty unintentionally fosters an environment for a “cult of guns” to flourish within the country. Up until shortly after the Civil War the arms manufacturing industry was relatively small, as individual gunsmiths and small manufacturing companies were enough to supply the relatively moderate numbers required by both private and public buyers.¹⁷² Recall that firearms up until this time were relatively homogenous in terms of function. However, new innovations in design and industrial production techniques led to the rapid growth in new types of firearms and the industry itself, with many of the companies referenced in this report being founded or formed tracing their origins to the 19th century. This led to a booming industry that offered a wide range of weaponry that could perform general or specific functions depending on the customers’ needs. When people have a large variety choice, they will inevitably develop preferences and attachments to one or two picks – recall that the impetus for the 1934 NFA was the preference of criminal elements at the time for short-barrel machine guns and shotguns that were both powerful and concealable. But it also creates a general appreciation for diversity in a standard product (i.e. firearms) that can be transformed into fanaticism.

Which is partially responsible for some aforementioned events that occurred in the mid-20th century. The National Rifle Association (NRA) was originally founded in 1871 by Union Civil War veterans Colonel William C. Church and General George Wingate to, Church, “promote and encourage rifle shooting on a scientific basis” as they believed that American marksmanship was incredibly shoddy.¹⁷³ Around the time the NFA was passed, or as the NRA refers to it, “In response to repeated attacks on the Second Amendment rights,” they established a legislative affairs division to monitor and advise members about changes to federal regulation of firearms.¹⁷⁴ However, the organization remained fundamentally a hobbyist and educational resource for members, and it was not until 1977 – a year conspicuously absent from the NRA’s account – that the NRA fundamentally changed from hobbyist to lobbyist due to a leadership usurpation.¹⁷⁵ As mentioned, this was in part due to Cooper’s *Principles of Personal Defense* published five years prior, and the NRA does state that their primary lobbyist arm, the Institute for Legislative Action was founded in 1975 after “recognizing the critical need for political defense of the Second Amendment,”¹⁷⁶ which likely refers to the minor restrictions and amendments enacted by the 1968 GCA. While the NRA emphasizes that their primary mission remains firearm education, history has proven that the 1977 leadership change and refocus on lobbying for further “protections” of firearm ownership rights and the relaxation of federal and state regulations changed the NRA. It is clear that its primary role became, and remains, the preservation and expansion of contemporary gun culture and mania.

Capitalism also has its part in transforming firearms from tools of war to lifestyle choice. Earlier in this report it was emphasized that a major boon to the guns industry, notwithstanding NRA lobbying that led to relaxations of state and federal law, was the intense concern for personal safety during the crime spike of the late 1980s and early 90s. They seized the opportunity to create and market firearms that not only would satisfy individual safety concerns, but would be expressions of individuality for consumers. A diverse and expansive number of handguns, rifles, shotguns, and other firearms entered the market, with marketing that catered to individual expression; a modern example is given in the Sandy Hook lawsuit against Remington which demonstrated the company had created and marketed weapons that would appeal to so-called “couch commandos,” fans of realistic military FPS games.¹⁷⁷

As previously mentioned, lawsuits regarding these firearms and laws restricting access to and grades of guns began to pop up with increasing intensity, but the NRA and the industry fought back with equal or greater ferocity. The NRA had, and continues to, work laboriously on a twisted narrative of gun regulation as the work of insidious elements who knowingly or uncaringly wish to destroy America and plunge the streets into anarchy.¹⁷⁸ Playing upon the fears of gun owners, who worried both about losing their deadly (and expensive) toys and their personal safety, the NRA systemically undermines credible skepticism of the “attack on America” narrative and indoctrinated membership through constant propaganda bombardment. Helping them is the nation’s bipartisan political structure, which has allowed them to

exploit factionalism between the political left and right in order to make the issue of gun regulation and safety a political one.¹⁷⁹ By aligning the right to keep and bear arms with a certain set of social, political, and cultural mores, the NRA has been able to carefully construct a demographic that rabidly resists any mitigation of the right to keep and bear arms. Bahtia specifically references the NRA's cultivation of a connection between guns and strength, hypermasculinity, and righteous action,¹⁸⁰ but the demographic is more complex than simply men and women who want to act tough. Anecdotally and in media, gun owners are typically depicted in media as right-leaning, rural and suburban white people with less education who love their country with incredible vigor. This is not entirely fair; as research has shown, at least in terms of race, firearm ownership is actually fairly equal across ethnic groups.¹⁸¹ But the NRA has very successfully managed to, through their narrative efforts, make firearm rights and restrictions a foundational political issue that has led to many of the stereotypes previously listed becoming true. As a result, gun culture has a greater energy and commitment due to its political associations and leads to participants being far more energetic.

At the same time, the arms industry continues to market extremely diverse weapon and attachment options that are sure to appease even the most particular enthusiasts or would-be buyers. In recent years, this effort has been especially helped by the rise of the Internet and its ability to foster communities with dedicated interests. The Firearms Blog, which has been previously cited in this report, is one such example of this, serving as a prolific firearm content creator on topics ranging from weapon reviews to political analysis to helping people through the process of purchasing and registering themselves and their guns. The /k/ (Weapons) imageboard of 4chan¹⁸² operates in a similar way, where users can post and discuss personal collections, stories, information and opinions about firearms, accessories, and developments in the firearm world. While local clubs for firearms enthusiasts have existed for centuries in America, the Internet's nature as a fast and easy way to communicate with others has led to the formation of larger and more densely knit communities to form, as well as the growth of more homogenous opinions on the issues or interests that these communities focus on. The growth of echo chambers for general ideas or opinions for issues like gun violence likewise leads to greater energy in its participants.

Not all of gun culture is the result of nefarious messaging and marketing, however. While there may be a level of participation by the NRA and the industry, guns are organically a part of culture simply due to their overall role in history at both the macro and micro levels.¹⁸³ They have not only been around for over a thousand years,¹⁸⁴ but have been undeniably pivotal in conflict and society. Guns as a symbol and device within cultural storytelling are so ingrained that it would be difficult to point to a kind of cultural media that does not feature some representation of guns. They appear in books, poems, songs, music videos, movies, animations, idioms, games, and visual art because of what they represent to their creators in the context of the work in question. In popular culture, guns are so ubiquitous that there is no shortage of examples to choose from, though the image below should serve the purpose of illustrating this point.

Figure 13: Promotional poster for The Man with the Golden Gun, a James Bond novel-turned-movie.
 Note that the poster features three firearms - Bond's iconic Walther PPK, the titular golden gun, and a laser gun.



A perennial question concerning guns in cultural media like this is whether the depiction of firearms acts as an encouragement for individuals to buy, own, and/or use firearms. Essentially, the question of whether the "glamourization" of guns and gun violence in media has an appreciable impact on rates of gun violence. Studies into the influence of cultural media such as movies and video games on mass shootings suggests that there is a "contagion" effect that can play a role in inducing individuals to commit massacres using firearms, but take care to emphasize that these tragedies cannot be attributed to one sole factor.¹⁸⁶ Culture and sub-culture can have a significant impact on the issue of gun violence, however, especially when the culture is inherently violent. Such is the case of drill music, a subgenre of the trap subgenre of rap music, which originated in Chicago at the beginning of the 2010s.¹⁸⁷ The music is known for being darkly pessimistic and highly aggressive, with lyrics frequently addressing traditional topics of hardcore rap and derivatives like extreme violence, sex, drugs, or condition of life on the streets. Some artists may also "call out" and threaten violence against members of rival gangs or enemies they have an issue, or "beef", with.¹⁸⁸

Although much of this music exists as audio distributed on sites such as Soundcloud, some artists choose to record videos of themselves and/or their friends/gangmates, oftentimes filmed and edited to emphasize the darkness of the lyrics and sometimes featuring the usage of drugs and, sometimes, the flourishing of or imitation of firearms, like the image below.¹⁸⁹ It is not uncommon for the artists or their targets to take action based on or in retaliation for these tracks, with potentially fatal consequences – it is also common for drill artists to be youths. On February 6th, 2022, an 18-year-old drill rapper under the name of Chii Wvttz, real name Jayquan McKenley, was shot and killed in Brooklyn, New York,¹⁹⁰ one of the latest, tragic deaths in the New York drill music scene. His turbulent history as a Black youth and drill rapper was marked by socioeconomic instability at home and multiple instances of arrests for crimes that included murder, but his story is an example of the influences that form a core part of drill music having its trademark darkness and violence.¹⁹¹

Figure 14: Image still from the music video for Chief Keef's track "Close That Door".

Timestamp 0:55. Note the presence of a sub-machinegun, likely a Mac-10 (left) and an AK-47 assault rifle (center right) which is being pointed at the camera



Guns are a natural part of violence culture; their role in McKenley's death and others are representative of just how ingrained gun culture is in America. Although the NRA and arms industry undoubtedly have their part in it, the problem of gun culture runs deeper than a simple twisting of the narrative. There are centuries of history, both in America and the world, that guns have influenced and stamped their mark on, to the point that simply banning the representation of them in media would fail to produce meaningful changes. Culture is a reflection of reality, and when we examine cultural media that glamorizes gun violence, the questions that have to be asked should center on the origins for that media.

THE ARMORY: A COLLECTION OF FIREARMS

Before moving on to the manifestation of symptoms from the aforementioned underlying casual factors in the gun violence epidemic, it bears examining more examples of the guns that are allowed on the street and that are within our popular culture. It serves as an example of just how prevalent high-powered weaponry is in our nation, as well as how our children are exposed to the glamorization of firearms even in purportedly nonviolent activities.

Figure 15: The Colt (Armalite) AR - 15 civilian semiautomatic rifle.

This photo displays three variations of the rifle. While Colt owns the ArmaLite patent and trademark (which is what the “AR” in the name stands for), many other manufacturers have created clones that mimic the original design. The AR-15 and similar semiautomatic rifles are federally legal and have been used in mass shootings including the Aurora Theatre Shooting (2012), Sandy Hook Elementary (2012), the Las Vegas Strip massacre (2017), and Stoneman High School Shooting (2018).¹⁹² Photo retrieved from here; image credit Rich Pedroncelli/Associated Press.¹⁹³



Figure 16: The Bushmaster XM15-E2S M4 style carbine, an AR-15 clone.
Note the similarity in barrel, stock, receiver, and trigger housing. Bushmaster AR-15 clones have been used in several mass shootings. Image credit to Mika Jarvinen via Flickr and Wikipedia.¹⁹⁴



Figure 17: The Avtomat Kalashnikov automatic rifle, commonly known as the AK-47. A global favorite due to its cheap cost, reliability, and relative ease of use. Fully automatic weapons are illegal in the US, but under the Curio statute, it is legal to own a registered pre-1986 made AK-47 for a \$200 registration fee.¹⁹⁵ Retrieved from Wikipedia, the depicted model is a Soviet AK-47 Type 2 which was produced in the early 1950s,¹⁹⁶ making this a legally acceptable firearm to own.



Figure 18: The Uzi, a family of submachine guns and machine pistols; pictured is a model of an Uzi submachinegun.¹⁹⁷ Many more recent submachine guns and automatic pistols have leaned on the Uzi and the name itself has become iconic for small, but powerful firearms. Like the AK-47, post-1986 manufactured firearms are outwardly illegal in the US but it is legal to own Uzis manufactured prior as well as owning the plates to manufacture more.



Figure 19: The Walther PP semiautomatic pistol, which spawned a number of derivative models such as the PPK.¹⁹⁸ The gun is immensely popular in both pop culture (James Bond in particular) and with real world police and civilians as efficient and compact firearm. It has been used in several mass shootings around the country.¹⁹⁹



Figure 20: The Military Armament Corporation Model 10 submachine gun/ machine pistol.²⁰⁰ An iconic firearm especially among gangster rappers, the MAC-10 (as it is commonly known) is smaller and cheaper than many other similar firearms, though it lacked range and accuracy. Like many others, this weapon is illegal unless manufactured prior to 1986 and registered.



Figure 21: An RPG-7 and ordinance.²⁰¹ Contrary to popular belief, it is possible to own a functional RPG, grenade launcher, or other similar weapons and their ammunition in the US. However, each rocket/grenade must be registered with the ATF individually, meaning that in addition to registering the weapon itself each "round" costs \$200 extra.²⁰²



VII. THE SYMPTOMS: NATIONWIDE AND NEW YORK

Having discussed some of the root causes of the prevalence of guns and gun violence overall, it bears out that seeing how that violence manifests is the next critical step to establishing an understanding of how to best address this epidemic.

BY THE NUMBERS

Tragically, there is no better way to see how the root causes of gun violence manifest themselves than by examining just how many people have been injured or killed by them. Total gun violence across the nation has been on an uninterrupted rise since the turn of the millennium and rose especially sharply beginning in 2020.²⁰⁴ This includes homicides, accidents, and suicides, but as one may recall suicides occupy a relatively large majority of total firearm-related deaths.²⁰⁵ Firearm homicides in particular were actually in decline until 2014, whereupon they began to rise again.^{206, 207} Homicide rates spiked drastically in 2020 and continued to rise in 2021 – between 2019 and 2021, the number of homicides has increased by nearly 35%.

New York State and New York City tragically mirrors the nation all too closely when it comes to rates of firearm violence and death. Despite the fact that the total number of violent crimes in New York State in 2020 was 4.2% lower than the 5-year average, firearm-related crime exceeded its respective average by 13.4% and firearm homicides exceeded its respective average. In New York City, nearly two decades of consistently declining gun victims snapped in 2020, with total firearm homicides increasing 71% between 2019 and 2020 and has only continued to rise.²⁰⁹ Year to date shooting victims in 2022 has exceeded 2021 in the same period by over 30%.²¹⁰ Black shooting victims in particular have been on the rise – in 2019 71.4% of shooting victims were Black, and in 2021 72.2% of shooting victims were Black.²¹¹ While this may not seem like a particularly massive increase, this only the total % share of victims. In real numbers, in 2019 this meant that of the 967 total firearm victims,²¹² 676 were Black; in 2021, of the 1,870 total firearm victims²¹³ 1,350 were Black. Horrifying enough is the fact that *not once* in the 12 years since the NYPD began issuing Crime and Enforcement Activity Reports has Black shooting victim share fallen below 70%.²¹⁴ But the fact that in just in two years the total number of Black New Yorkers who have been the victims of shootings has increased 98% is more than just a blood-curdling statistic. The people who all these numbers represent were mothers and fathers, brothers and sisters, our neighbors and community members. Between 2016 and 2020, Black people were 7 times more likely to die from homicide committed with a firearm than white people.²¹⁵

New York City is not alone. The nation's cities are bleeding from bullets at rates not seen in many of them since the 1990s, and it is us that are doing the majority of that bleeding. Black, brown, and other non-white people made up 56% of urban populations in 2018,²¹⁶ and in many cities we make up far more than that. According to Everytown, between 2019 and 2020 the aggregated percent increase of firearm homicides in 50 cities across the country totaled 35%.²¹⁷ That by itself is already atrocious. But in cities with large minority populations, the percent increase often exceeded that. In Chicago, a solidly minority-majority city that has historically suffered from some of the highest gun crime rates of all cities, saw a 56% increase in firearm homicides.²¹⁸ Flint, Michigan, a majority Black city, saw a 92% increase.²¹⁹ By contrast, Phoenix, Arizona, which is solidly majority white, saw an increase of 45%; Austin, Texas, which is also solidly majority white, only saw an increase of 36%.²²⁰ To be clear, the loss of life to firearms is tragic no matter the color of a person's skin; yet despite this, it is all the more tragic that we are dying so much more.

THE IRON PIPELINE AND EXPLOITING WEAK OVERSIGHT

As previously established, federal regulations require that gun movement across state borders as part of business is tracked and available to the ATF at all times. This is to prevent the possibility of guns being trafficked illegally or, in the event of theft, can be traced and hopefully recovered before doing damage. However, the actual strength of the ATF to enforce these regulations is small, and is further hampered by variances in the strength of firearm purchase and eligibility laws depending on the state. It is therefore shockingly simple for criminals to supply demand for firearms in states where purchasers are ineligible to possess certain firearms or wish to avoid a paper trail. These gun traffickers are able to exploit the ease and relative anonymity of purchase in states with liberal gun laws and then retail the guns on secondhand criminal markets or through direct transactions. Over time, trafficking routes have developed between these "supplier" states and their destination states through which thousands of guns travel every year.

One of the most notorious of these is the Iron Pipeline, a network of trafficking routes that spans the I-95 interstate system whose name grimly references the sheer number of firearms that travel along it. According to a 2016 report by the New York State Attorney General (NY AG),²²¹ between 2010 and 2015 there were 52,915 total firearm recoveries; 74% of the firearms that could be traced, a total of 46,514 guns, originated outside of the state. They found that of that number, a total of 34,344 guns, about half could be traced to just six states, which are listed below alongside their share of the trafficked firearms recovered²²² and their Giffords Law Center grade in 2016 for strength of firearm laws.²²³

Pennsylvania

- Share of likely-trafficked firearms: 13%
- 2016/2021 Giffords Score: C

Virginia

- Share of likely-trafficked firearms: 15%
- 2016/2021 Giffords Score: D

North Carolina

- Share of likely-trafficked firearms: 9%
- 2016/2021 Giffords Score: D-

South Carolina

- Share of likely-trafficked firearms: 11%
- 2016/2021 Giffords Score: F

Georgia

- Share of likely-trafficked firearms: 13%
- 2016/2021 Giffords Score: F

Florida

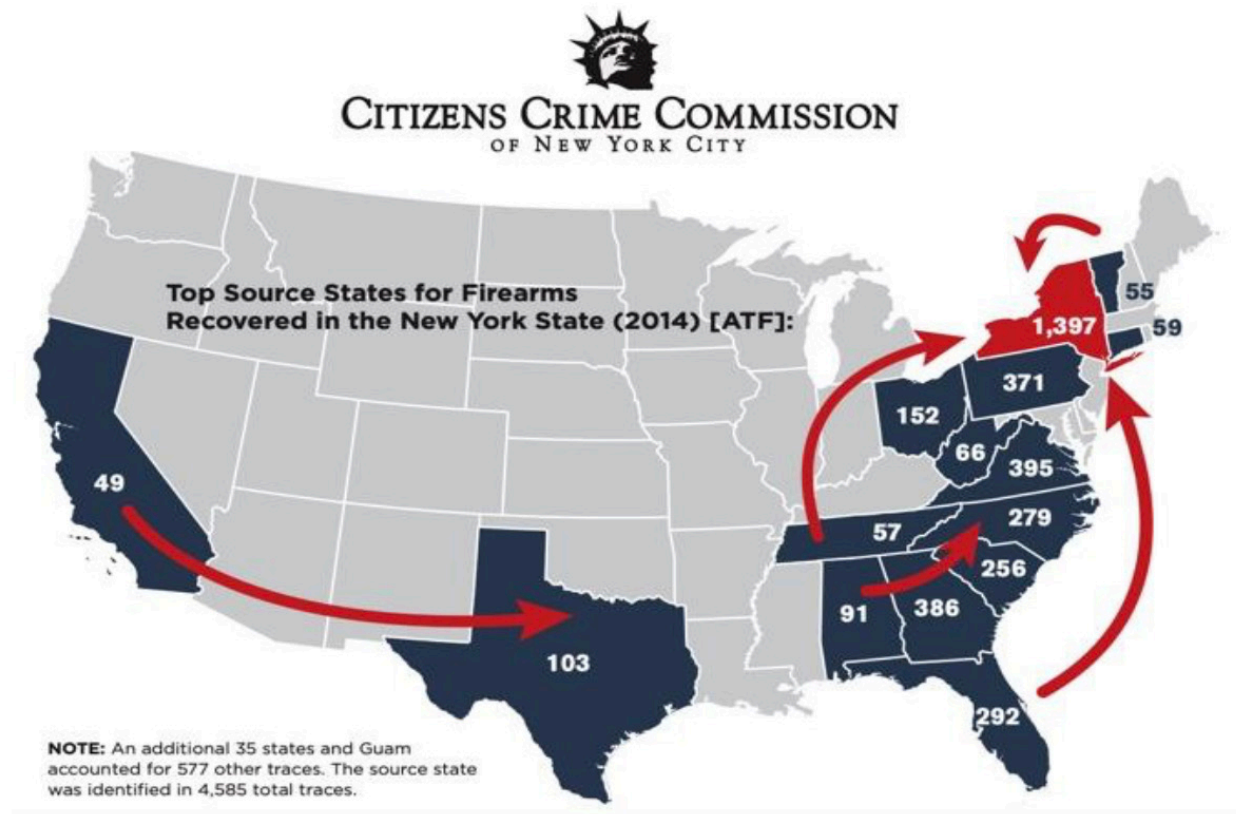
- Share of likely-trafficked firearms: 8%
- 2016/2021 Giffords Score: F

For context, New York State in 2021 had an A- grade and was ranked sixth in the nation for strength in gun laws; in 2016, it was tied with Maryland for fifth. New York State currently requires universal background checks including strong laws regarding domestic violence as a potential limitation, requires licensing for most firearms, strong restrictions on open and concealed carry, strong safe storage and missing firearm reporting laws, and bans on several accessories including high-capacity magazines.²²⁴ In October 2021, Governor Kathy Hochul signed the nation's strongest ban on "ghost guns" into law,²²⁵ standing against one of the most disturbing developments in the firearms industry and community since the passage of the PLCAA. New York City, which according to the NY AG is the largest of the seven major markets for trafficked firearms in the state²²⁶ and accounted for 25,799 recovered firearms of which 87% were confirmed to be out of state, is even stricter. In addition to complying with statewide laws, gun owners in New York City must obtain a valid City handgun license or permit for rifles or shotguns.²²⁷

As mentioned, common characteristic of these "supplier" states is that they require far fewer identification requirements and background checks from prospective firearms purchasers. This makes it much easier for smugglers to purchase large numbers of firearms and ammunition repeatedly without arousing suspicion. Moreover, due to the already discussed lack of ability and will on the part of the ATF, dealers in these states are more likely to "accidentally" fail to check if the individual is licensed or otherwise disqualified from purchasing and owning certain firearms. Adding onto this is that because the ATF is prevented from maintaining trace databases for firearms,²²⁸ and firearms dealers can easily get away with not maintaining accurate inventory records, it is far harder to track these weapons both once they leave the store and back from the scenes of crimes. Of course, a lack of records also means that it is far harder to identify possible traffickers.

The Attorney General of New York explains that to track a single gun they must start at the level of the manufacturer then make their way down to the most recent sale.²²⁹ The ATF is likewise incapable of assisting in tracing efforts unless a formal trace request is initiated. If any of the documentation required throughout this process is lost or destroyed, the agency will not be able to track the original source of the weapon and take the trafficker off the streets. But the issue goes deeper. Handguns are, according to both the ATF and the NY AG, far and away the most popular choice of firearms for usage in crimes. This is because handguns are typically easy to use, draw, and conceal, regardless of whether the owner is licensed for concealed carry or not.

Figure 22: A map from the Citizens Crime Commission of New York City illustrating points of origin for trafficked weapons in 2017. Note that though there are a couple outliers, like California and Texas, the majority of the guns are being sourced from states in the South like Florida, Georgia, Virginia, and the Carolinas²³⁰



As an example, the most popular type of handgun among criminals in 2015²³¹ were 9mm firearms, so let us look at Glock 9mm weapons, which were incidentally also the preferred weapon of choice for law enforcement that year.²³² Using information for a loaded civilian Glock 17 9x19mm (9mm) pistol weighs 32.28 oz, or a little over two pounds, has a barrel length of 4.49 inches, and can hold anywhere from 17 to 33 bullets depending on the magazine the weapon is equipped with.²³³ The NY AG's report does not specify manufacturer numbers for the firearms recovered, but in the analyzed period 75% of firearms recovered were handguns. Being small, lightweight, and using ammunition that is widely popular makes handguns an idea choice for both traffickers and buyers alike.

While objectively illegal trafficking is certainly a major issue, there is another way for disqualified or at-risk individuals to acquire firearms without having to take the risk of dealing with traffickers. One might recall earlier that one of the ATF's statements regarding the licensing of gun dealers is that they should register if they plan on regularly purchasing and selling firearms, but that occasional dealer activities do not require registration.²³⁴ This is a loophole introduced in the 1998 Brady Handgun Bill which has led to the rise of the infamous "gun show." Gun shows are community and national events where both licensed and unlicensed individuals can "show" and sell firearms without needing to conduct NICS background checks on customers.²³⁵ These guns are bought and sold, usually off the record, and as a result cannot be traced by the government in any way until they surface in crime zones or are surrendered to law enforcement. The Brady Campaign notes that the loophole expedites the gun buying process for those who should not be purchasing firearms and would not otherwise pass a federal background check.²³⁶

This loophole is what facilitated the massacre of 9 African Americans at Emanuel African Methodist Episcopal Church during a bible study in South Carolina by a white supremacist. The perpetrator of this horrific massacre was able to purchase his weapon because his background check had taken more than three days to be processed. Even though he was prohibited from purchasing guns due to his personal history, he still walked out with a gun and as a result, people died. The FBI reports that this loophole allows thousands of ineligible individuals from purchasing guns each year.²³⁷ While there is documented evidence which proves the existence of this alternative gun purchasing method, citizens and policymakers around the country deny the existence of the loophole and its role in enabling gun violence in our communities.

ARMED GANGS AND MILITIAS

As touched upon while examining casual reasons for gun violence in America and especially vulnerable Black and brown communities, the issue of armed groups of individuals is perhaps one of the most direct examples of gun violence manifesting in our communities. Yet within the United States, there is a markedly different perception of how different kinds of armed groups are viewed, especially gangs and militias. This has drastic implications for not only the present condition of armed groups, but their potential danger in the future as well.

The word "gang" is defined by Merriam-Webster as a "group, such as a.) a group of persons working to unlawful or antisocial ends, especially a band of antisocial adolescents or b.) a group of persons working together."²³⁸ The definition under a.) is likely to be the first one someone would associate with the word; a relatively organized group of individuals with a degree of shared identity engaged in illicit behavior such as extortion, drug trafficking, prostitution, or other illegal activity.²³⁹ By and large, this definition and reality are consistent with each other, and many people afraid of what gangs are commonly portrayed as representing – dangerous, underworld tumors that threaten law abiding society. Yet something that seems to continue to evade popular understanding is how gangs often resolve into being the only route that individuals can justify taking to themselves.

As previously discussed, many living in poverty, especially people of color, are at significant risk of feeling isolated and worthless in greater society, leading them to be more susceptible to participating in gangs.²⁴⁰ ²⁴¹ Depressed by the systemic pressures on their communities and the hopelessness of their prospects, gangs offer a comparatively rosy life for young people: excitement, money, and a community that will not abandon them like society at large has.²⁴² Gangs provide these youth with purpose, power and possibly enjoyment and stimulation that they found lacking through conventional means and in conventional society. The criminal elements and risks involved in gang membership seem marginal relative to the benefits, especially when the alternative is to seemingly struggle for the rest of your life in a society that does not want you to succeed. The firearms that they are equipped with help to further this sense of control over one's own life,²⁴³ a sense of carving out one's own destiny against the overwhelming systemic pressures that would otherwise destroy them. The violence that ensues and is perpetuated by a continuous stream of new recruits is thus crucial to understanding how gangs perpetuate gun violence.

This is where the concept of militias comes into play as a parallel to the gang. Whereas gangs are primarily defined by their violence and illicit activities, the first definition Merriam-Webster lists for "militia" is "a part of the organized armed forces of a country liable to call only in emergency; a body of citizens organized for military service." Only the third definition adequately describes what militias in the United States have become known for:

"a private group of armed individuals that operates as a paramilitary force and is typically motivated by a political or religious ideology; specifically, such a group that aims to defend individual rights against government authority that is perceived as oppressive."

That, rather than the first definition, is more well suited to describe what militias – which by and large are right-wing, white-dominated political organizations²⁴⁵ – in America. The modern militia movement takes its cues from perceived instances of government excess or abuse of “law abiding citizens,” such as the 1992 Ruby Ridge standoff, which started because of a failure to appear at a weapons charge hearing.²⁴⁶ The word “militia” in the United States is far more associated with the ingrained idea that citizens have a right to form such groups in response to tyranny. After all, it is no coincidence that the word also appears in Second Amendment in the context of the right to keep and bear arms as a protection against oppression by the government. Militias, like gangs, are not homogenous either in culture or objective. Some form as simple community associations for armed members of the community, who are little more than people who have lost faith to such an extent that they want to be prepared to take matters in into their own hands. Others, however, are formed specifically around “preparation for an existential violent threat, in which participants usually envision themselves as heroes—protecting and preserving their families and communities.”²⁴⁷ The most recent wave of militia groups is characterized by an especially strong willingness to act upon what they perceive as that “existential violence threat” to actually put that function of the Second Amendment into practice. The January 6th, 2021 attack on the Capitol by supporters of defeated President Donald Trump is just one example which featured members of several prominent, and large, American militias such as the Oath Keepers.²⁴⁹ Prior to this were armed occupations of land and kidnappings of targets deemed to be oppressive.

Which brings the discussion to an interesting discrepancy in perception. Militias and gangs are functionally similar in many respects, especially in their function of fostering community between likeminded individuals with a common purpose and their usage and ownership of firearms. Yet the concept of the “gang” has one more element to it that has been implicitly baked into it; gang members are people of color, not white people. Never mind that the word itself has no inherent racial implications and that white people can and have formed gangs similar to gangs already described. The rise of prominent Black and brown gangs, and their subsequent media coverage, has led gangs and people of color becoming fundamentally linked in the eyes of society at large.²⁵⁰ It has led to communities of color, our communities, to become the targets of derision as gangland pit stops for violence and drugs and the subject of intense scrutiny and oppression by federal agencies like the FBI or the DEA. Yet these same agencies, especially the FBI, have repeatedly failed to not only surveil paramilitary groups that see America as existentially diseased and willing to take violent action to try and “treat” it²⁵¹ Within the FBI and law enforcement itself, there is little to prevent employees from actually having active connections to the very militia groups they are supposed to be monitoring. The same can hardly be said for gangs.

The association between militias and white supremacy is not a one-to-one issue, but it is common enough to make the claim that where gangs are perceived as criminal associations of people of color, militias are the same for white people. **Yet militias are almost identical to gangs in almost every single respect and are no less dangerous, perhaps even more dangerous, than gangs. Both rely on violence, or the threat of it, to achieve whatever social, political, or economic goals that they have, and share similar identities in how they organize and encourage their communities.** As with many things this means that society at large has, until very recently, given militias a pass for their dangerous ideology and armament; after all, white people could not possibly try to overthrow the government, right? While this situation has changed significantly following the failed January 6th insurrection, white militias still benefit from a perception of being less of a threat than gangs of people of color. This difference in how firearm possession is viewed between these two aspects of criminal organization is what makes militias far more dangerous than gangs in America. Stockpiling weapons and ammunition for a coming insurrection or to defend against a “illegitimate state” while receiving far less scrutiny makes them a danger far beyond gangs. Even though, militias are less prone to the continual firearm violence that characterizes gang warfare and criminal activity, when they do decide to take a stand, January 6th and other militia standoffs should serve as poignant examples of what firearms can do towards destabilizing America.

"GHOST GUNS"

The ATF has been repeatedly shown to be both incapable and unwilling to exercise greater regulatory when it comes to firearms, accessories, and innovations that do not blatantly contradict the few restrictions on firearms it has. The industry and community have not been hampered by the same reluctance, and recent years in particular have led to developments within the arms industry that characterize exactly how extensive this problem is. "Ghost guns," so named because they generally lack the identifiers that all firearms sold in the U.S. are required to include.^{252, 253} Ghost guns take a variety of forms, and prior to advances in 3D printing were typically known as "80% receivers" – unfinished guns that were 80% complete but, because they were missing key components defined as necessary for a gun to be defined as such, they are legally able to be sold without identification numbers or background checks. The word has also, less commonly, referred to similar kits which can be used to build prohibited accessories for firearms, such as silencers, and entirely homemade weapons.²⁵⁴ The reason is that, while heavily discouraged by the ATF for practical safety reasons, there are no federal laws that prohibit civilians from assembling firearms personally. Both the industry and civilians have exploited this to build a thriving sector of the arms economy that trades in "private weapons builds you can do yourself."²⁵⁵

Figure 23: From source: The Liberator, 3D printed hand gun, Cody Wilson/Defense Distributed, May 2013, Texas, US. © Victoria and Albert Museum, London. Credit to V&A Museum



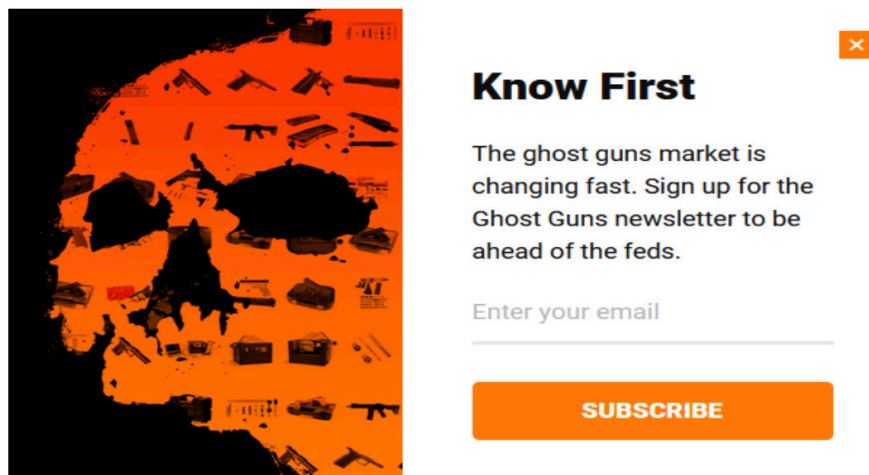
In recent years, however, a new development has fundamentally changed the ghost gun industry from a problematic sub-issue of the greater issue of the unregulated arms industry into a critical threat. On May 6th, 2013, Cody Wilson showed the world through a practical demonstration of his gun, which was named "The Liberator", that 3D printing technology was now capable of producing fully functional firearms.²⁵⁶ The implications of this were, and remain, enormous within the fight to stop the spread of guns and gun violence. While Wilson's design was simplistic, it was a proof of concept that spurred intense innovation not just to design firearms that could be assembled or fully printed, but also to design accessories that had heretofore been either fully illegal or required the usage of serial-tagged components. Examining GhostGuns.com, an online purveyor of both 80% receivers and all aspects of 3D-printed firearms and firearm accessories, and difference a decade has made is astounding. Customers are able to buy printers,

materials, designs, and guides for functional pistols and rifles that are almost visually and functionally indistinguishable from guns made of metal. For \$724.99, users can purchase a kit that includes design files and other parts to assemble a weapon that is a near-perfect replica of the Glock 17 gmm.²⁵⁷ Other sites and community members have offered designs for parts to silencers, pistol braces, and other accessories which can be used to turn already-deadly legal firearms into NFA weapons.

Ghost guns are an incredible threat, now more than ever, because they are fundamentally untraceable. Serial numbers are the reason why firearms can be traced at all, and even they sometimes cannot help due to poor record-keeping on the part of dealers. But even though it is possible to find the information of customers who have purchased 80% receivers or parts in the past, unless they still had the firearm in question making use of that data is already impossible. It is extra difficult in the case of 3D-printed ghost guns and accessories because while it is again possible to track who has purchased and downloaded designs, the best that law enforcement might be able to do is find out what site the design originated from. This has the potential to fundamentally change the way criminal elements use and deal firearms – after all, why take the risk of importing them when you can simply buy a 3-D printer and download designs for everything from pistols to automatic rifles? The only limit is your need and the availability of parts that cannot or are best not produced by printing; these components, such as rails, are easily available through online retailers.

Ghost gun retailers know this and specifically target individuals who want to keep the federal government in the dark regarding the full extent of their collection. They are also aware that there have been substantial efforts to reduce or eliminate their businesses due to the perceived threat they represent. At the federal level, President Joe Biden announced in 2021 that a “crackdown” on untraceable weapons was a critical component to ending the gun violence epidemic.²⁵⁸ Yet many of them understand that aside from a handful of states including New York, which has one of the most restrictive bans on ghost guns in the country,²⁵⁹ the wider market is likely to remain open for some time, if not indefinitely. Traditional and new players in the ghost gun industry, as well as their customers, are constantly on the lookout for potential dangers, and given the arms industry’s general capacity for innovation around federal law it is likely that anything short of a federal ban will allow these companies to continue profiting off this loophole.

Figure 24: A screen capture of a mailing list popup for GhostGuns.com retrieved on February 10th, 2022. Note the phrase “to be ahead of the feds” - a cheeky reminder to regulators that the markets have and will likely continue to adapt faster than they can without more restrictive bans. Also note that as of February 26th, 2022, this pop-up no longer seems to appear; it has been replaced by a box at the bottom of the home page with a generic statement regarding the newsletter



VIII. EFFECTS AND TREATMENT

HOW GUN VIOLENCE HURTS OUR COMMUNITIES

Every year, gun violence costs the United States an average of nearly \$280 *billion* dollars resulting from the strain that both fatal and nonfatal shootings cause public services and private individuals, communities, and other individuals involved.²⁶⁰ Based on the number of fatal and nonfatal shooting victims,²⁶¹ the cost to New York City in 2020 alone can be estimated²⁶² to be nearly \$4.4 *billion*. Of that figure, only about 10.5% of that figure was the cost for government services – the remaining 89.5%, or about \$3.9 billion, is borne by the survivors, victims' families, and the greater community. When victims survive, depending on the severity of their injuries, they may require physical therapy and psychological services that will take weeks, months, or even years to fully heal the damage. Davante Griffen, a survivor of a shot to his leg in March 2021, says that "I still have little sharp pains in my leg sometimes; when I make a slight wrong move or something like that, I feel it a little bit."²⁶³ Griffen's friend, who was present, was shot in the neck and while he recovered, he still carries that bullet. Some may be unable to return to their previous jobs or ever work again if they are paralyzed or sustain injuries that hamper their ability to perform a critical component of their work. Their lives may return to a relative normal, or may fundamentally shift in ways that require additional mental and economic cost.

The families of victims also bear a heavy economic burden, an amount of \$52.8 billion annually,²⁶⁴ especially in the event of a fatal shooting. That burden is put into incredible context when considering that, according to a November 2021 national survey, 81% of respondents said that someone they cared about had died as a result of a fatal firearm shooting.²⁶⁵ Many times, victims are or were sole or co-providers for their families, and the loss of income is especially pronounced in poorer areas where every dollar of income matters for survival. When victims survive, recovery means that they and their families lose wages for a period; when they die, the families may lose their only source of money for food and other critical necessities for survival. Cassandra Montgomery, a survivor of a domestic violence shooting by her husband, said that "Not only did I lose a husband...I was financially affected due to not being able to work because of my wounds."²⁶⁶ Even though there are financial resources exist for the victims of shootings, survivors and families of victims and survivors face daunting applications and difficulties associated with completing them, including the fact that they are still dealing with the trauma associated with the shootings.²⁶⁷ Some families and victims are not even aware that these resources exist; Kellie Cors-Atherly, survivor of her son Todd's fatal shooting in 2012, said it was too late when she learned and that "If I would have known there was relocation money, if I would have known there was counseling money, yes, I would have applied for it."²⁶⁸

Communities likewise bear an economic burden. As discussed previously, areas with high gun violence are typically poorer, with fewer economic opportunities for residents and businesses constantly struggling to keep their communities from devolving into economic blight. Property values decline as prospective buyers look elsewhere for safer communities, damaging residents' personal wealth building especially in communities of color. Businesses are less likely to prosper as traffic to the area drops, with new businesses seeking better locations for economic success and existing businesses closing or reducing capacity in response to poor balance sheets. It can take years of concerted effort to overcome the stigma of violence in the area – in the meantime, these communities have no recourse but to try and survive.

The social and psychological fallout from shootings, fatal and nonfatal, is also a critical effect of gun violence in communities. As mentioned earlier, exposure to firearm violence and fatalities leads to higher rates of mental illness in the exposed over a longer period of time. In the aftermath of a gun violence incident, nine out of 10²⁶⁹ survivors and families of victims suffer some level of trauma over having been

or having a loved one shot, yet it does not stop there. Depending on the context of the shooting, there is a potential range of other emotional distress to deal with simultaneously. Cassandra's story is an example of this – not only was she shot twice at point blank range, but the perpetrator was her husband – in her words, a person “who was supposed to have been my protector.”²⁷⁰ Of direct survivors, those who were shot and survived, 62% report needing mental health services in order to cope with the trauma from the experience.²⁷¹ While accessible services are available, like economic assistance for victims, the availability of such services for the impacted and bereaved is not always satisfactory. The emotional toll of shootings for many survivors is such that they are never able to fully heal from the trauma of a shooting incident. Communities of color in particular suffer from a shortage of accessible mental health support for shooting victims, and private counselling can be prohibitively expensive to the point that victims are left to cope with unresolved feelings as best they can. The impacts of this, as discussed can be tremendous.

In particular, for direct survivors, this can often lead to friction with family and friends that they may not be able to fully relate to or feel that they are unnecessarily burdening. Ernst Edmonds Jr., who was shot and paralyzed in 2015 during a robbery, stated that “Being dependent on so many people, I think that's the hardest thing.”²⁷² A survivor, whose friend was shot and survived, said that ““His entire life has changed. He deals with depression and pain often. I know that my friend is still here and I am so thankful for that, but at the same time, *it is like he has been taken* [emphasis added].” Mental illness in general is a severe issue in part because those around the individual will feel the consequences of their struggles, yet may not be able to help them. In the case of gun violence, this can be especially difficult since those around the survivor may not be able to fully understand the nature of the pain that they struggle with every day, which can lead to the survivor feeling isolated and worsen their mental health and recovery from the incident.

Figure 25: Aamir Griffin, a 14-year-old who was accidentally shot in Queens, New York City in October 2019 while playing basketball. Sadly, Aamir is just one of the many youths who have lost their lives and futures due to the firearm plague



Communities feel the effects too. On January 19th, 2022, an 11-month-old girl sitting in her car seat was critically injured by a stray bullet in the Bronx in New York City.²⁷⁴ This came only days after 19-year-old Kristal Bayron-Nieves was fatally shot during a robbery in an East Harlem Burger King, and on the heels of dozens of firearm homicides around the nation. For community members these incidents can mean many things, but none of them are positive. As mentioned, youths are more likely to develop mental health disorders and become prone to the same behavior that leads to the very gun violence that affected them in the past. Incidents like these can act as demoralizing factors for communities that have struggled with the stigma of gun violence. This frustrates efforts to revitalize and improve neighborhoods where residents, despairing, decide to give up because, like a bystander in the case of the 11-month-old said, “bad people, with bad intentions” would always be around.

WHAT CAN, NEEDS, TO BE DONE?

Looking at gun violence, it is hard to not feel dispirited and helpless. The problems are numerous and extraordinarily difficult to overcome: a powerful industry unwilling to give up its legal advantages and determined to make blood into more money, influential lobbyist organizations ready to fight tooth and nail to preserve a culture of violence and weaponry for its own sake, and a system of oppression that decades of effort has barely come close to dismantling. Despite some successes at the state level, federal regulators are powerless to fully regulate the issue and are too afraid of losing what little they have to try and change the situation for the better. Even in states that have more regulation, illegal firearm trafficking and rampant exploitation of federal loopholes is managing to keep citizens who should not have guns from obtaining them. It is hard to feel like there is hope, and even harder to know where to begin. Yet the severity of this crisis demands that we cannot give up, no matter the odds. The victory of the Sandy Hook elementary school massacre victims demonstrates that there are ways continue attacking these barriers. So, an examination of the ways to mitigate, end, and prevent the specter of unrestricted and widespread firearms is warranted.

One of the most direct solutions is to address the position and supply of firearms themselves. It would seem at first that the simple solution is to simply ban the private ownership of guns, but it is not that simple. There are legitimate uses for firearms in our society, such as hunting, and the maze of legal, judicial, and socioeconomic barriers to outright banning all firearms is simply too complex to navigate with one or two laws and policy changes. One of the first steps that can be taken to end the gun violence epidemic is empowering the ATF to function as it should, without restriction or fear of the industry it should be regulating. The Center for American Progress lists a number of restrictive budget riders that impair the ATF from effectively regulating the arms industry including the inability to establish national track and trace databases, the inability to require dealers and manufacturers comply with agency-decided best practices and the inability to request help from similar agencies and independent researchers through sharing what trace data the ATF has to combat trafficking and prevent guns from disappearing from public view, to name several.²⁷⁵ In addition to counteracting these restrictions and expanding on them, the agency should be given greater ability to set and alter policies for FFLs and owners alike, such as proper storage and sales practices. Of course, giving more power to a government organization that has historically been either reluctant or overeager to make use of its power is hardly appealing. But in the service of ending the firearm epidemic, making the ATF as powerful as similar regulatory organizations is a critical necessity.

While unleashing the ATF would undoubtedly be of great help, regulatory organizations require laws to establish precedent and fully enforce them. The current gun laws that exist at the federal level are too little for the ATF to effectively prevent the spread of arms that fall solidly outside of them, but which still pose a critical threat to the nation's safety. There are several ways that this can be accomplished. One of the most important legislative actions that can be taken is the passage of laws that expands or amends current definitions of NFA-prohibited firearms by adding more classes of weaponry to the list. **The most critical of these weapon types to be banned from civilian possession are semiautomatic firearms including assault rifles, semiautomatic shotguns and pistols, and other firearms which have a capacity for automatic firing rates.** Semiautomatic weapons have been present in all of our nation's worst shooting massacres and simply have no place in civilian arsenals for any decent reason.

There must also be a comprehensive ban on attachments and modifications which render firearms more deadly, including high-capacity magazines and pistol braces, as well as updates to the registration requirements and fees to own NFA-prohibited weaponry. The curio and relics statute, along with the relatively inconsequential \$200 maximum fee, opens up far more dangerous weaponry to far more people than it should, and the former in particular has been abused for decades as a way to acquire and keep guns that are not only illegal, but also functional. By passing new bans and strengthening existing ones, the ATF would have greater regulatory discretion to prevent noncompliant weapons from even reaching the market while simultaneously invalidating a fair portion of current firearm holdings. The same applies to the issue of ghost guns, which have long benefited from loopholes in and a general lack of comprehensive federal firearm regulation. The market for 80% receivers or other "unfinished" guns must be closed or face increased scrutiny so that these products are subject to the same, if not more, requirements that FFLs must meet in order to sell completed firearms.

Legislation that addresses general access to firearms is also a critical component to any effort to stop the gun violence epidemic from claiming more lives. **The lack of federal standards has created immense disparities in the nation between states protecting the people and states protecting guns, and by enacting basic federal standards the circulation of firearms as well as deaths can be curtailed dramatically.** For example, waiting periods are proven to reduce homicides from handgun purchases by nearly 17%,²⁷⁶ and universal background checks help to weed out potentially unstable individuals that are currently allowed to purchase firearms under federal law. As such, federal legislation must increase the bar for firearm ownership considerably including standard waiting periods, universal background checks including mental health, firearm usage and storage certification and periodic re-certification by a federal authority. As previously mentioned, the creation and maintenance of a publicly accessible firearm ownership database is critical to ensuring that firearms are traceable and unauthorized dealing is curtailed, which likewise means that federal laws must close the gun show loophole and other loopholes that allow for untraceable transfers of firearms between individuals. Barring a total closure of these loopholes, vendors at these events must be held to the same standards as FFLs should be regarding recording identity, sales, background checks, and waiting periods. This also applies to ghost guns, especially the 3D printed ones – such digital firearm designs must be banned from civilian possession entirely since, while it might make sense to require sellers include a file that will generate and send off an ID for the printed gun, hackers would almost certainly find ways to circumvent the encryption these files would require.

Legislative action would also include attempts to try and break the PLCAA's formidable protections of the arms industry. A full repeal at this stage is likely impossible, but options could include attempts to add sunset or renewal requirements to force Congress to periodically re-authorize the protections the PLCAA. Attempting to amend the PLCAA in a way that narrows the definition of legal liability for harm caused by firearms is also a viable option, as part of what makes the PLCAA so formidable is that the definition for "criminal misuse" is as broad as it is. Removing the criminal misuse defense for accidental discharges by children, for example, would force the industry to substantially rework weapon design that could end up reducing firearm death from mistakenly shooting oneself or others.

It may seem like the legislation covered thus far is a pipe dream – after all, there have been many efforts to substantially increase the restrictions on firearms and owners alike that have sadly failed. The impression that Americans are monolithic when it comes to the Second Amendment is certainly strong. However, what a majority of Americans want is an expansion of currently existing gun laws and regulations along the lines that have already been discussed, like banning semiautomatic firearms, more requirements for current and prospective gun owners, and (as will be discussed shortly) more solutions to foundational causes of gun violence.^{277, 278} Our communities are tired of bullet holes in our children, and the support is there to make these a reality, but past experience teaches us that the industry and its cronies like the NRA will vehemently stand against blanket action. However, this cannot dissuade us from taking action; as has been demonstrated, even small improvements can help to reduce the number of firearm deaths.

Another possible avenue is judicial action. This could be approached in two ways; one is petitioning the Supreme Court for a reversal of decisions that have strengthened the Second Amendment, such as *Heller*, and the second is to bring lawsuits of a similar nature to that of the Sandy Hook case vs. Remington on the grounds of invalidating state laws regarding specific products. Finally, amending the Second Amendment itself to give the federal government more authority to regulate firearms would ensure that, while the issue of overcoming legislative opposition would still exist, future federal laws and regulations of firearms would be far more likely to be upheld as constitutional, should they be challenged. All of these options have merits and drawbacks, and an effective strategy would likely need to make use of a combination of these and other options.

Another absolutely necessary component of addressing the gun violence epidemic is increasing the funding allocated to support education and mental health programs for especially vulnerable and poor populations. It is beyond clear that historical socioeconomic pressures place a heavy burden on disadvantaged youth, especially those of color, and failing to address this is ignoring a self-perpetuating cycle of oppression. Students of color especially are faced with disadvantageous circumstances, both intrinsic and extrinsic, that threaten to crush their aspirations for better lives. This can be alleviated by investing more into the quality of educational and mental health support for schools servicing these at-risk youths: better classroom materials, more staff to allow for personal engagement, and before/ afterschool programs that can keep impressionable children away from poor external influences as well as allowing them to discover talents or interests that can lead them to fulfilling lives in society. A majority of Americans actually support efforts to reduce gun violence in this way,²⁷⁹ increasing legitimacy of arguing for funding for pilot programs to test efficacy and develop new strategies to keep youths academically engaged and mentally healthy. Additional action must be directed deconstructing the systemic structures that exacerbate socioeconomic inequity: expansion of incentives for hiring poor and minority workers for higher pay, addressing the housing crisis, and building generational wealth among historically impoverished communities is a must.

Another potential way of addressing the gun crisis is to focus on the ground-level instances through community-based approach that works in cooperation with relevant legislation. In some cities, programs known as violence interrupters have shown degrees of success in reducing gun violence in communities, especially among youth populations. These programs reduce violence by forming or using connections within communities to get in touch with especially vulnerable individuals and work with them to find means of resolving disputes peacefully.²⁸⁰ By monitoring and quickly responding to situations that have the potential to escalate to fatal confrontation, especially involving firearms, these organizations are an effective alternative to over-policing areas that are historically prone to violence. The personal element of these programs also creates a unique opportunity to influence at risk individuals in ways that cannot be achieved by simply increasing available resources. Violence interrupters often utilize former felons or gang members as outreach personnel because they have a personal understanding of what at-risk individuals are going through. As LeVon Stone, at the time program director for Ceasefire Illinois and

shooting victim himself told The Trace in 2017 “They really can't give you no excuses because you did it yourself.”²⁸¹ Their experiences can help them to help at-risk youth find alternative ways not only to settle differences, but to look ahead to future opportunities.

That being said, violence interrupters are not perfect. Research has delivered mixed opinions on the level of efficacy²⁸² that these organizations promise in reducing gun violence. While some cities have seen promising results, others have seen none or even negative results from their efforts. SAVE Harlem, which is based in East Harlem, New York, is one example of local success – from nine shootings the year the organization was founded, there was only one shooting the following year.²⁸³ And in Chicago, which is where the Cure Violence method of treating gun violence as a disease and utilizing violence interrupters originated, there has been evidence that nonfatal shootings have decreased.²⁸⁴ However, these decreases are generally not statically significant or consistent even within cities that have also had successes.²⁸⁵ One of the main reasons cited by supporters and detractors is that difficulties implementing these programs can often fundamentally affect their efficacy. Community engagement and rapid response are critical, but these communities are often (and not unjustifiably) suspicious of these organizations and their attempts, and because many of these organizations are reliant on small grants or private donations, they can have trouble with volunteer/employee retention and engagement. Lag time is also a significant factor – even relatively smooth integration takes time to complete and even more time to see results, especially in relation to simply hiring more law enforcement.

Yet, in light of their successes and because of their close engagement with the community, the potential of violence interrupters and other community-based, publicly-funded organizations is there. They should not be dismissed out of hand simply because they require more time and funding to take effect – much of what needs to be done to address the systemic reasons for youth attraction to gun violence will take years, if not decades, to have appreciable effects. Community based solutions are worthy enough alternatives to traditional policing methods to justify increased funding and study. By integrating them in with other solutions, such as adding more educational and mental health support resources to schools, violence interrupters and other community organizations can play a critical role in addressing gun violence outbreaks.

VIII. CONCLUSION

The crisis that firearms both created and perpetuate shows no sign of stopping. Losses in 2022 in New York City have already outpaced those in 2021, with similar rates in the rest of the nation. Firearm ownership in America is not an issue reserved to the halls of Congress and court rooms for politicking – it is a health crisis of epidemic proportion that routinely threatens the lives and livelihoods of millions of Americans each day. While the issue itself is highly complex, there are several aspects of it that stand out:

- The arms industry and lobby is directly responsible for flooding America with guns, but enjoy almost total freedom from regulation and liability
- Gun violence is not only a question of number, but of environment – there are significant social, economic, and cultural forces that have led to the crisis being as bad as it is
- Race is a key factor in understanding and discussing gun violence – more Black and brown bodies in the streets as opposed to White ones is clear evidence of this
- The gun crisis is accelerating in part due to increased innovation and will by the arms industry and consumers to further evade federal oversight into firearm ownership
- Gun violence is its own best ally in perpetuating misery – the economic and social effects of it from the national to the individual level are clear indications of this
- Solutions must address not only the symptoms of the firearm crisis, but its causes as well – failing to address both will only result in slower progress towards ending the gun problem

We cannot allow those responsible for poisoning our communities with iron and lead to continue profiting off their blood economy. Our lives should be far more important in deciding the best practices of this nation regarding firearms than pleasing rich white men in corporate boardrooms. There needs to be a concerted effort to not only regulate the industry, but solve the socioeconomic and cultural pressures that lead to so many of our children becoming enthralled, involved, and ultimately the victims of firearms. The issue must be solved by approaching it at all levels, to both regulate the weapons themselves and elevate those who are so taken by their lofty, but ultimately false promises. The fact that this attraction is so directly correlated to the systemic racism that continues to thrive within our nation is beyond appalling and is just one more example of how America remains the land of partially free. We must end the unequal treatment of the gun violence issue that focuses so heavily on arming more people and casts us, people of color, as the reason for America's violence. We are not the problem – guns are the problem.

Action is needed, and needed fast. Without it, our blood will continue to stain the streets and the cycle of violence and oppression will continue, with the only victors in these pointless shootings being those that have the most to profit from their continuation. Our children will grow up desensitized and nihilistic about their lives and the lives of others, unwitting pawns and targets in a great game of beat-the-numbers by the arms industry and racist gun protection advocates. The cycle must be broken, for our safety, our prosperity, and the future of not only ourselves and our children, but that of America itself.

X. DEMANDS

- **We demand a comprehensive and wide-ranging ban on all firearms, ammunition, and accessories that have no purpose or reason for civilian possession including but not limited to:**
 - Semiautomatic “assault-style” rifles and carbines
 - Semiautomatic shotguns and pistols
 - Non-standard ammunition currently allowable under the NFA such as explosive shells, rockets, etc.
 - Attachments and modifications that can make firearms more deadly or violate the NFA, such as high-capacity magazines and pistol braces
 - “Ghost guns” including 80% receivers, assembly kits, and 3D printing schematics
- **We demand that the federal government and its agencies, such as the ATF, be empowered to functionally and effectively regulate the unchecked abuses of the firearm industry, including but not limited to:**
 - Establishing a federal firearm tracking database
 - Additional funding for more personnel to assess FFL compliance
 - Lifting restrictions on interagency cooperation regarding firearms investigations
 - Lifting restrictions on federal capacity to regulate noncompliant FFLs
 - Freedom to create or amend ownership and FFL standards in accordance with federal law
- **We demand that the Protection of Lawful Commerce in Arms Act (PLCAA) be repealed or amended in order to hold manufactures accountable for the dangers that their products can cause, especially regarding the broad protection of “criminal misuse”**
- **We demand that responsibility for maintaining and amending the Firearm Curios or Relics list be transferred to the ATF, as well as:**
 - Requiring that a firearm must be manufactured at least 75 years prior to the current date in addition to one of the other two categories currently set
 - Requiring that all firearms on the list be rendered inoperable to qualify for civilian ownership
- **We demand that a comprehensive and wide-ranging set of restrictions and requirements on gun ownership be implemented at the federal level, including but not limited to:**
 - Universal background checks
 - A mandatory waiting period no less than five days
 - A minimum of two third-party character references
 - Practical and theoretical certification regarding firearm use, safety, and law, which must be periodically renewed
 - Proof of safe and secure firearm and ammunition storage, with the former and latter stored separately as a requirement
 - A ban on open carry entirely and concealed carry permits without valid reason, which must be renewed annually
- **We demand that firearm manufacturers be required to design new civilian firearms that are “child proof” in order to eliminate deliberate or accidental misuse by anyone other than the owner**
- **We demand that the so-called “gun show” loophole be closed, and that private sales or transfers of firearms be eliminated without federal record and approval**

SET TWO: DEALING WITH GUN VIOLENCE AND ITS EFFECTS

- **We demand legislation and policies be enacted to help to keep at-risk individuals from seeking, acquiring, and using firearms including but not limited to:**
 - Increased funding for schools in at-risk communities to improve the quality of education and create more legal opportunities for success
 - Create policies that foster a healthier learning environment in at-risk schools and support students in finding and succeeding in society
 - Increased funding for afterschool activities and opportunities that can keep at-risk youth busy and away from toxic home environments
 - Increased funding for mental health services for children and adults to combat depression, anxiety, and other mental illnesses that can affect an individual's decision and other programs which keep at-risk youth away from guns
 - Require schools to retain on-staff counselors and mandate all students to meet with said counselors for a period of time in order to identify potentially at-risk individuals
 - Enact firearm advertising restrictions for FFLs including prohibitions on celebrity endorsements, references to popular media and current events, and associations with personality types or demographics
- **We demand that legislation and policies be enacted to address the systemic socioeconomic causal factors associated with gun violence including but not limited to:**
 - A civilian workforce program to competitively employ and train individuals in historically poor or at-risk neighborhoods
 - Expansion of existing federal training programs
 - Identify and subsidize homeowners with mortgages in historically red-lined areas to begin generational wealth building
 - Require online social platforms develop, enact, and enforce strict anti-hate policies
 - Develop and implement programs to subsidize local businesses in historically marginalized and poor communities with an emphasis on minority and women-owned businesses
 - Implement universal standards benefits for hourly workers including healthcare and retirement programs
- **We demand that federal funding for dedicated violence interrupter programs be expanded, as well as study into community services which could work in a similar capacity**
- **We demand that funding and/or subsidies for critical services in areas with historically high rates of gun violence be increased, including but not limited to:**
 - Mental health services
 - Emergency services such as hospitals and clinics
 - Preventative services such as pediatric care and nutrition specialists
 - Addiction counseling and prevention services
 - We demand that federal agencies treat militias and gangs on the same level and take steps to curtail the growth of armed citizen groups
- **We demand that support for the victims of gun violence be increased and more available, including increased financial support for loss of wages and mental health**

XI. FOOTNOTES

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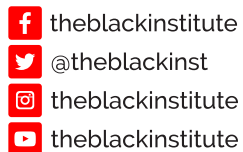
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