Perspective

Tragedy’s Legacy
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We are learning how to watch the news through tears. All those children, and the adults protecting them. With an assault rifle. Up close. The survivors, eyes averted, are led to safety in daisy chains. Ambulances rush to the scene, but nearly all return empty. Loved ones go home empty, too.

We pore over the details, searching for the clues that will bring order to chaos and help us predict and prevent the next one. But these catastrophes are all different. We have found to our dismay that prediction is somewhere between difficult and impossible. Tailored interventions, designed for specific circumstances, will have little effect. We need to take a broader approach.

Sandy Hook, Oak Creek, Aurora, Virginia Tech, Columbine: “it can’t happen here” places where terrible things did happen and 95 people died. Contrary to widespread perception, however, such events are uncommon. Their frequency is not increasing, and they account for only a small fraction of firearm-related deaths and injuries. On average, 88 Americans died every day from firearm violence in 2011, and another 202 were seriously injured. In 2012, for the first time, there will probably be more firearm-related homicides and suicides than motor vehicle traffic fatalities.

The United States has become an extreme example of what could well be termed “global gunning.” With less than 5% of the world’s population, we own more than 40% of all the firearms that are in civilians’ hands: 250 million to 300 million weapons, nearly as many as we have people, and they are not going away anytime soon. We have made social and policy decisions that, with some important exceptions, provide the widest possible array of firearms to the widest possible array of people, for use under the widest possible array of conditions.

The most egregious policies have been enacted at the state level — “Stand Your Ground” laws, for instance, which have been used to legitimize what many people still call murder. Justice Louis Brandeis rightly praised the states as the laboratories of our democracy, but in some of them, experimentation with firearm policy has taken a frightening turn.

We are paying the price of
those decisions. Too often, our children and grandchildren are paying it for us. Payments will continue. Can we do anything to reduce them? I believe the answer is yes.

An argument could be made for a complete rethinking of the role that firearms play in the United States. That is the work of generations, however, and we can accomplish much without it. In the near term, harm reduction is the best approach. We can make specific changes to our firearms laws, on the basis of existing evidence, that will produce measurable benefits.

We should start by requiring background checks for all firearm purchases. When a licensed retailer — gun dealer or pawnbroker — sells a firearm, a background check is performed and a permanent record is kept. But perhaps 40% of all firearms transactions involve private-party sellers, who need not keep records and cannot obtain a background check. I have observed hundreds of these anonymous, undocumented sales; they can be completed in less than a minute.

Not surprisingly, private-party sales are the most important source of firearms for criminal buyers and specifically for persons prohibited by law from purchasing firearms. Such buyers do not volunteer their stories, and savvy sellers know not to ask. Private-party sales are also probably the main reason that the Brady Handgun Violence Prevention Act, which requires background checks for sales by licensed retailers, did not reduce firearm-related homicides.1

Second, on at least two fronts, we should broaden our criteria for denying someone the purchase or possession of firearms. Among persons who purchase firearms legally, those with a previous conviction for a misdemeanor violent crime (e.g., assault and battery) are roughly nine times as likely as those with no criminal history to be subsequently arrested for a violent crime.2

With two or more such prior convictions, the risk increases by a factor of 10 to 15. Alcohol abuse is a leading risk factor for both interpersonal and self-directed violence, and firearm owners who abuse alcohol are more likely than other owners to engage in violence-related behaviors with firearms.3

What about purchases by the mentally ill? The current lifelong federal prohibition applies to anyone “adjudicated as a mental defective” — language that is offensive and ambiguous. For many reasons, including the ambiguity, the databases on which background checks rely are incomplete. More than one mentally ill mass shooter, including Seung-Hui Cho (Virginia Tech, 2007) and Russell Weston (U.S. Capitol, 1998), passed a background check and purchased firearms from a licensed retailer because their eligibility was uncertain or records were unavailable. We need better data and criteria that take account of the evidence that mental illness is treatable and that risk for violence is not increased substantially unless there is a history or threat of violence or a history of substance abuse.

We know that comprehensive background checks and expanded denial criteria are feasible and effective, because they are in place in many states and have been evaluated. California, for example, requires a background check on all firearm purchases and denies purchases by persons who have committed violent misdemeanors. Yet some 600,000 firearms were sold there in 2011, and the firearms industry continues to consider California a “lucrative” market. The denial policy reduced the risk of violent and firearm-related crime by 23% among those whose purchases were denied.4

We also know that state-level regulation is insufficient by itself, because firearms simply flow from states where laws are lax to states where laws are stricter. Some pathways even have names, such as the Iron Pipeline from the Southeast to New England. At gun shows in California, where direct private-party sales are illegal, such sales are almost nonexistent. At shows just across the border in Reno, Nevada, where private-party sales are legal, dozens occur, and a third of the cars in the parking lot are from California.

These proposals enjoy broad support. In fact, public-opinion polls have shown that 75 to 85% of firearm owners, including specifically members of the National Rifle Association (NRA) in some cases, endorse comprehensive background checks and denial for misdemeanor violence; 60 to 70% support denial for alcohol abuse.
(It is deeply ironic that our current firearm policies omit regulations that are endorsed by firearm owners, let alone by the general public.)

And the icy hands of the firearm lobby may be losing their grip on the political process. The NRA is simply not able to drive election results as it has been thought to do. The Sunlight Foundation reports that less than 5% of the NRA’s campaign spending in 2012 went to races that ended with the result it was seeking. Mayor Michael Bloomberg of New York has repeatedly declared his intention to establish a well-funded electoral counterweight to the NRA to advance a “mainstream agenda” on firearm policy. President Barack Obama has appointed Vice President Joe Biden to chair a new task force that will develop “specific proposals” for policy reform legislation no later than January.

This time, the circumstances are different. The outcome will be different only if we make it so. The interventions proposed here will not end firearm violence in the United States, but they will reduce it, and that’s a goal worth fighting for. If Sandy Hook, Aurora, and the others are what it takes for us finally to confront this challenge, they will still be terrible beyond description. We will still share responsibility for them. But it will be of some comfort to know that all those students, educators, moviegoers, and temple-goers did not die in vain.

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