

EXAMINING UVALDE: THE SEARCH FOR BIPARTISAN SOLUTIONS TO GUN VIOLENCE

HEARING BEFORE THE SUBCOMMITTEE ON CRIME, TERRORISM, AND HOMELAND SECURITY OF THE COMMITTEE ON THE JUDICIARY U.S. HOUSE OF REPRESENTATIVES ONE HUNDRED SEVENTEETH CONGRESS SECOND SESSION

THURSDAY, DECEMBER 15, 2022

Serial No. 117-78

Printed for the use of the Committee on the Judiciary



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EXAMINING UVALDE: THE SEARCH FOR BIPARTISAN SOLUTIONS TO GUN VIOLENCE

Thursday, December 15, 2022

HOUSE OF REPRESENTATIVES

SUBCOMMITTEE ON CRIME, TERRORISM, AND HOMELAND SECURITY

COMMITTEE ON THE JUDICIARY

Washington, DC

The Subcommittee met, pursuant to call, at 10:39 a.m., in Room 2141, Rayburn House Office Building, Hon. Sheila Jackson Lee [Chair of the Subcommittee] presiding.

Present: Representatives Jackson Lee, Nadler, Demings, McBath, Dean, Scanlon, Bush, Cicilline, Lieu, Escobar, Biggs, Jordan, Gohmert, Steube, Tiffany, Massie, and Owens.

Staff Present: Aaron Hiller, Chief Counsel and Deputy Staff Director; John Doty, Senior Advisor and Deputy Staff Director; David Greengrass, Senior Counsel; Moh Sharma, Director of Member Services and Outreach & Policy Advisor; Cierra Fontenot, Chief Clerk; Kimia Rahbar, Staff Assistant; Merrick Nelson, Digital Director; Keenan Keller, Chief Counsel, Crime; Mauri Gray, Deputy Chief Counsel, Crime; Natalie Knight, Counsel, Crime; Nicole Banister, Counsel, Crime; Jill Ginstling, Detailee, Crime; Veronica Eligan, Professional Staff Member/Legislative Aide; Christopher Hixon, Minority Staff Director; David Brewer, Minority Deputy Staff Director; Tyler Grimm, Minority Chief Counsel for Policy and Strategy; Ella Yates, Minority Member Services Director; Jason Cervenak, Minority Chief Counsel for Crime; Kiley Bidelman, Minority Clerk; and Brock Snyder, Minority Staff Assistant.

Ms. JACKSON LEE. The Subcommittee will come to order.

Without objection, the Chair is authorized to declare recesses of the Subcommittee at any time.

[Audio played.]

Ms. JACKSON LEE. Good morning, and welcome to today's hearing, "Examining Uvalde: The Search for Bipartisan Solutions to Gun Violence."

The sound we just heard was rampant fire on that day.

As we go forward, let me remind Members of this very important hearing that we'll have the ability to communicate on an email address and a distribution list to circulate exhibits, motions, other written materials that Members might want to offer as part of our hearing today.

If you would like to submit materials, please send them to the email address that has been previously distributed to your offices.

We will signature the materials to Members and staff as quickly as possible.

I would also ask all Members to please mute your microphones when you're not speaking. This will help prevent feedback and other technical issues. You may unmute yourselves any time you seek recognition.

I now recognize myself for an opening statement.

I wanted, however, the very first sound to be in this hearing gunfire, even before we offered instructions, directions, email: Gunfire. The reason is because imagine in the whole litany of gunfire in America, through weapons of war, there was no notice, there was no information given, there were no signals, there were no instructions about emails or anything else that might have saved our children. It was gunfire.

So, today, the Subcommittee turns, once again, to the subject of gun violence, examining this ongoing crisis by focusing on one of the most terrible tragedies in our Nation's histories: The murder of 21 people, 19 of them children, on May 24, 2022, at the hands of an 18-year-old armed with an AR-15-style rifle at Robb Elementary School in Uvalde, Texas. That school still stands.

In September, Representative Joaquin Castro and I held a hearing in Uvalde where they listened to parents of victims, citizens, and Arnulfo Reyes, a teacher in room 111.

Mr. Reyes told us that he did not realize what was happening until he saw the bullets breaking sheetrock off the walls. He saw the shooter's shadow and the sparks coming from the gun as he fired into his classroom, hitting him and then his students. No notice. Gunfire.

As Mr. Reyes lay on the floor for some 77 minutes, the shooter sat at his desk and taunted him. He poured water on him. He smeared Mr. Reyes's own blood onto his face, then shot him in the back to make sure he was dead.

Fortunately, Mr. Reyes survived. We got a call—when he got the call that morning, Julio Cazares rushed to the school, a parent. While he and other parents begged officers to rush in, he could hear shots being fired inside. As officers began to bring children out of windows, Julio hoped to see his daughter, Jacklyn, emerge from one of those windows. Sadly, he did not see her. Instead, he later saw his daughter pulled out of an ambulance at the hospital.

We now know of the cascade of failures that led to the tragedy at Robb Elementary School. An investigation by a special Texas House investigative Committee found that systemic failures and egregiously poor decision-making contributed to the loss of life.

Gunfire makes no appointment. Gunfire by an automatic weapon, a weapon of war, never stops.

Despite the eventual presence of 376 law enforcement officers, not one of them confronted or engaged the shooter. After a group of first officers on the scene tried to approach rooms 111 and 112, were met with gunfire, gunfire from AR-15-style rifle. Without an assault weapons ban, more people will die. If we're not going ban them, then law enforcement must be trained to confront these weapons of war. Yes, we must train law enforcement like warriors in a battle on the combat field.

Gunfire from an AR-15-style rifle turned those armed officers on their heels and left them paralyzed in the hallway for well over an hour. Uvalde Sheriff Ruben Nolasco led a litany of chaos, confusion, and inaction that day. His failures, coupled with the presence of an assault rifle, left every little hope—left very little hope for the children in rooms 111 and 112. Although the officers had information that a child was on the phone with 9-1-1, surrounded by dead bodies, Sheriff Nolasco led officers away from the immediate threat, instead of ordering them to storm the room and try to save the children.

That day law enforcement's failures of implementation, planning, training, and duty delayed paramedics' ability to reach those who might be saved. We saw the video of parents trying to climb through windows or trying to break through doors.

Let me be very clear: This is not a comment on the millions of law enforcement officers who today and days gone by stand ready to serve, who have broken into places to save people, stop burglaries, stop murders, save children, dumped into water, and risked their lives. Don't dare suggest that is the comment today. Don't dare.

What we are saying is that we have to be honest, and that babies have died, and parents are mourning, and the Federal Government has to be the final and ultimate word of responding to the sacrifice of those babies and the parents who mourn.

We know for certain that Eva Mireles, a teacher in room 112, died in an ambulance. Three young students died in local hospitals, including Jacklyn, who died at 1:17 p.m. from gunshot wounds to the chest.

We will hear today from Faith Mata, a young woman whose 10-year-old sister, Tess, was murdered that day. Ms. Mata will tell us about the hours she spent waiting, hoping to hear that her sister was among the survivors, only to have officers ask her for her DNA sample to identify her sister's body.

Law enforcement failed the Mata family and every other family represented at Robb Elementary School that day, including the siblings of Uziyah Garcia who are so afraid to go to school that they get sick to their stomachs. The victims of the horror—and these are babies, 10-year-olds—that took place in Uvalde, were also failed by this country's gun laws.

While some States restrict the purchase of long guns, including assault weapons until the age of 21, Texas and Federal law allow those guns to be purchased at age 18. The Uvalde shooter asked multiple people to purchase guns for him before he turned 18, but fortunately, they refused. As soon as he was old enough to legally buy the guns for himself, again 18, not 21, he purchased two AR-15-style rifles. In less than a week, he amassed more than 2,000 rounds of ammunition, with the bulk of it being delivered to his doorstep. It is important to note that the shooter had already purchased 60 30-round magazines, a holographic sight, a snap-on trigger system in February before his 18th birthday.

In some States, the shooter's behavior might have allowed someone to raise a red flag and alert authorities that he might be a danger to others and prevent him from obtaining a firearm, but Texas has no such law. These must be Federal laws. Again, a red flag law

would have stopped the shooter from obtaining these deadly weapons and saved so many precious lives. They shouldn't be able to opt in. It should be a Federal law.

As a country, we banned the sale of assault weapons for 10 years, but when the ban expired, we saw a tripling of number of active shooter incidents, a tripling in the average number of people murdered in active shooter incidents. The mass shooters, the school shooters, the grocery store shootings, have continued unabated.

Yesterday we observed the 10th anniversary of the massacre at Sandy Hook Elementary School in Newtown, Connecticut. Nothing has been done. On that horrific day, 20 first graders as young as six years old, and six teachers were lost to gunfire. Like Uvalde, the Sandy Hook shooting was perpetrated by a young man only 20 years old, armed with an AR-15-style assault weapon who had killed his mother before going to the school.

Today in memory of that tragedy, we will also hear from Nicole Melchionno, a survivor of that massacre. She remembers all too well what it was like as a seven-year-old child to hide in a classroom, trembling in fear, thinking she would never see her family again as the crack of gunfire echoed the halls of her school. Nicole still bears the scars of her trauma. Yet, she will come today and bravely tell her story in the hopes that we will act, so no child will ever endure that again.

Democrats in Congress have spent more than two decades trying to do something, anything to stop the violence and end the bloodshed. We hoped the Republicans would join us, but they opposed us at every turn. During this Congress alone, Democrats have put forward numerous policy proposals to prevent losses of life like those in Uvalde, Buffalo, Sandy Hook, Tree of Life, El Paso, Las Vegas, and the Pulse nightclub, among others.

Through this Committee we have supported raising the age of firearms, extreme risk protection orders or red flag laws, a renewed assault weapons ban, restrictions on large capacity magazines. I introduced a simple bill honoring Kimberly Vaughan Firearm Safety Storage Act. She died at Santa Fe, 14-year-old, which would have encouraged the proper storage of firearms and ammunition.

Democrats also put forth numerous bills to invest in fund law enforcement, including bills that would provide better training and targeted resources, coordinate the creation of an active shooter alert, and ensure better communication and trust between our law enforcement and the communities they serve.

Led by our Chair, Chair Nadler, we've worked every single day. Bill after bill, policy after policy, our friends, Republicans colleagues, oppose our efforts to keep our communities safer. They've repeatedly opposed legislation that could prevent violence, and they have opposed investments in effective law enforcement.

While rejecting and distorting our commonsense proposals, Republicans have offered no credible policy solutions of their own. We hope today, as the meeting says, that we can develop a bipartisan approach. As a result of these lax gun laws and underinvestment in law enforcement, have led to rates in red States, have had spillover effects across the country as guns flow into our communities without restraint.

In June, after Uvalde, we were able to enact the Bipartisan Safer Communities Act. While the Act took a step forward on gun violence prevention, we have so much more to do.

Without further action, our communities will continue to suffer losses of life like those in Uvalde, which affect our mental health, our sense of safety and security, and our trust in law enforcement.

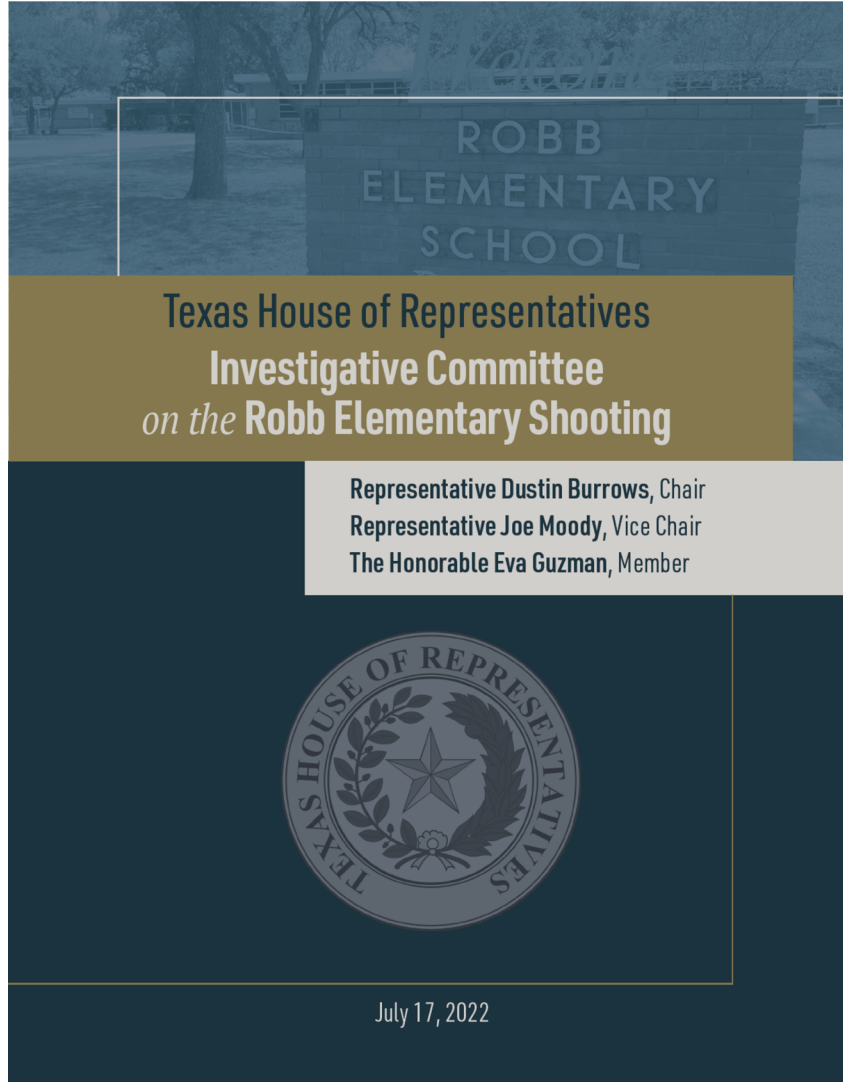
Just this morning on the news, I heard a citizen in Washington say, as much as they try to work, he's just sick and tired of gun violence. That is why our hearing today is so important. We should all be sick and tired of gun violence and violence by weapons of war.

I look forward to hearing from each of our distinguished guests who will speak directly to the issues of gun violence that threaten our Nation's safety. I thank our survival Witnesses for their bravery and willingness to share their stories.

Without objection, I submit into the record the following documents: Texas House of Representatives Investigative Committee on the Robb Elementary School Shooting Interim Report; the Advanced Law Enforcement Rapid Response Training Alert Centers, Robb Elementary School Attack Response Assessment and Recommendations.

[The information follows:]

MS. JACKSON LEE FOR THE RECORD



The cover features a background image of a school sign for Robb Elementary School. The title is displayed in a gold-colored box, and the committee members' names are listed in a white box. The Texas House of Representatives seal is centered in the lower half, and the date is at the bottom.

**Robb
ELEMENTARY
SCHOOL**

Texas House of Representatives
Investigative Committee
on the Robb Elementary Shooting

Representative Dustin Burrows, Chair
Representative Joe Moody, Vice Chair
The Honorable Eva Guzman, Member



July 17, 2022

**HOUSE INVESTIGATIVE COMMITTEE
ON THE ROBB ELEMENTARY SHOOTING
TEXAS HOUSE OF REPRESENTATIVES
INTERIM REPORT 2022**

**A REPORT TO THE
HOUSE OF REPRESENTATIVES
88TH TEXAS LEGISLATURE**

**DUSTIN BURROWS
CHAIR**

**COMMITTEE CLERK
PAIGE HIGERD**



Investigative Committee On
the Robb Elementary Shooting

July 17, 2022

Dustin Burrows
Chair

P.O. Box 2910
Austin, Texas 78768-2910

The Honorable Dade Phelan
Speaker, Texas House of Representatives
Members of the Texas House of Representatives
Texas State Capitol, Rm. 2W.13
Austin, Texas 78701

Dear Mr. Speaker and Fellow Members:

The Investigative Committee on the Robb Elementary Shooting of the Eighty-seventh Legislature hereby submits its interim report for your consideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dustin Burrows", written over a horizontal line.

Rep. Dustin Burrows

A handwritten signature in black ink, appearing to read "Joe Moody", written over a horizontal line.

Rep. Joe Moody

A handwritten signature in black ink, appearing to read "Eva M. Guzman", written over a horizontal line.

Justice Eva Guzman

Vice-Chairman: Joe Moody
Members: Justice Eva Guzman

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P R E F A C E

This is the interim report of the Investigative Committee on the Robb Elementary Shooting of the Texas House of Representatives.

Conscious of the desire of the Uvalde community and the public at large to receive an accurate account of the tragedy at Robb Elementary School, the Committee has worked diligently and with care to issue this interim report of its factual findings. The Committee's work is not complete. We do not have access to all material witnesses. Medical examiners have not yet issued any reports about their findings, and multiple other investigations remain ongoing. The Committee believes this interim report constitutes the most complete telling to date of the events of and leading to the May 24, 2022, tragedy.

This Committee has prioritized factual accuracy, as will be evident from our attention to conducting our own interviews and documenting our sources of information. Still, based on the experiences of past mass-shooting events, we understand some aspects of these interim findings may be disputed or disproven in the future.

The Committee issues this interim report now, believing the victims, their families, and the entire Uvalde community have already waited too long for answers and transparency.

A C K N O W L E D G M E N T S

The Committee gratefully acknowledges the assistance of all who helped with its investigation and the preparation of this interim report, including Clement Abbondandolo, Margo Cardwell, Courtney Chaplin, Matthew Crow, Casey Garrett, Harrison Garrett, Paige Higerd, Ted Liggett, Michael Massengale, Kolton McDougald, and Ellic Sahualla.

D E D I C A T I O N

The Committee submits this report with great humility and the deepest respect for the victims and their families. It is the Committee's sincere hope that this brings some clarity for them as to the facts that happened. This report is meant to honor them.

You will notice the name of the attacker is not mentioned. We also will not use his image, so as not to glorify him.

Nevaeh Alyssa Bravo

Nevaeh is remembered as a playful girl who put a smile on the faces of everyone around her. Her family meant the world to her, and she often helped her father around the house. Nevaeh loved the colors pink and purple and enjoyed playing softball and riding her bike.

Jacklyn "Jackie" Jaylen Cazares

Jackie is remembered as a caring girl who enjoyed singing and making TikTok videos. Jackie loved animals (especially her four dogs) and wanted to become a veterinarian; she also dreamt of visiting Paris. Jackie was known as someone who would go out of her way to help anyone.

Makenna Lee Elrod

Makenna is remembered as the light in the lives of those who knew her. She loved the color purple, softball and gymnastics, and spending time with her family—especially time on the ranch with her dad. Her smile lit up rooms, and she liked to leave hidden notes for her family to find.

Jose Manuel Flores, Jr.

Jose is remembered as loving and kind. He was an honor roll student who wanted to be a police officer when he grew up to help protect other people. Jose was an amazing big brother who looked out for his siblings, and his parents called him "a helper" because he was always pitching in at home.

Eliahna "Ellie" Amyah Garcia

Ellie is remembered as a gentle, kindhearted girl who loved spending time with her family and was very close with her grandparents. She enjoyed playing basketball and wanted to be a cheerleader one day. Ellie adored the colors pink and purple and loved a nice bowl of ramen noodles. She was a long-term planner who was already picking dresses and dances for her quinceañera five years away.

Irma Garcia

Irma is remembered as courageous and selfless—a wife and mother of four who was always willing to lend a helping hand to anyone who needed one. She was a 23-year teacher. Irma died protecting her students, and her heroism will be remembered forever.

Uziyah Sergio Garcia

Uziyah is remembered as an outgoing boy who loved his family as well as his "cousins and brothers from another mother." He was always fair and full of life, and he enjoyed running, swimming, football, and playing his Nintendo Switch and Oculus.

Amerie Jo Garza

Amerie is remembered as considerate and fun-loving. She was protective of her three-year-old brother and would kiss him every morning before she went to school. Amerie loved swimming, drawing, and vanilla bean frappés from Starbucks. She dreamt of becoming an art teacher one day.

Xavier James Lopez

Xavier is remembered as an active boy who loved swimming and playing little league baseball for his team, the Blue Jays. He was lively, energetic, and always eager to dance, especially the cumbia with his grandmother. Xavier was known for wearing stylish clothes and had a smile that could cheer anyone up.

Jayce Carmelo Luevanos

Jayce is remembered as a happy, thoughtful boy with many friends who always seemed to be running around his yard with him. He made his grandparents a pot of coffee every morning and would leave notes saying that he loved them. Dinosaurs were one of his favorite things.

Tess Marie Mata

Tess is remembered as a natural athlete who enjoyed softball, soccer, and gymnastics—she especially loved doing backbends in gymnastics. Tess was a fan of the Houston Astros and even played the same position as her favorite player, José Altuve, in softball. She was saving up money for a family vacation to Disney World.

Maranda Gail Mathis

Maranda is remembered as smart and nice, a shy tomboy who loved the color purple, especially when it was on unicorns and mermaids. Maranda also enjoyed spending time outdoors and had an incredible imagination.

Eva Mireles

Eva is remembered as dedicated and vibrant. She enjoyed CrossFit, hiking, spending time with her dog, Kane, and being with her family. Her smile was bright and her commitment to her students was still unwavering after 17 years as an educator. She was a hero who never gave up throughout an impossible ordeal.

Alithia Haven Ramirez

Alithia is remembered as talented and bighearted. She was a gifted artist who wanted to go to art school in Paris one day. She was also a mature role model to her siblings and was always thoughtful about helping those in need.

Annabell Guadalupe Rodriguez

Annabell is remembered as empathetic and loyal. She enjoyed spending time with her sisters and watching TikToks. Her favorite color was blue—especially blue found on butterflies. Annabell was on the honor roll and known for being a sharp student.

Maite Yuleana Rodriguez

Maite is remembered as sweet and competitive. She loved learning about animals and the ocean, especially dolphins, whales, and dogs. She was an honor student who dreamt of attending Texas A&M to become a marine biologist. Her favorite color was green, and she enjoyed a #13 from Whataburger—always with a side of sliced jalapenos.

Alexandria “Lexi” Aniyah Rubio

Lexi is remembered as intelligent and driven. She had a contagious smile and enjoyed playing softball and basketball, which she excelled at. Lexi was an all-A student who wanted to become a lawyer one day, and she was interested in social and political issues because she wanted to make a difference.

Layla Marie Salazar

Layla is remembered as witty and lively. She loved singing with her parents while coming to and from school and going with her grandparents for tacos. She was also an avid swimmer, dancer, and runner who’d won six races at a recent field day.

Jailah Nicole Silguero

Jailah is remembered as a joy to be around, a pure delight who enjoyed making TikToks to show off to her family and friends. Jailah was always dancing and liked to spend time outdoors as well.

Eliahna Torres

Eliahna is remembered as loving and compassionate. She enjoyed making other people laugh and was a “master of jests.” She was also an amazing softball player up for a spot on the city’s all-star team. Eliahna was a natural leader who was also known for her warmth and selflessness.

Rojelio Fernandez Torres

Rojelio is remembered as a clever, positive boy who enjoyed being outdoors in his free time as well as playing football and videogames like Pokémon. Rojelio was always eager to help others and had a real love for life.

1 | INTRODUCTION & EXECUTIVE SUMMARY

There is nothing we can do to heal the wounds suffered by the Uvalde community, nothing that can redress the loss of 21 souls stolen from their families and friends. We must critically examine the contributing factors to the horrific massacre at Robb Elementary School to try to provide answers and prevent similar tragedies in the future. A safer environment for all Texas children is one of the ways we can honor the memory of the students and teachers murdered in Uvalde.

Across our state, men and women who work in the fields of education and law enforcement exemplify both service and sacrifice. Teachers dedicate themselves to the betterment of society through the promise of a new generation. Police officers see danger and run to meet it, knowing the cost and stepping forward to pay it. In pursuing these high callings, teachers and police officers live in the public square—nurturing, encouraging, protecting, preserving. They render this service on behalf of us all, but especially for children, who are the most innocent and vulnerable among us. Like the rest of us, educators and law enforcement officers sometimes fail at crucial moments. When they do, that does not diminish the good work and sacrificial service of their professions as a whole.

Of necessity, this report will describe shortcomings and failures of the Uvalde Consolidated Independent School District and of various agencies and officers of law enforcement. At the outset, we acknowledge that those same shortcomings could be found throughout the State of Texas. We must not delude ourselves into a false sense of security by believing that “this would not happen where we live.” The people of Uvalde undoubtedly felt the same way. We must all take seriously the threats to security in our schools and the need to be properly prepared to confront active shooter scenarios.

Other than the attacker, the Committee did not find any “villains” in the course of its investigation. There is no one to whom we can attribute malice or ill motives. Instead, we found systemic failures and egregiously poor decision making. We recognize that the impact of this tragedy is felt most profoundly by the people of Uvalde in ways we cannot fully comprehend.

The School

With hindsight we can say that Robb Elementary did not adequately prepare for the risk of an armed intruder on campus.

The school’s five-foot tall exterior fence was inadequate to meaningfully impede an intruder. While the school had adopted security policies to lock exterior doors and internal classroom

doors, there was a regrettable culture of noncompliance by school personnel who frequently propped doors open and deliberately circumvented locks. At a minimum, school administrators and school district police tacitly condoned this behavior as they were aware of these unsafe practices and did not treat them as serious infractions requiring immediate correction. In fact, the school actually suggested circumventing the locks as a solution for the convenience of substitute teachers and others who lacked their own keys.

The school district did not treat the maintenance of doors and locks with appropriate urgency. In particular, staff and students widely knew the door to one of the victimized classrooms, Room 111, was ordinarily unsecured and accessible. Room 111 could be locked, but an extra effort was required to make sure the latch engaged. Many knew Room 111's door had a faulty lock, and school district police had specifically warned the teacher about it. The problem with locking the door had been reported to school administration, yet no one placed a written work order for a repair.

Another factor contributing to relaxed vigilance on campus was the frequency of security alerts and campus lockdowns resulting from a recent rise of “bailouts”—the term used in border communities for the increasingly frequent occurrence of human traffickers trying to outrun the police, usually ending with the smuggler crashing the vehicle and the passengers fleeing in all directions. The frequency of these “bailout”-related alarms—around 50 of them between February and May of 2022—contributed to a diminished sense of vigilance about responding to security alerts.

Other factors delayed the reporting of the threat to the campus and to law enforcement. Low-quality internet service, poor mobile phone coverage, and varying habits of mobile phone usage at the school all led to inconsistent receipt of the lockdown notice by teachers. If the alert had reached more teachers sooner, it is likely that more could have been done to protect them and their students.

In violation of school policy, no one had locked any of the three exterior doors to the west building of Robb Elementary. As a result, the attacker had unimpeded access to enter. Once inside, the attacker continued into the adjoining Rooms 111 and 112, probably through the door to Room 111, and apparently completely unimpeded. Locking the exterior and interior doors ultimately may not have been enough to stop the attacker from entering the building and classrooms. But had school personnel locked the doors as the school's policy required, that could have slowed his progress for a few precious minutes—long enough to receive alerts, hide children, and lock doors; and long enough to give police more opportunity to engage and stop the attacker before he could massacre 19 students and two teachers.

Because of these failures of facilities maintenance and advance preparation, the attacker fired most of his shots and likely murdered most of his innocent victims before any responder set foot in the building. Of the approximately 142 rounds the attacker fired inside the building, it is almost certain that he rapidly fired over 100 of those rounds before any officer entered.

T h e R e s p o n d e r s

Since the 1999 Columbine tragedy, the law enforcement community has recognized the critical importance of implementing active shooter training for all officers, regardless of specialty. Also, all officers must now acknowledge that stopping the killing of innocent lives is the highest priority in active shooter response, and all officers must be willing to risk their lives without hesitation.

At Robb Elementary, law enforcement responders failed to adhere to their active shooter training, and they failed to prioritize saving the lives of innocent victims over their own safety.

The first wave of responders to arrive included the chief of the school district police and the commander of the Uvalde Police Department SWAT team. Despite the immediate presence of local law enforcement leaders, there was an unacceptably long period of time before officers breached the classroom, neutralized the attacker, and began rescue efforts. We do not know at this time whether responders could have saved more lives by shortening that delay. Regardless, law enforcement committed numerous mistakes in violation of current active shooter training, and there are important lessons to be learned from each faulty assumption and poor decision made that day.

The Uvalde CISD's written active shooter plan directed its police chief to assume command and control of the response to an active shooter. The chief of police was one of the first responders on the scene. But as events unfolded, he failed to perform or to transfer to another person the role of incident commander. This was an essential duty he had assigned to himself in the plan mentioned above, yet it was not effectively performed by anyone. The void of leadership could have contributed to the loss of life as injured victims waited over an hour for help, and the attacker continued to sporadically fire his weapon.

A command post could have transformed chaos into order, including the deliberate assignment of tasks and the flow of the information necessary to inform critical decision making. Notably, nobody ensured that responders making key decisions inside the building received information that students and teachers had survived the initial burst of gunfire, were trapped in Rooms 111 and 112, and had called out for help. Some responders outside and inside the building knew that information through radio communications. But nobody in

command analyzed this information to recognize that the attacker was preventing critically injured victims from obtaining medical care. Instead of continuing to act as if they were addressing a barricaded subject scenario in which responders had time on their side, they should have reassessed the scenario as one involving an active shooter. Correcting this error should have sparked greater urgency to immediately breach the classroom by any possible means, to subdue the attacker, and to deliver immediate aid to surviving victims. Recognition of an active shooter scenario also should have prompted responders to prioritize the rescue of innocent victims over the precious time wasted in a search for door keys and shields to enhance the safety of law enforcement responders.

An effective incident commander located away from the drama unfolding inside the building would have realized that radios were mostly ineffective, and that responders needed other lines of communication to communicate important information like the victims' phone calls from inside the classrooms. An offsite overall incident commander likely could have located a master key more quickly—several people on campus had one. An offsite overall incident commander may have suggested checking to see if officers could open the door without a key—in hindsight, they probably could have. An offsite overall incident commander who properly categorized the crisis as an active shooter scenario should have urged using other secondary means to breach the classroom, such as using a sledgehammer as suggested in active shooter training or entering through the exterior windows.

Uvalde CISD and its police department failed to implement their active shooter plan and failed to exercise command and control of law enforcement responding to the tragedy. But these local officials were not the only ones expected to supply the leadership needed during this tragedy.

Hundreds of responders from numerous law enforcement agencies—many of whom were better trained and better equipped than the school district police—quickly arrived on the scene. Those other responders, who also had received training on active shooter response and the interrelation of law enforcement agencies, could have helped to address the unfolding chaos.

Yet in this crisis, no responder seized the initiative to establish an incident command post. Despite an obvious atmosphere of chaos, the ranking officers of other responding agencies did not approach the Uvalde CISD chief of police or anyone else perceived to be in command to point out the lack of and need for a command post, or to offer that specific assistance. Several will suggest they were misled by false or misleading information they received as they arrived; however, the “chaos” described by almost all of them demonstrates that at a

minimum, responders should have asked more questions. This suggests a training deficiency, in that responding officers failed to adequately question the absence of command. Other responders failed to be sufficiently assertive by identifying the incident commander and offering their assistance or guidance, or by assuming command in the absence of any other responder having expressly done so. In this sense, the entirety of law enforcement and its training, preparation, and response shares systemic responsibility for many missed opportunities on that tragic day.

2 | BACKGROUND & HISTORY OF INVESTIGATION

On June 3, 2022, Speaker of the Texas House of Representatives Dade Phelan created by proclamation the Investigative Committee on the Robb Elementary Shooting, pursuant to Rule 1, Section 17, and Rule 4, Sections 57 and 58, of the Rules of the House of Representatives. Three members were appointed to the Committee: Representative Dustin Burrows, Chair; Representative Joe Moody, Vice-Chair; and the Honorable Eva Guzman, Public Member. The Speaker gave the Committee the same authority and duties conferred on standing committees under the rules, and the Committee is set to expire on the date the 88th Legislature convenes.

Speaker Phelan charged the Committee with the duty to “conduct all inquiries into the actions of any State or local officer, employee, department, agency, institution, or instrumentality and any political subdivision needed to make a complete and thorough examination of the facts and circumstances of the events relating to the violent acts, shootings, and murders at Robb Elementary School in Uvalde.” In the conduct of its investigation, the Speaker charged the Committee to “examine the evidence developed by all law enforcement authorities” and to “acquire and analyze additional evidence as needed to make comprehensive findings.” The Committee has the additional duty of providing assistance to the Select Committee on Youth Health and Safety and the Committee on Homeland Security and Public Safety in the consideration of their joint charges on mass violence prevention and community safety. This Committee “shall submit a final report in the same manner as an interim study committee under Rule 4, Section 61, Rules of the House of Representatives.”

Put more simply, this is a fact-finding committee. The Speaker has tasked other legislative committees with the difficult but critical responsibility of proposing policy in response to the tragedy at Robb Elementary School.

The Committee held its first meeting on June 9, 2022, in Austin, Texas. In an extensive briefing in executive session, Col. Steven C. McCraw, Director of the Texas Department of Public Safety, provided the Committee an overview of the status of the ongoing DPS investigation, including the attacker’s background, the incident timeline, and the response by law enforcement. The Committee reviewed a composite video recording of the attacker’s approach to the school and law enforcement’s response. The meeting concluded with DPS agreeing to provide its evidence to the Committee.

The Committee then heard three days of testimony on June 16th, 17th, and 20th in Uvalde, Texas. Testifying witnesses included employees of the Uvalde CISD (including Robb

Elementary School staff), the Uvalde CISD Police Department, the Uvalde Police Department, the Department of Public Safety, and members of the attacker's family. On June 17th, all three members of the Committee visited the Robb Elementary School campus accompanied by Uvalde CISD Superintendent Dr. Hal Harrell, and the Committee paid its respects to the victims and to the community by laying a floral wreath at the school memorial.

Uvalde CISD Police Chief Pete Arredondo testified before the Committee in Austin, Texas, on June 21st followed by Sgt. Thomas Calabro with the Houston Police Department, who provided information about training and standard practices for law enforcement responses to active shooter scenarios and for the command and coordination of multiple responding law enforcement agencies.

The Committee returned to Uvalde on June 29th and 30th. On June 29th, the Committee interviewed Uvalde Mayor Don McLaughlin, four Robb Elementary School fourth grade teachers, and five employees of the Uvalde Police Department, including a dispatcher. The next day, June 30th, the Committee interviewed Uvalde CISD employee Becky Reinhardt, Uvalde County Precinct One Constable Johnny Field (by videoconference), and two peace officers who responded to the incident from the Department of Public Safety (a special agent and a lieutenant). That day, the Committee's investigators also interviewed Robb Elementary School teacher Arnulfo Reyes, the teacher in Room 111 who is still recovering from his injuries. The Committee received a report and an audio recording of the interview of Mr. Reyes.

On July 11th, the Committee reconvened in Austin to interview ALERRT Assistant Director John Curnutt and Uvalde County Sheriff Ruben Nolasco, both by videoconference. The Committee also conducted a follow-up interview of DPS Director McCraw.

The Committee interviewed all 35 witnesses in executive session, meaning that the sessions were closed to the public. Despite public expressions of frustration and even criticism that these meetings were conducted behind closed doors, the Committee is confident that its method served the goal of an objective fact-finding process. The Committee was able to engage witnesses in candid discussions that may not have been possible in public hearings or other settings.

In addition to the witnesses who appeared before the Committee in executive session, the Committee's investigators conducted at least 39 independent informal interviews. The Committee and its investigators have reviewed hundreds of crime-scene photos and dozens of audio and video recordings from the incident, including surveillance camera footage, mobile-phone video, 911 calls, radio transmissions, and body-worn camera footage. They reviewed recordings and summaries of witness interviews conducted and recorded by law

enforcement agencies. Documentation received from the Department of Public Safety and reviewed by the Committee included an enormous trove of digital evidence, including data from mobile phones, cloud storage, and social media messages. The Committee received and reviewed thousands of pages of documents received from numerous agencies including ALERRT, ATF, Texas DPS, FBI, Texas School Safety Center, and Uvalde CISD. These documents included school audits and safety plans, school disciplinary records, employment records, criminal-history reports, dispatch logs, ballistics reports, firearms traces, gun store records, information about the victims, and various diagrams, sketches, and timelines. The Committee also invited and received suggestions from witnesses about how to improve policies relating to school safety, firearm safety, law enforcement training and resources, and active shooter response. The Committee genuinely appreciates the input from all witnesses, and it will be shared with the House committees formed to evaluate and propose policies to address mass violence prevention and community safety.

3 | ROBB ELEMENTARY SCHOOL SECURITY & FACILITIES OVERVIEW

The Committee has great respect for teachers and all who dedicate their lives to the education of children.

As of the fall of 2020, there were 5,371,586 students in Texas schools. There are 1,204 school systems, most of which are independent school districts. The largest independent school district in Texas is in Houston, with 196,943 students enrolled for the 2020–21 school year. The smallest district is San Vicente ISD, which had five students for 2020–21.¹

Most school districts have multiple campuses with multiple buildings. It is estimated that there could be as many as 80,000 buildings in the State of Texas that house children at various times during the school year. These are important facts to remember in the context of discussing policy related to school-hardening measures.

Uvalde CISD serves a rural community of 15,217 citizens.² The district's schools include Uvalde High School, Morales Junior High, Anthon, Flores, Robb, and Dalton elementary schools, and several alternative education programs.³ The campus buildings range from over 100 years in age to the newest school, Uvalde High School, which was opened nearly four decades ago in 1983.⁴ Uvalde CISD constructed many of those older buildings during times when the potential threats to students were much different than those faced today.⁵ While no school could ever be built to prevent every conceivable threat, they can be built and operated in ways to better mitigate risk and impede potential threats from outside attackers.

Uvalde CISD Police Department

Until recently, the Uvalde Police Department was responsible for security in the Uvalde public schools. In 2018, Uvalde CISD established its own police department, headquartered at Uvalde High School. With nine different schools and a budget for six police officers, Uvalde CISD oversees more campuses than it has officers, and it has assigned no officer specifically to Robb Elementary. Instead, officers would regularly visit the Robb campus for a walk-through several

¹ Source: Texas Education Agency.

² 2020 Census, <https://data.census.gov/cedsci/all?q=Uvalde%20city,%20Texas>.

³ See generally www.ucisd.net.

⁴ Committee testimony of Rodney Harrison, UCISD Maintenance and Operations Director (June 16, 2022).

⁵ Committee testimony of Dr. Hal Harrell, Uvalde CISD superintendent (June 16, 2022).

times per week, usually lasting from 15–45 minutes.⁶ Uvalde CISD Police Chief Pete Arredondo and his second-in-command, Lt. Mike Hernandez, also testified that they visited campuses and walked halls to “rattle doors” to confirm they were locked.⁷

Uvalde CISD police officers commonly carried two radios: one for the school district, and another “police radio” which transmitted communications from various local law enforcement agencies. While the school district radios tended to work reliably, the police radios worked more intermittently depending on where they were used.⁸

Active Shooter Plan

As directed by state legislation enacted in 2019,⁹ Uvalde CISD adopted a policy for responding to an active shooter emergency. And Uvalde CISD deserves credit for having done so—they are one of the few Texas school districts recognized by the School Safety Center as having submitted a viable active shooter policy.¹⁰

Uvalde CISD Police Chief Arredondo and Director of Student Services Kenneth Mueller prepared a document titled “Annex 1 Active Shooter” and adopted it on April 15, 2020.¹¹ The document identified its purpose as seeking to “outline the local organization, operational concepts, responsibilities, and procedures to accomplish coordinated Administration,

⁶ Committee testimony of Mandy Gutierrez, Robb Elementary Principal (June 16, 2022) (couple times per week, approximately 15 minutes per visit); *see also* Committee testimony of Adrian Gonzalez, Uvalde CISD police officer (June 20, 2022) (usually took 30–45 minutes to walk Robb Elementary); Committee testimony of Jaime Perez, Robb Elementary head custodian (June 16, 2022) (about once per day, usually for less than an hour unless dealing with a problem); Committee testimony of Kenneth Mueller (June 16, 2022) (officers would float, visiting all elementary-school campuses). Uvalde CISD police officer Ruby Gonzalez described how she and her colleagues would rotate shifts based at the high school. The 7:00 a.m.–4:00 p.m. shift would begin with traffic control and watching the courtyard at the high school, followed by rounds to check in at other campuses, walk halls, and check doors. Similarly, the officer working the 9:00 a.m.–6:00 p.m. shift would visit various campuses in the afternoon. Committee testimony of Ruby Gonzalez, Uvalde CISD police officer (June 17, 2022).

⁷ Testimony of Pete Arredondo, USCID police chief (June 21, 2022); Testimony of Lt. Mike Hernandez, Uvalde CISD Police (June 17, 2022).

⁸ Committee testimony of Adrian Gonzalez, USCID police officer (June 20, 2022).

⁹ Tex. H.B. 2195, § 1, 86th Leg., R.S. (2019) (“A school district shall include in its multihazard emergency operations plan a policy for responding to an active shooter emergency. The school district may use any available community resources in developing the policy described by this subsection.”), codified as Tex. Educ. Code § 37.108.

¹⁰ *Cf.* Texas School Safety Center, 2017-2020 DAR Report: Findings on Safety and Security in Texas School Districts, *available* at <https://txssc.txstate.edu/research/technical-reports/dar-2020/> (“[T]he EOP review indicated that of the 1,022 districts reviewed, only 200 had a viable active shooter policy. Of the remaining 822 districts, 626 districts did not have a policy in place and 196 districts had an insufficient policy.”).

¹¹ *See* Uvalde Consolidated ISD, *Annex 1: Active Shooter* ¶ I (“The Uvalde CISD police department along with the Director of Student Services makes recommendations and creates plans to develop a safe environment and to lead the District to Mitigate, Prevent, Prepare, Respond, and Recover from potential active shooter situations.”).

Teachers, District police officers, local law enforcement and first responders to Prevent, Prepare, Respond, and Recover from the possibility of an active shooter entering any of the District campuses.”¹²

The plan called for utilization of “the National Incident Management System (NIMS) during an emergency to coordinate response efforts.”¹³ It further stated that “[t]he District’s police officers, administrators, and teachers and support staff, along with the students have the daily responsibility to mitigate and prevent an active shooter situation,” and that “[a]ll staff members and student[s] will know the proper procedures to follow if a suspected shooter is on the campus.”¹⁴

With respect to securing doors, the active shooter policy stated:

Staff will conduct inspections of classrooms to make sure doors and windows can be securedDoors to all classrooms will remain locked during instruction and the campuses will have one main entry point to the school. *Each staff member will know the procedures to follow in order to have any door or window repaired that will not lock.*¹⁵

The active shooter policy outlined a series of preventative safety measures that served as the “primary preventative strategy” to address “problems of violence, vandalism, disruptions and fear.”¹⁶ As applicable to Robb Elementary, these preventative measures included:

POLICE OFFICERS – The district employs 4 officers. This includes a Chief, a detective, and two officers.¹⁷

PARTNERSHIPS WITH LOCAL LAW ENFORCEMENT. Local law enforcement agencies are invited to come to any of our campuses while they are on patrol. UCISD provides free breakfast or lunch to any law enforcement personnel visiting our campuses.¹⁸

THREAT ASSESSMENT TEAMS – Every campus employs an interdisciplinary team of trained professionals that convene to identify, evaluate, classify and address threats or potential threats to school security. Following assessment, this team determines

¹² *Id.* ¶ II.

¹³ *Id.* ¶ IV.A.1; *see also id.* ¶ V.B (“All personnel assigned responsibilities in this plan are trained on NIMS concepts, procedures and protocols.”). Regarding NIMS, the training that defines operational systems that guide how personnel work together to prevent, protect against, mitigate, respond to and recover from incidents see generally <https://training.fema.gov/nims/>.

¹⁴ Uvalde Consolidated ISD, *Annex 1: Active Shooter* ¶ IV.A.2.

¹⁵ *Id.* ¶ IV.B.1.b (emphasis supplied).

¹⁶ *Id.* ¶ IV.B.2.a.

¹⁷ *Id.* ¶ IV.B.2.b. Uvalde CISD later hired two additional officers to bring its total force to six, though at the time of the attack on Robb Elementary there were only five officers employed.

¹⁸ *Id.* ¶ IV.B.2.c.

appropriate response and intervention. This includes notification and involvement of parents, a suicide risk assessment, and the development of a written safety plan.¹⁹

SOCIAL MEDIA THREATS – UCISD utilizes Social Sentinel to monitor all social media with a connection to Uvalde as a measure to identify any possible threats that might be made against students and or staff within the school district.²⁰

PERIMETER FENCING – Dalton, Anthon, and Robb have fencing that encloses the campus is designed to limit [sic] and/or restrict access to individuals without a need to be on the campus.²¹

RADIOS – Key staff have been provided radios to support campus communication processes.²²

LOCKED CLASSROOM DOOR POLICY – Teachers are instructed to keep their classroom doors closed and locked at all times. Barriers are not to be used. Substitutes shall follow the same policy, with campuses ensuring they have access to the classrooms they need throughout the day. The Standard Response Protocol procedures are on the back of all of our badges issued to substitute teachers.²³

STAFF TRAINING – All staff members are trained annually in emergency protocols for the campus. Key campus personnel are CPI-trained.²⁴

STUDENT TRAINING & DRILLS – Students receive training on the Standard Response Protocol for lockdown, evacuation, shelter, and hold. In addition, drills are held for each of these emergency actions on a regular basis ...²⁵

THREAT REPORTING SYSTEM – Students, parents, staff, and community members are encouraged to share information with us that is deemed troubling, so that we may take appropriate action. This includes information about weapons, threats, fights, drugs, self-harm, suicide or disclosures made that are concerning. Reports may be made online at ucisd.net, by contacting any campus administrator, district administrator or UCISD Police Officers.²⁶

In the event of an active shooter incident, the policy expressly provided that upon verification of an active shooter, “the District police department Chief will become the person in control of the efforts of all law enforcement and first responders that arrive at the scene.”²⁷ The response was to include, if possible, “secur[ing] the administration office as a command post

¹⁹ *Id.* ¶ IV.B.2.g.

²⁰ *Id.* ¶ IV.B.2.g.

²¹ *Id.* ¶ IV.B.2.i. The Uvalde CISD director of maintenance and operations, Rodney Harrison, confirmed for the Committee that the fence around Robb Elementary was five feet high.

²² *Id.* ¶ IV.B.2.p.

²³ *Id.* ¶ IV.B.2.r.

²⁴ *Id.* ¶ IV.B.2.s. “CPI” refers to the Crisis Prevention Institute, an international training organization that specializes in the safe management of disruptive and assaultive behavior. *See* <https://www.crisisprevention.com/About-Us>.

²⁵ *Id.* ¶ IV.B.2.t.

²⁶ *Id.* ¶ IV.B.2.v.

²⁷ *Id.* ¶ IV.B.4.b.

and retriev[ing] the critical information and data about the school's emergency systems, including communications, staff and student's locations, detailed floor plans and other important information, documents, items, and supplies that are prepared and readily available for use during the incident.”²⁸

The active shooter policy recognized that “[t]he district has primary responsibility for the health and safety of students, staff, substitute teachers, and visitors while on district property,” and that “[d]uring an emergency *the district should coordinate law enforcement, health and medical services with other local first responders.*”²⁹ The school district's police department was assigned the responsibility for “the Incident Command Center” and for being “first on scene to prevent or stop an active shooter,”³⁰ while the policy assigned to other “[l]ocal law enforcement and first responders” the function and responsibility to “follow the direction of the ICS leader to ensure proper procedures are followed” and to “[a]ccept assigned roles of ICS leader.”³¹

Under a section titled “Direction and Control,” the policy laid out a specific “line of succession”:

1. Uvalde CISD police department – Chief Pete Arredondo
2. Uvalde CISD police department – Lt. Mike Hernandez
3. Director of Student Services – Kenneth Mueller³²

The policy calls for the district to conduct a “post incident review ... to analyze the process and make any corrective action as determined.”³³

ALERT Standard for Active Shooter Training

Before joining the Uvalde CISD Police Department, Chief Arredondo received active shooter training from the ALERT Center,³⁴ which the FBI has recognized as “the National Standard

²⁸ *Id.* ¶ IV.B.4.f.

²⁹ *Id.* ¶ V.A.1 (emphasis supplied).

³⁰ *Id.* ¶ V.B.

³¹ *Id.* ¶ V.B. “ICS” is not defined in Uvalde CISD's active shooter plan, but it refers to “Incident Command System.” *See, e.g.,* Federal Bureau of Investigation & ALERT, *Active Shooter Response – Level 1*, at STU 2-27 (v. 7.2, 2020) (noting that “[a] list of incident command courses can be found on the FEMA training web page at <https://training.fema.gov/emiweb/is/icsresource/trainingmaterials.htm>”).

³² Uvalde Consolidated ISD, *Annex 1: Active Shooter* ¶ VI.C.

³³ *Id.* ¶ VIII.C.

³⁴ Committee testimony of Pete Arredondo, UCISD Chief of Police (June 21, 2022). Chief Arredondo received the ALERT training while working for the Laredo ISD police department, between his retirement from the Webb County Sheriff's Office in 2017 and his hiring as chief of the Uvalde CISD police in March 2020. *See id.* Uvalde Police Sgt. Daniel Coronado, who responded to Robb Elementary as well, also acknowledged receiving ALERT training. Committee testimony of Sgt. Daniel Coronado, Uvalde Police Department (June 20, 2022).

in Active Shooter Response Training.”³⁵ Every school district peace officer in Texas must be trained on how to respond in active shooter scenarios.³⁶ Not all of them get ALERRT training, but Chief Arredondo and other responders at Robb Elementary did.

ALERRT’s training program identifies the challenge for law enforcement responders of possibly having to work “with a small ad hoc team of individuals they may have never trained with before,” such that “the only way to swing the tactical advantage back in favor of the [law enforcement] responder is through the use of effective teamwork and tactics.”³⁷ The training identifies lessons to be learned from past active shooter incidents. From the Columbine tragedy in 1999, one lesson was that responders must have tools and training to immediately make entry and neutralize an active shooter threat.³⁸ Another Columbine lesson was the “Priority of Life Scale”: innocent civilians come before law enforcement and other responders.³⁹ After Columbine, “[w]hile protecting the lives of officers remained a high priority, Stopping the Killing of innocent civilians took first priority. From that moment forward, every law enforcement officer was expected to be willing to risk his or her life without hesitation.”⁴⁰ “Law enforcement officers were expected to distract, isolate, and neutralize the threat, even in tactically complex situations and when they lacked special training.”⁴¹

A lesson from the Navy Yard Building 197 incident in 2013 was that “[t]he earlier an Incident Command structure can be established, the better,” and this tragedy prompted an “Initial Incident Command” block to be added to the ALERRT Level 1 course.⁴² The Pulse Nightclub

But not all law enforcement officers receive this training, and several other law enforcement officers interviewed by the Committee stated they had not received ALERRT training. *E.g.*, Testimony of Sgt. Eduardo Canales, Uvalde Police Department (June 29, 2022) (none of UPD SWAT team has received ALERRT training); Committee testimony of Constable Johnny Field, Uvalde County Pct. 1 (June 30, 2022).

³⁵ See generally <https://aleret.org/about> (“The ALERRT Center at Texas State University was created in 2002 as a partnership between Texas State University, the San Marcos, Texas Police Department and the Hays County, Texas Sheriff’s Office to address the need for active shooter response training for first responders.”).

³⁶ Tex. H.B. 2195, § 2, 86th Leg., R.S. (2019) (“A school district peace officer or school resource officer shall complete an active shooter response training program approved by the Texas Commission on Law Enforcement.”), codified as Tex. Educ. Code § 37.0812.

³⁷ Federal Bureau of Investigation & ALERRT, *Active Shooter Response – Level 1*, at STU 1-9 (version 7.2, 2020).

³⁸ *Id.* at STU 2-6.

³⁹ *Id.*

⁴⁰ *Id.* at STU 2-7.

⁴¹ *Id.*

⁴² *Id.* at STU 2-10; see also *id.* at STU 2-13 (Rt. 91 Harvest Music Festival incident in 2017 taught lesson of establishing unified command early on). The Incident Command module teaches: “Ideally, Incident Command will be established as the first [law enforcement] responder arrives on-scene, provides dispatch with a brief LCAN [i.e. Location, Condition, Actions, and Needs] size-up report, and assumes command.” *Id.* at STU 7-6. The

incident from 2016 taught the importance of awareness of the distinction between hostage/barricade and active shooter scenarios.⁴³ The Marjory Stoneman Douglas High School incident in 2018 taught the importance of incident command structure for appropriate management of resources and that law enforcement responders must be prepared to use word-of-mouth communication when radio communications are overloaded.⁴⁴

On the subject of communicating effectively, the ALERRT course teaches that effective communication is necessary for successful teamwork.⁴⁵ “Regional law enforcement agencies should continually train together to establish radio protocols for use during multi-agency active shooter response.”⁴⁶ “Law Enforcement responders should be familiar with their regional communications plan but also be prepared to respond effectively without reliable radio communications.”⁴⁷ “After giving a message, [law enforcement] responders should look for confirmation that the intended party received and understood the message.”⁴⁸ “If radio communications are unreliable, it may be necessary to use runners to deliver messages.”⁴⁹

With respect to establishing incident command, law enforcement responders are encouraged to complete Incident Command System (ICS) and National Incident Management System (NIMS) courses as early as possible in their careers.⁵⁰ The ALERRT training advises that “[t]he initial [law enforcement] responder to arrive at an active shooter scene becomes the Initial Incident Commander by default....”⁵¹ Further, “[a]s soon as [a law enforcement] responder notices that there appears to be sufficient officers hunting for the attacker, that responder

training acknowledges that “sometimes this is difficult because the first [law enforcement] responder to arrive on-scene may find him or herself immediately involved in a gunfight,” and “[s]urviving and winning the gunfight should always take priority over considering Incident Command matters.” *Id.* But “[a]s soon as immediate threats have been neutralized,” law enforcement responders need to ensure that they communicate critical information to dispatch, including the assumption of command. *Id.*

⁴³ *Id.* at STU 2-12.

⁴⁴ *Id.* at STU 2-14.

⁴⁵ *Id.* at STU 2-23.

⁴⁶ *Id.*

⁴⁷ *Id.*

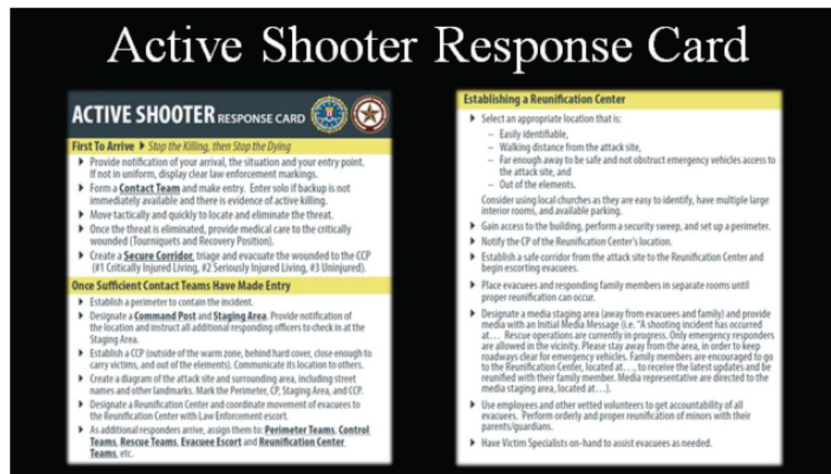
⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ *Id.* at STU 2-27.

⁵¹ *Id.* at STU 2-28.

should find a secure location, take out their Active Shooter Response Card, assume Initial Incident Command, and begin completing tasks listed on the card.”⁵²



Slide 2-32. Active Shooter Response Card

Excerpt from ALERRT, Active Shooter Response—Level 1.

A later, more in-depth module on incident command describes the ICS process:

Take Command

The first step in the ICS process is for the first [law enforcement] responder who arrives on the scene ... to simply take command. Command is passed up the chain as the scene or situation grows larger. As more officers arrive on-scene, command is passed on and assumed by higher levels, building the ICS tree. All active shooter Incident Command structures will grow. This is a fact, and they will continue to grow for the next several days after the shooter is down.

Taking command is as simple as saying “I have command.” ... This allows all oncoming resources to receive information and report to one person. Taking command is important because it will help stop freelancing and possible blue-on-blue scenarios.

Provide an LCAN Report

Next, the first [law enforcement] responder in should give a size-up report, or LCAN report. This is simply a Location, Condition, Actions, and Needs report telling follow-on units where the officer is at, what he or she sees on arrival, what he or she is doing or plans on doing, and what he or she needs to complete the mission ... LKAN reports

⁵² *Id.* ALERRT training teaches that every law enforcement responder, “even those recently hired, should carry the Active Shooter Response Card with them at all times,” and “[t]hey should be prepared to assume command and start completing the tasks listed on the card within the first few minutes.” *Id.* at STU 7-7; see also *id.* at STU 8-2 – 8-4 (module 8.1, Incident Command System Instructor Walk-Throughs).

should be updated as more actions are needed to give follow-on responders updated information as they are coming in. This will help with overconvergence and allow the ICS system to begin to set up ... The LCAN report should continue to be updated as the situation changes.

Assume Command

As more [law enforcement] responders arrive on the scene, someone should assume command of the outside of the building. This person could be a higher-ranking officer or any responder who sees enough personnel are inside and realizes that things need to be taken care of on the outside of the building (e.g., perimeter control, ambulance exchange areas, staging for all to set up, more contact teams).

Command will be passed from the interior commander ... to the command person outside who can begin getting control of the chaos of the emergency. Eventually, this person will be relieved of his or her position and an overall commander will take charge of the situation during the next several stages of the event. As the incident stabilizes, command will downsize and the situation will move into an investigative phase. Units will be released to service and cut loose.

The main points to remember about ICS are that the first [law enforcement] responder must take command. This [law enforcement] responder must also give an LCAN report for oncoming units. Someone else on the outside of the building must then assume command from the first [law enforcement] responder and begin to help gain control of the chaos.⁵³

The ALERRT training includes a module on “Entering Locked Buildings Quickly, Discreetly, and Safely,” advising that “[r]esponders should be creative and make use of improvised tools to get inside the building however they can.”⁵⁴ With respect to using keys, ALERRT teaches that “[o]ften, the quickest, most discreet, and safest method of entering a locked building is to locate a key—as long as keys can be located immediately,” but “if a key cannot be located quickly, [law enforcement] responders should use another technique to enter the area without delay.”⁵⁵ The training also suggests sledgehammers and pry tools as reliable, practical, and affordable breaching tools,⁵⁶ and a separate module anticipates the challenge of breaching closed and locked outward-opening interior doors, noting that “[m]any public buildings are required by law to have outward-opening doors with self-closing mechanisms for all high-occupancy rooms,” and that law enforcement responders “should be prepared to encounter this type of door during an active response.”⁵⁷

⁵³ *Id.* at STU 8-2 – 8-3 (emphasis in original).

⁵⁴ *Id.* at STU 3-8.

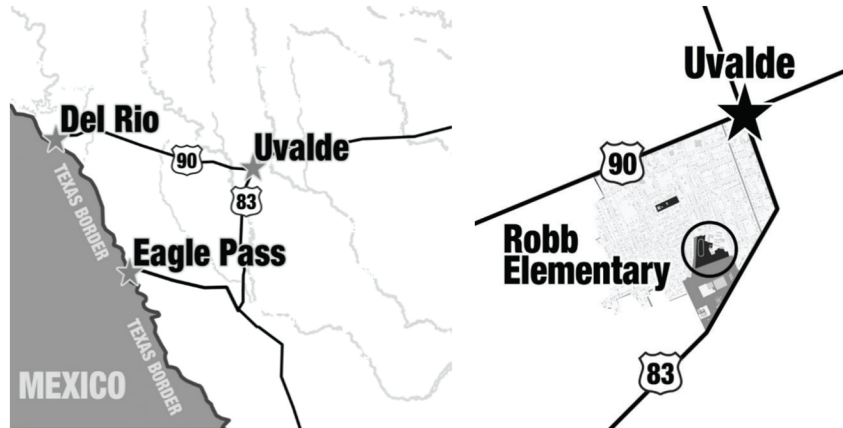
⁵⁵ *Id.* at STU 3-9.

⁵⁶ *Id.* at STU 3-11 – 3-12.

⁵⁷ *Id.* at STU 4-22.

Rise of "Bailout" Security Incidents

Uvalde CISD police officers visit school campuses in the event of lockdowns, which occurred relatively frequently at Robb Elementary due to its proximity to the intersection of Highway 83 and Highway 90. Chief Arredondo described a rise in bailouts: to avoid being stopped by law enforcement, vehicles loaded with undocumented immigrants traveling along highways leading from the border towns of Del Rio and Eagle Pass lead officers on high-speed chases that often end by crashing the vehicle and allowing the occupants to scatter.⁵⁸



Uvalde, at the intersection of Hwy. 83 & Hwy. 90.

Robb Elementary, near intersection of Hwy. 83 & Hwy. 90.

Numerous witnesses testified to the Committee that there has been an increase in bailout activity over the past 18 months.⁵⁹ Uvalde CISD Director of Student Services Kenneth Mueller testified that since February 2021, high-speed chases have been a daily event in the Uvalde area, causing Uvalde CISD schools to be secured or locked down frequently, with 47 “secure” or “lockdown” events happening since late February 2022, and approximately 90% of those

⁵⁸ Committee testimony of Chief Pete Arredondo, Uvalde CISD Police, at 29-30 (June 21, 2022).

⁵⁹ See, e.g., Committee testimony of Mandy Gutierrez, Robb Elementary Principal (June 16, 2022); see also Committee testimony of Lt. Mike Hernandez, Uvalde CISD Police (June 17, 2022) (confirming the frequency of bailouts in the neighborhood surrounding Robb Elementary). Regarding the impacts of bailouts on the Uvalde community, see, e.g., Carine Hajar, National Review, *Human-Smuggler ‘Bailouts’ Are Endangering Border Communities* (Apr. 12, 2022), available at <https://www.nationalreview.com/corner/human-smuggler-bailouts-are-endangering-border-communities/> (featuring pre-tragedy interview of Uvalde Mayor Don McLaughlin, specifically identifying the risk to school-age residents of Uvalde).

being attributed to bailouts.⁶⁰ Uvalde CISD parents became so concerned about the number of bailouts occurring near the elementary-school campuses that they offered to hire off-duty police to supplement the Uvalde CISD police presence.⁶¹

Raptor Alert System

School district witnesses also testified to another effect of the rising prevalence of bailouts. The alert system does not differentiate its signals between bailouts and other kinds of alerts, such as an active shooter situation. The series of bailout-related alerts led teachers and administrators to respond to all alerts with less urgency—when they heard the sound of an alert, many assumed that it was another bailout.



Raptor Alert application.

Raptor Technologies supplied the alert system Uvalde CISD used. Uvalde CISD had used Raptor's software to screen campus visitors for approximately 10 years. In the fall of 2021, Mueller viewed a presentation on Raptor's emergency management alert system, and he gathered the Uvalde CISD principals, who agreed that they needed it. Uvalde CISD purchased the software in October 2021, and the first Raptor alert occurred on February 8, 2022.⁶²

By March 2022, as Uvalde CISD was implementing the Raptor alert system, there was a high volume of alerts. By utilizing the Raptor mobile phone application,⁶³ any Uvalde CISD employee could activate an alert. Staff at a school campus typically would first learn about a bailout from an external source. Then they would decide, depending on the proximity of the threat to the school, whether to initiate a "secure" alert or a "lockdown" alert.⁶⁴

⁶⁰ Committee testimony of Kenneth Mueller (June 16, 2022); *see also* Committee testimony of Lynn Deming, Robb Elementary fourth-grade teacher (June 29, 2022) (describing how most Raptor alerts have been for bailouts, and one happened on the Robb Elementary campus near the bus lane).

⁶¹ Committee testimony of Kenneth Mueller (June 16, 2022).

⁶² *Id.*; *see* <https://raptortech.com/raptor-alert/>.

⁶³ Raptor Emergency Management Brochure, available at <https://raptortech.com/wp-content/uploads/2021/09/Raptor-EmergencyManagement-Brochure.pdf?emergency-management-software-for-schools>.

⁶⁴ Committee testimony of Mandy Gutierrez, Robb Elementary Principal (June 16, 2022).

Chief Arredondo explained it was important to notify schools in the vicinity of the highways about bailouts because the passengers would scatter everywhere, and the school district police did not want them coming on campus. While there have been no incidents of bailout-related violence on Uvalde CISD school grounds, there have been examples of high-speed driving that sometimes crossed school parking lots and reports of some bailout incidents involving firearms in the surrounding neighborhoods.⁶⁵

The Committee received evidence that Uvalde CISD employees did not always reliably receive the Raptor alerts. Reasons included poor wi-fi coverage, phones that were turned off or not always carried,⁶⁶ and employees who had to log-in on a computer to receive a message.

Uvalde CISD Facilities & Maintenance

Uvalde CISD has a Maintenance & Operations Department overseen by director Rodney Harrison, who testified before the Committee. Harrison expressed his view that Uvalde CISD's buildings are in fairly good shape. To facilitate taking care of each campus, the Maintenance & Operations Department employs 14 full-time employees supplemented by six students employed to help move furniture. Harrison stated that it is difficult to keep his department staffed, and he has recently lost employees to two retirements during the COVID pandemic, one death, and another employee moving away.⁶⁷

Robb Elementary Facilities & Management

Robb Elementary School was built in 1955. Most recently, it served as the primary Uvalde CISD school for students in second through fourth grades.⁶⁸ “New” buildings were constructed at the elementary schools, including the west building at Robb, 22 years ago.⁶⁹

Robb Elementary had a new principal beginning with the 2021–22 school year. Principal Mandy Gutierrez has worked for Uvalde CISD for over two decades, starting as a fourth grade

⁶⁵ Committee testimony of Chief Pete Arredondo, Uvalde CISD Police, at 30 (June 21, 2022); Committee testimony of Kenneth Mueller (June 16, 2022).

⁶⁶ Committee testimony of Kenneth Mueller (June 16, 2022).

⁶⁷ Committee testimony of Rodney Harrison, Uvalde CISD Maintenance & Operations Director (June 16, 2022).

⁶⁸ The only other option for second to fourth grades is the Uvalde Dual Language Academy. Committee testimony of Mandy Gutierrez, Robb Elementary Principal (June 16, 2022). Uvalde CISD informed the Investigatory Committee that it intends to turn the former Robb Elementary School campus into a park dedicated to the memory of the students and teachers killed in the shooting tragedy. Committee testimony of Dr. Hal Harrell, Uvalde CISD superintendent (June 16, 2022).

⁶⁹ Committee testimony of Rodney Harrison, Uvalde CISD Maintenance & Operations Director (June 16, 2022); Committee testimony of Dr. Hal Harrell, Uvalde CISD superintendent (June 16, 2022).

teacher at Robb in 2008. In 2018, she became assistant principal, and she served in that position until becoming the principal in 2021.⁷⁰

Uvalde CISD had assigned two full-time custodians to Robb Elementary.⁷¹ The lead custodian was Jaime Perez.

In 2019, Uvalde CISD received a state-funded grant to upgrade school security. The school district used its funds to add video cameras to various campuses, build a fence surrounding Flores Elementary School, and install magnetic entryways at some campuses.⁷²

P o l i c i e s f o r L o c k i n g D o o r s

Robb Elementary's principal testified that the school's west building has three exterior doors, two of which policy required to remain locked. Each classroom in the west building had a door to a hallway, which policy required to remain locked at all times.⁷³ The interior classroom doors also were required to remain closed and locked at all times.⁷⁴ The interior doors were solid metal with a small pane of glass and could only be locked from the outside using a key.⁷⁵

The school district's police officers conducted walk-throughs, during which they would check for locked doors.⁷⁶ When they found doors unlocked the officers would remind teachers to keep the doors locked, and in the event of repeat offenders, they would document the violations.⁷⁷

Multiple witnesses reported to the Committee that people at Robb Elementary commonly left doors unlocked—as did people at all the other Uvalde CISD schools as well.⁷⁸ Teachers would use rocks to prop open exterior doors,⁷⁹ and they used door stops, wedges, and magnets to

⁷⁰ Committee testimony of Mandy Gutierrez, Robb Elementary Principal (June 16, 2022).

⁷¹ Committee testimony of Rodney Harrison, Uvalde CISD Maintenance & Operations Director (June 16, 2022).

⁷² *Id.*

⁷³ Committee testimony of Mandy Gutierrez, Robb Elementary Principal (June 16, 2022); *see also* Committee testimony of Pete Arredondo, Chief of Uvalde CISD Police Department (June 21, 2022) (assumed Rooms 111 and 112 were locked because the policy was for them to be locked at all times, particularly during a lockdown).

⁷⁴ Uvalde Consolidated ISD, *Annex 1: Active Shooter* ¶ IV.B.2.r. (“Teachers are instructed to keep their classroom doors closed and locked at all times.”).

⁷⁵ Committee testimony of Mandy Gutierrez, Robb Elementary Principal (June 16, 2022).

⁷⁶ *Id.*; Committee testimony of Ruby Gonzalez, Uvalde CISD police officer (June 17, 2022).

⁷⁷ Committee testimony of Mandy Gutierrez, Robb Elementary Principal (June 16, 2022).

⁷⁸ *E.g.*, Committee testimony of Ruby Gonzalez, Uvalde CISD police officer (June 17, 2022).

⁷⁹ Committee testimony of Chief Pete Arredondo, Uvalde CISD Police (June 21, 2022).

prevent interior door locks from latching.⁸⁰ Due to a key shortage, Robb Elementary School substitute teachers often were instructed to use the “magnet system” to circumvent the locks in violation of school district policy.⁸¹

Uvalde CISD Police Officer Adrian Gonzalez testified that when an officer was walking the floors and checking doors, the teachers would notify each other, and they would lock their doors.⁸² The officers would speak to the teachers and to their supervisors, and they tried to discourage the use of magnets.⁸³ Common responses from teachers would include that they did not have a key (particularly in the case of substitute teachers) and that it was just temporary while a child was using the restroom.⁸⁴ For some teachers, the inconveniences of keeping up with a key outweighed their perception of the risk of leaving doors unlocked. Other teachers were “rule followers,” always locking their doors.

At the time of the incident, all the doors in the building had been recently painted.⁸⁵ In March 2022, around spring break, school administrators received a report from the teacher in Room 111 that his classroom door was not always locking.⁸⁶ According to numerous witnesses who testified before the Committee, the door to Room 111 could lock, although it took some extra effort, and if the door closed softly it might not lock. But the head custodian at Robb Elementary testified that he never heard about any problems with the doors for Rooms 111 or 112, and if he had, he would have created a work order.⁸⁷ Robb Elementary maintenance records confirm the lack of any written work order to repair the door for Rooms 111 or 112 during the 2021–22 school year. Although Uvalde CISD policy required each staff member to

⁸⁰ Committee testimony of Ruby Gonzalez, Uvalde CISD police officer (June 17, 2022); Testimony of Rodney Harrison, Uvalde CISD Maintenance and Operations Director (June 16, 2022). Assistant principal Shawna Wolbert, who was not present on campus during the incident, told the Department of Public Safety that there was a “magnet system” with magnets provided to substitutes to keep doors from locking. DPS interview of Robb Elementary Assistant Principal Shawna Wolbert (May 28, 2022). Principal Gutierrez said the same thing in her statement to DPS. DPS interview of Robb Elementary Principal Mandy Gutierrez (May 28, 2022).

⁸¹ See DPS interviews of Robb Elementary administrators (May 28, 2022); see also Uvalde Consolidated ISD, *Annex 1: Active Shooter* ¶ IV.B.2.r. (“Teachers are instructed to keep their classroom doors closed and locked at all times. Barriers are not to be used. Substitutes shall follow the same policy, with campuses ensuring they have access to the classrooms they need throughout the day.” (emphasis supplied)).

⁸² Committee testimony of Adrian Gonzalez, Uvalde CISD police officer (June 20, 2022).

⁸³ Committee testimony of Chief Pete Arredondo, Uvalde CISD Police (June 21, 2022); Committee testimony of Ruby Gonzalez, Uvalde CISD police officer (June 17, 2022).

⁸⁴ Committee testimony of Ruby Gonzalez, Uvalde CISD police officer (June 17, 2022).

⁸⁵ Committee testimony of Mandy Gutierrez, Robb Elementary Principal (June 16, 2022); see also DPS interview of Amulfo Reyes, Robb Elementary teacher (June 8, 2022).

⁸⁶ See, e.g., Committee investigators’ interview of Amulfo Reyes, Robb Elementary teacher (June 30, 2022).

⁸⁷ Committee testimony of Jaime Perez, Robb Elementary head custodian (June 16, 2022).

know the procedures to follow to request repairs for a door that would not lock,⁸⁸ Robb Elementary teachers testified to the Committee that instead of requesting a work order themselves, they would call school administrators who were responsible for making the requests.

Maintenance of Doors & Keys

Considering the district's policies about keeping doors locked, it was important that doors and locks be properly maintained. The manufacturer discontinued production of the door locks used at Robb Elementary. While the school district had acquired a supply of key blanks at the time the locks were purchased, that supply was gone by May 2022.⁸⁹

The director of maintenance and operations, Mr. Harrison, testified that people frequently lose, forget, or simply do not want to carry school keys. As a result, the custodians spend a lot of time opening doors. The maintenance and operations department has one employee who specializes in door repairs, but it relies on YouTube instruction videos, online diagrams, and the help of a local locksmith to work on locks. Harrison testified that unless there is a work order notifying his department of a problem, his employees do not regularly check doors.⁹⁰

There were numerous different master keys that worked with different sets of locks at the Robb Elementary School campus. People who had master keys included Harrison, Principal Gutierrez, Assistant Principal Shawna Wolbert, Robb Instructional Coach Rebecca Guzman, Principal Gutierrez's secretary, Janette Martinez, and lead custodian Jaime Perez.⁹¹ Both Uvalde CISD Police Chief Arredondo and Lt. Mike Hernandez possessed a large number of keys to Uvalde CISD buildings. Chief Arredondo kept a number of keys in his car, but he was not sure whether he had master keys for Robb Elementary. He knew he did not have a key to every building, though he testified that he had requested a complete set for himself.⁹² Of the over 50 keys that he carried with him, Lt. Hernandez testified that he had a Robb Elementary master

⁸⁸ Uvalde CISD, *Annex 1: Active Shooter* ¶ IV.B.1.b ("Doors to all classrooms will remain locked during instruction Each staff member will know the procedures to follow in order to have any door or window repaired that will not lock.").

⁸⁹ Committee testimony of Rodney Harrison, Uvalde CISD Maintenance & Operations Director (June 16, 2022).

⁹⁰ *Id.*

⁹¹ Committee testimony of Rodney Harrison, Uvalde CISD Maintenance & Operations Director (June 16, 2022); Committee testimony of Mandy Gutierrez, Robb Elementary Principal (June 16, 2022).

⁹² Committee testimony of Pete Arredondo, USCID police chief (June 21, 2022).

key that had worked, although sometimes he had to jiggle keys to make them work. Additionally, sometimes staff would change locks without notice to him.⁹³

Arnulfo Reyes, the fourth grade teacher in Room 111 stated in an interview that teachers and students in his building widely knew that the door to his classroom frequently did not lock, and he had gotten in “trouble” several times when Uvalde CISD police officers found the door unlocked. He stated that, on multiple occasions, he reported the malfunctioning lock to school administrators, who stated that the request had been turned in. As was the apparent practice among Robb Elementary teachers, Reyes never submitted a work order to repair the door lock for Room 111 himself.⁹⁴ Principal Gutierrez, in her testimony, confirmed that school administration knew about the issues with that door, stating that it was reported around spring break of 2022.⁹⁵

⁹³ Committee testimony of Lt. Mike Hernandez, Uvalde CISD Police (June 17, 2022). Lt. Hernandez’s keys were sent into the west building in response to the request for a master key during the May 24, 2022, incident, but officers inside the building were unable to identify the correct key from among the dozens of keys on his key rings.

⁹⁴ DPS interview of Arnulfo Reyes, Robb Elementary teacher (June 8, 2022).

⁹⁵ Committee testimony of Mandy Gutierrez, Robb Elementary Principal (June 16, 2022).

4 | THE ATTACKER

One motive that drove the man behind the massacre at Robb Elementary School was a desire for notoriety and fame. The Committee refuses to perpetuate his memory in that way; our focus is to ensure that Texas never forgets the children and beloved teachers who have been lost and the lessons this tragedy can teach. So, instead of naming him, we call him by a generic term used in active shooter training: “the attacker.” In consultation with the local community in Uvalde, the Committee arranged to show victims’ families, in advance of public release, a prudently edited version of Robb Elementary’s hallway surveillance video that did not include images of him.⁹⁶ We regret that others, under cover of anonymity and for their own motives, have sensationalized evidence of this horrible tragedy at the risk of glorifying a monster.⁹⁷

Family & Early Life

The attacker was born in Fargo, North Dakota on May 16, 2004, the second child born to the mother, Uvalde native A.R., and her then-boyfriend, S.R. The couple split shortly after the attacker’s birth, and A.R. returned to Uvalde with the two children. The father had limited and inconsistent involvement in his children’s lives from that point onward.⁹⁸

Mother A.R. was known to several witnesses who testified before the Committee from her work as a server at local Uvalde restaurants. A.R. was involved in the attacker’s early life, but over time, her relationship with both her children became strained.⁹⁹ A.R. struggled with a long history of drug use and other personal issues, though her only criminal history was a 2005 misdemeanor theft that ended in probation and a dismissed 2007 charge of misdemeanor family-violence assault.¹⁰⁰ The FBI interviewed a former girlfriend of the attacker who

⁹⁶ The Committee incorporates into its report, by reference, the edited videorecording of the May 24, 2022, law enforcement response at Robb Elementary uploaded at <https://www.youtube.com/watch?v=vYjDc5sDZgU>. This video is considered part of this report.

⁹⁷ Tragically, there is evidence that national media coverage of mass shootings has played a role in increasing their frequency. See generally <https://www.dontnamethem.org/>.

⁹⁸ The evidence shared by other law enforcement agencies includes the attacker’s birth certificate and school records as well as notes from interviews of both of his parents.

⁹⁹ In addition to various interviews of family members conducted by law enforcement agencies in the wake of the Robb Elementary tragedy, the Committee heard testimony from an aunt and a cousin of the attacker. Also, the Committee learned many details in this section from a review of the attacker’s mobile phones and cloud-based data storage, which were imaged by law enforcement and provided to the Committee.

¹⁰⁰ Records of the mother’s criminal history were provided to the Committee.

believed one of A.R.'s boyfriends sexually assaulted him at an early age, but that A.R. didn't believe his outcry.¹⁰¹

The attacker and his family had some support from extended family, most notably A.R.'s mother, C.G. Testimony before the Committee portrayed C.G. as well-known and well-regarded in the Uvalde community, particularly within the local school district, from which she retired after twenty-seven years. C.G. took on the role of a maternal figure in the lives of both the attacker and his sister, especially as they grew older.

Relatives described the attacker as shy and quiet. The Committee heard testimony that he was reluctant to interact with peers because of a speech impediment. Poverty is not an unfamiliar circumstance in Uvalde—86% of the children in the school district may be economically disadvantaged.¹⁰² The attacker often wore the same clothing day after day.

S c h o o l

Records from the attacker's early school years reveal varied accounts of his character and school performance. His pre-K teacher's report described him as "a pleasure to have ... a wonderful student ... always ready to learn," and it praised his "hard work and positive attitude in the classroom." Yet early assessments showed he was behind other students academically, and by third grade, school officials already had identified him as "at-risk" due to consistently poor test results. School records reveal that someone may have requested speech therapy for the attacker, and his later internet searches show he himself sought information on dyslexia. Ultimately, he received no special education services.¹⁰³

The attacker's fourth grade year at Robb Elementary School was significant to him. The shooting took place in his former fourth grade classroom, and he discussed bad memories of fourth grade with an acquaintance just weeks beforehand. In testimony before the Committee, two different narratives have emerged.

The attacker's fourth grade teacher testified before the Committee. Not only did she know the attacker from having been his teacher, but she was also in Robb Elementary's fourth grade building, in a different classroom, at the time of the attack. This teacher told the Committee she knew the attacker needed extra help in her class because he claimed to be a victim of bullying. She testified that she met with the attacker's mother, A.R., over the mother's concerns about bullying, and that she had promised A.R. that her son would have a good fourth grade

¹⁰¹ FBI San Antonio, Situational Report (May 30, 2022) (SITREP #11, final SITREP).

¹⁰² Committee testimony of Dr. Becky Reinhardt, Uvalde CISD (June 30, 2022).

¹⁰³ *Id.*

year. According to the teacher, it was a good year for the attacker. She said she believed her classroom was a safe place for him and that he made friends there.

Members of the attacker's family, however, reported to the Committee their belief that other students still bullied the attacker throughout his fourth grade school year over his stutter, clothing, and short haircut. A cousin of the attacker said she was in the same fourth grade class with him, and she corroborated this version of his experience that year. She reported an incident in which another girl in the class tied the attacker's shoelaces together, resulting in him falling over and injuring his face. The family also reported their belief that some teachers also picked on the attacker and his cousin.

Despite the accounts that suggest bullying of the attacker had become a concern by the fourth grade, in notes found on his phone, he described them as beginning in middle school. It is not known to the Committee whether the attacker ever shared these notes with anybody.

Records show the attacker had declining attendance, with more than one hundred absences annually beginning in 2018, along with failing grades and increasingly dismal performance on standardized and end-of-course exams. While Uvalde CISD "school success officers" do try to bring truant children back to school, many Uvalde students have spotty attendance, and the local judicial system reportedly does not consistently enforce truancy rules.¹⁰⁴ It is unclear whether any school resource officers ever visited the home of the attacker.

Despite his absences, or perhaps because of them, the attacker had almost no disciplinary history at school. The single infraction on his school record is for "mutual combat" with another student in a hallway in late 2018, resulting in a three-day suspension.

By 2021, at age seventeen, the attacker had only completed the ninth grade. On October 28, 2021, Uvalde High School involuntarily withdrew him, citing poor academic performance and lack of attendance.¹⁰⁵

¹⁰⁴ *Id.*

¹⁰⁵ There has been some public reference to a Uvalde High School teacher, identified in FBI investigative reports as Rhiannon Bates, who was identified by yet another teacher as having purportedly stated in the past that the attacker was the one student of whom she was afraid, and that "if any student was going to become a school shooter, it would be him." FBI San Antonio, Situational Report (May 30, 2022) (SITREP #11, final SITREP). The Committee's investigators interviewed Ms. Bates, and she categorically denies this account, specifically denying any knowledge about the attacker. In her testimony to the Committee, Uvalde CISD administrator Dr. Becky Reinhardt confirmed that the attacker had not been one of Bates's students, and there is no indication that she ever had any interaction with him. Committee testimony of Dr. Becky Reinhardt, Uvalde CISD (June 30, 2022).

The Year Before

In a year distinguished by the general school-age population's return to school in Uvalde and elsewhere after the COVID pandemic, the attacker dropped out of school and turned down a dark path. While in earlier years, notes in his phone reflect that he unsuccessfully sought to fit in (including a fixation with weight and fitness that resulted in an eating disorder), in 2021 he appears to have increasingly withdrew and isolated himself.

An ex-boyfriend of his mother A.R. described the attacker to an investigating Texas Ranger as a loner who punched holes in the walls of his room after arguments with her. By this time the attacker's sister already had graduated and left home, and his best (perhaps only) friend was living in San Antonio. The attacker had no driver's license or vehicle. Family members told the Committee and other investigators that a group of the attacker's former friends "jumped" him early in the year. The attacker began trying to teach himself boxing and mixed martial arts with a punching bag in his room at home.

In mid-2021, his relationship with the girlfriend later interviewed by the FBI ended. She described the attacker as lonely and depressed, constantly teased by friends who called him a "school shooter." She said he told her repeatedly that he wouldn't live past eighteen, either because he would commit suicide or simply because he "wouldn't live long."¹⁰⁶ The attacker responded to the breakup by harassing the girl and her friends.

The attacker began wearing black clothes, combat boots, and long, unkempt hair. He was active on several social media platforms, including TikTok, Instagram, YouTube, and the French livestreaming platform Yubo. He networked with local peers in ongoing group chats on Snapchat, and he played a range of videogames, including the Call of Duty and Grand Theft Auto series. Most of his usernames and even his email address reflected themes of confrontation and revenge.

The attacker began to demonstrate interest in gore and violent sex, watching and sometimes sharing gruesome videos and images of suicides, beheadings, accidents, and the like, as well as sending unexpected explicit messages to others online. Those with whom he played videogames reported that he became enraged when he lost. He made over-the-top threats, especially towards female players, whom he would terrorize with graphic descriptions of violence and rape.

His online interactions grew more manipulative and controlling as the year wore on, and he presented a more commanding personality online than he did in person. He pretended to a

¹⁰⁶ FBI San Antonio, Situational Report (May 30, 2022) (SITREP #11, final SITREP).

greater level of maturity than he had, searching the internet for information on sexual practices mentioned by others in conversation. The attacker wrote about his difficulty connecting to other people or feeling empathy for them; he said he was “not human,” and he called others “humans,” apparently intending it as an insult. Later internet usage suggests he may have wondered if he was a sociopath and sought out information on the condition. His internet research resulted in him receiving an email about obtaining psychological treatment for sociopathy.

The attacker became focused on achieving notoriety. He believed his TikTok and YouTube channels would be successful. The small number of views he received led him to tell those with whom he interacted that he was “famous,” that they were mere “randoms” by comparison, and that they were lucky to interact with him.

On Yubo, the attacker spoke enviously of publicity given to a murderer and animal abuser whose story became widely known after a Netflix documentary. In late 2021, he shared a video online that showed him driving around with “someone he met on the internet” holding a clear plastic bag that contained a dead cat, which he discarded in the street and spit on while his driver laughed. The video then showed the attacker wearing a tactical plate carrier, went on to show him dryfiring BB guns at people, and ended with footage of emergency services responding to a serious car accident, which he claimed his driver had caused.

The attacker got a job in late 2021. He first worked at Whataburger, where a friend’s grandmother saw him. She snapped a picture and sent it to her grandson, warning that it was “an example of what your life will be if you quit school”—a sentiment some of his peers expressed to him directly. His employer fired him after a month for threatening a female coworker, and he fared similarly at his next job at Wendy’s. A coworker there described him as “not a good person” and “troubled,” someone who “put himself in a box and would not talk or associate with anyone he worked with.” An exception to that approach was when he tried discussing guns with another employee. When the other employee received the discussion negatively, the attacker challenged him to a fight. The attacker also occasionally worked with his grandfather, who had an air conditioning business and paid him in cash.

Living at home, the attacker had no real expenses and hoarded money, telling acquaintances that he was “saving for something big” and that they would all see him in the news one day. Family members believed he was saving money for his own apartment or car, but clues to his real plans surfaced near the end of 2021. That is when he ordered rifle slings, a red dot sight, and shin guards, as well as the body armor carrier worn in both the video he shared and on the day of the Robb Elementary massacre. Still seventeen at the time, the attacker asked at

least two different people to buy guns for him,¹⁰⁷ which they both refused to do. Interviews conducted by other investigators indicate that family members and friends were aware of his efforts to buy guns before he was legally permitted to do so.

Finally, the attacker developed a fascination with school shootings, of which he made no secret. His comments about them coupled with his wild threats of violence and rape earned him the nickname “Yubo’s school shooter” on that platform. Those with whom he played games taunted him with a similar nickname so often that it became a running joke. Even those he personally knew in his local chat group began calling him “the school shooter” after he shared pictures of himself wearing the plate carrier he’d bought and posing with a BB gun he tried to convince them was real. None of his online behavior was ever reported to law enforcement, and if it was reported by other users to any social media platform, it does not appear that actions were taken to restrict his access or to report him to authorities as a threat.

T h e L a s t D a y s

While a vague idea for a school shooting appears to have been in the attacker’s mind as early as late 2021, he began to pursue his evil plan in early 2022 after a falling-out with his mother. A blowout argument between them was livestreamed on Instagram, and several members of their family viewed it. Although sheriff’s deputies responded to a call, they made no arrests. Soon afterwards, the attacker left home and moved in with his grandmother, just blocks away from Robb Elementary School.

His relationship with his mother never improved. He retained similar antipathy toward his father, who last saw him about a month before the shooting. The father felt his son had no love left for him. He noticed that the attacker had cuts on his own face that appeared to be self-inflicted (something other witnesses had observed on prior occasions), and he claimed he was “doing something” soon.

The attacker had moved into his grandmother’s small home, where he had no room of his own and slept on the living-room floor. A few days before the shooting, he confided in an older cousin who was also staying there, telling her that he did not want to live anymore. After

¹⁰⁷ The straw purchase of a firearm as proposed by the attacker would violate federal law. *See* 18 U.S.C. § 922(a)(6) (“It shall be unlawful—for any person in connection with the acquisition or attempted acquisition of any firearm or ammunition from a ... licensed manufacturer, [or] licensed dealer ... knowingly to make any false or fictitious oral or written statement or to furnish or exhibit any false, fictitious, or misrepresented identification, intended or likely to deceive such ... manufacturer, [or] dealer ... with respect to any fact material to the lawfulness of the sale ... under the provisions of this chapter”). Additionally, Texas law provides that “A person commits an offense if the person ... intentionally or knowingly sells, rents, leases, or gives or offers to sell, rent, lease, or give to any child younger than 18 years of age any firearm ...” Tex. Pen. Code § 46.06(a)(2).

a lengthy heart-to-heart, the cousin believed she'd gotten through to him. The attacker's uncle also recalled having similar discussions with him.

Meanwhile, the attacker's planning and preparation became more focused. The Committee received extensive documentation compiled and created by the Bureau of Alcohol, Tobacco, Firearms and Explosives in the course of its investigation of the attacker's purchases. He began buying more firearms accessories beginning in February 2022, including 60 30-round magazines, a holographic weapon sight, and a Hellfire Gen 2 snap-on trigger system.

On March 23, 2022, a suspicious person dressed in all black with a backpack was seen canvassing Robb Elementary, but no one ever identified the person.

As soon as the attacker turned eighteen on May 16, 2022—just one week before the shooting on May 24, 2022—he was finally able to purchase guns and ammunition. An online retailer shipped 1,740 rounds of 5.56mm 75-grain boat tail hollow point to his doorstep, at a cost of \$1,761.50. He ordered a Daniel Defense DDM4 V7 (an AR-15-style rifle) for shipment to a gun store in Uvalde, at a cost of \$2,054.28 (including tax and transfer fee). On May 17, 2022, he bought a Smith and Wesson M&P15 (also an AR-15-style rifle) at the same store in Uvalde, at a cost of \$1,081.42. He returned the next day for 375 rounds of M193, a 5.56mm 55-grain round with a full metal jacket, which has a soft core surrounded by a harder metal. He returned again to pick up his other rifle when it arrived on May 20, 2022, and he had store staff install the holographic sight on it after the transfer was completed.¹⁰⁸



The attacker's rifles; the leftmost was used at Robb.

The owner of the gun store described the attacker as an “average customer with no ‘red flags’ or suspicious conditions”—just that he was always alone and quiet. The owner of the store remembered asking how an 18-year-old could afford such purchases (the rifles alone were over \$3,000), and the attacker simply said he had saved up. Patrons of the store who saw him told

¹⁰⁸ The exact cost of all magazines, sights, and other accessories in addition to the amounts listed above likely ranged from \$1,500–2,000 based on market value and the amounts the attacker reported to those he told about the purchases.

a different story in FBI interviews, saying after the tragedy that the attacker was “very nervous looking” and that he “appeared odd and looked like one of those school shooters”; another described his all-black clothing as simply giving off “bad vibes.”

A background check was conducted, and the attacker qualified for the purchases. While multiple gun sales within such a short period are and were reported to the ATF, the law only requires purchases of handguns to be reported to the local sheriff. Here, the information about the attacker’s gun purchases remained in federal hands.

The attacker’s uncle drove him to the gun store twice. He said he did not know they were going to pick up a rifle the first time; the store is connected to a popular restaurant, and the attacker said he was hungry. When he returned with a long box and no food, it was obvious he had purchased a rifle. The Committee has not learned who took the attacker to the gun store on May 18th, but the uncle drove him back on May 20th after the attacker falsely told him he needed to pick up ammunition purchased online. The uncle said he did not see what was in the attacker’s package, and he was too unfamiliar with firearms to know what might have been inside. It is now known that the package contained the second, more expensive rifle used in the shooting.

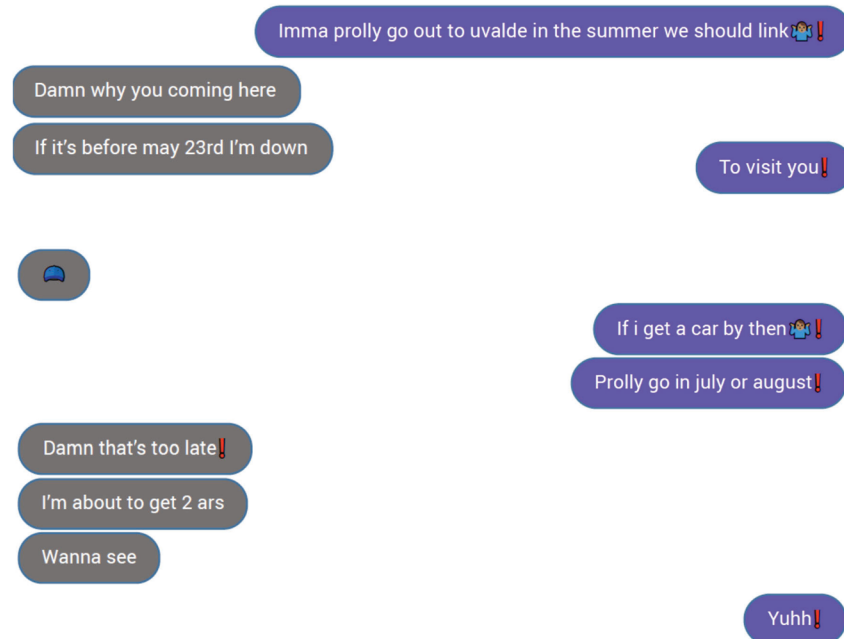
The attacker’s grandmother and cousin both told him he could not have a gun in the home, so the uncle agreed to store the first rifle at his house. He believes the attacker snuck it out after staying the night a few days later. The attacker apparently hid the second rifle outside his grandmother’s house until he brought it in the night before the shooting, as he related to an acquaintance by text messages.

The attacker had no experience with firearms, and based on other investigators’ interviews of friends and family, the shooting was likely the first time he fired one. The uncle recalled the attacker attempting to seat a magazine in the rifle and the magazine repeatedly falling out onto the floor. Internet search history shows the attacker sought out ranges but was unable to get to one that allowed long guns before the shooting. He also searched the internet for basic information such as what kind of ammunition an AR-15 fires and whether a magazine can be reused after being emptied, and he looked for information on how to buy “juggernaut armor,” a fictional armor system depicted in videogames.

Online interactions involving the attacker continued to foreshadow a tragedy. In March 2022, in an Instagram group conversation, a student told him that “people at school talk [expletive] about you and call you school shooter.” Later, the attacker began referencing a timeline. On April 2nd, he asked in a direct message on Instagram, “Are you still gonna remember me in 50 something days ?” After the answer, “probably not 🤖,” he retorted with, “Hmm alright

we'll see in may 👍.” The attacker often connected those dates with doing something that would make him famous and put him “all over the news,” and many of those with whom he chatted suspected his cryptic deadlines meant violence. For example, in a May 14th conversation he simply wrote “10 more days,” leading to immediate speculation that he meant he’d “shoot up a school or something” or commit “mass murder” on that date. On May 17th, a friend told him that an acquaintance of theirs was “telling everyone u shooting up the school.”

The attacker also began sharing photos of his rifles, including with total strangers. Those in his Snapchat group claimed they believed the guns were fake (despite the attacker posting the receipt) because he had tried to pass off a BB gun as real the year before. For those with no reason for doubts, the context often made the shared images disturbing, such in late April when a friend proposed visiting the attacker in Uvalde:



After the attacker sent a picture of the rifle he intended to buy—to great approval—their discussion continued just after his birthday when he made his first gun and ammo purchases:

Just spent 1652 on ammo

and 2150 on some ar

Smhh 🏴‍☠️ !



Givin me school shooter vibes

In the last days before the shooting, the attacker saved news stories and other information about the mass shooting in a Buffalo, N.Y. supermarket on May 19, 2022. He also spent time with his cousin's son, who attended Robb Elementary. After playing the children's videogame Roblox, the attacker elicited from him details about his schedule and how lunch periods worked at the school.

On the eve of the shooting, the attacker began contacting numerous people with vague but ominous messages about doing something the next day. In one Snapchat exchange with a German teenager he had befriended, he commented: "I got a lil secret 😏😏." When she became curious, he told her it was "impossible for today" because he was still waiting for something "being delivered Monday 23 by 7 pm." His order of 1,740 hollow points arrived later that day.

Prior to the shooting, the attacker had no criminal history and had never been arrested. He is not known to have espoused any ideology or political views of any kind. Private individuals alone knew the many warning signals.

5 | MAY 24 INCIDENT & LAW ENFORCEMENT RESPONSE

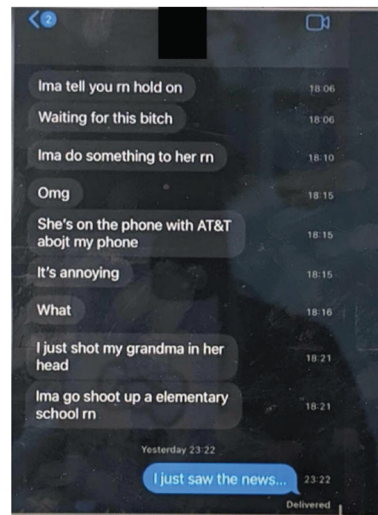
May 24, 2022, marked the beginning of the end of the 2022 school year at Robb Elementary School. Parents, teachers, and students came to school that day ready to celebrate the students' accomplishments and awards and to look forward to another peaceful Uvalde summer. The students had completed all their tests and school instruction was over for the year. It was awards day, and parents were coming to school to see their children's ceremonies. Many students anticipated going home early or remaining with their classmates to watch a movie.

In a nearby neighborhood, a former Robb Elementary student and Uvalde High School dropout had made other grim plans for that now-fateful day. In private messages, the Robb Elementary School attacker had indicated to acquaintances that he had chosen this date in advance for a significant event. Some in the Uvalde community have speculated that the attacker intended to choose the date when, carrying out a local tradition, the Class of 2022 seniors would return to Robb Elementary to walk the halls at lunchtime. If the attacker's former classmates were his intended targets, they were spared because the seniors' visit occurred on May 23, 2022, the day before the tragic attack.

The attacker was at home with his grandparents on the morning of May 24th when he sent eerie online messages, including to an Instagram model he'd never met whom he had tagged in pictures of his guns the week before. "I'll text you in an hour," he wrote, "But you HAVE TO RESPOND. I got a lil secret. I wanna tell u 🤪."

Evidence shows that the attacker had been getting in increasing conflicts with his grandmother, and she had threatened to remove him from her mobile phone plan. On the morning of May 24th, she called customer service to do just that. After a nearly hour-long FaceTime conversation with his online acquaintance in Germany, the attacker began texting her live updates:

While these text messages have been circulated in media reports, those reports do not include a message deleted by the attacker's correspondent before the screenshot was taken. Just twenty-eight seconds after the attacker informed her that he



had shot his grandmother and intended to “shoot up” an elementary school, the German teenager replied with a single word: “Cool.”¹⁰⁹

The attacker actually did shoot his grandmother in her face. Despite not having a driver’s license, he then proceeded to steal her truck, abandoning her to seek help from a neighbor as he set out to complete his plan.

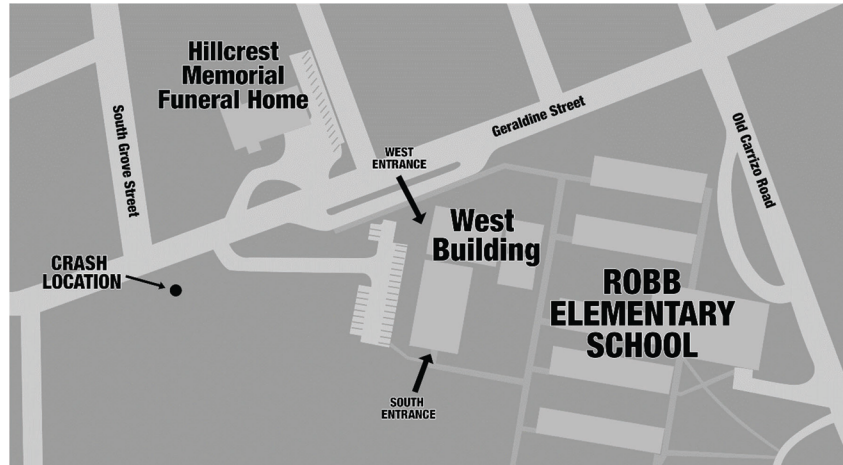
Driving toward Robb Elementary on South Grove Street, the attacker apparently lost control of the truck while approaching Geraldine Street, crashing the vehicle into a ditch.



Truck crashed by attacker near Robb Elementary.

Surveillance cameras at the nearby Hillcrest Memorial Funeral Home captured the crash on video at approximately 11:28 a.m. Two men saw the crash and began to walk from the funeral home, across Geraldine Street, to the location of the truck. The attacker emerged from the wreckage and began shooting toward the two men, who turned and fled back toward the funeral home. Immediately, a report was made to 911 about a man at that location shooting a gun.

¹⁰⁹ The above depiction of the text messages is one that has been posted by news outlets—an image of the teenager’s phone taken after the shooting. The Committee reviewed data from the attacker’s phones, which contained an additional message that appears to have been deleted in the image shared by the teenager.



Robb elementary and surroundings.

The attacker proceeded to advance toward Robb Elementary School. There was a five-foot fence around the perimeter of the school property. The attacker tossed a backpack over the fence, then he climbed over it, as documented on the funeral home’s surveillance camera.

Coach Silva Alerts the School

Robb Elementary Coach Yvette Silva was outdoors at that time with a group of third graders, and she spotted the backpack being tossed over the fence followed by a person dressed in black climbing over it. She then saw the person raise a gun and begin to shoot. Coach Silva thought the attacker was shooting at her, and she ran from the field toward her classroom. She used her school radio to report: “Coach Silva to office, somebody just jumped over the fence and he’s shooting.” She ran toward a group of third graders on the school playground to tell them to lock down. She expected to then hear an announcement of a lockdown, but she did not hear one right away.¹¹⁰ Meanwhile, the attacker proceeded to the fourth grade teachers’ parking lot, continuing to fire his gun.

Law Enforcement Responds to Robb Elementary

While this was unfolding, Uvalde Police Department dispatch communicated to local law enforcement the initial 911 report from the funeral home about the vehicle crash. Numerous officers immediately began to respond in the direction of Robb Elementary School.

¹¹⁰ Committee testimony of Coach Yvette Silva, Robb Elementary (June 16, 2022).

Uvalde Police SSgt. Eduardo Canales, commander of the SWAT team, had been at Robb Elementary just an hour before for his son's end-of-year school ceremonies. While working at his office, other officers ran down the hallway and said there had been a vehicle accident with shots fired. He followed Lt. Mariano Pargas, the acting chief of the Uvalde Police. (Uvalde Police Chief Daniel Rodriguez was out of town that day, and on this occasion, Lt. Pargas had been designated as acting chief.) On arrival at the school, SSgt. Canales saw cars stopped and a man shooting a gun. He grabbed his rifle, put a magazine into it, and grabbed an extra magazine. He saw people at the funeral home pointing in the direction of the school, and he heard somebody say the attacker was in or near the building. SSgt. Canales entered an open gate where he met Lt. Javier Martinez, also of the Uvalde Police.¹¹¹

Lt. Martinez also heard the report of a vehicle accident with shots fired. He drove toward the intersection of Geraldine and South Grove, and as he arrived, he saw a man on the side of the road pointing. He jumped out of his car, popped the trunk to get his vest, then proceeded toward the west side of the school's west building.¹¹²

At around the same time, another Uvalde Police officer, Sgt. Daniel Coronado, also arrived on the scene. He wore his uniform and a vest, but he had no rifle plates for protection. Sgt. Coronado first stopped his patrol vehicle at the south end of South Grove Street where it dead-ends into Geraldine Street. He saw two Uvalde Police officers at the intersection who had arrived before him. Sgt. Coronado exited his vehicle, heard gunfire, and asked where the shooting was occurring. At first, the other officers said they did not know, and they could not see the attacker.¹¹³

One of those officers testified to the Committee that, based on the sound of echoes, he believed the shooter had fired in their direction.¹¹⁴ That officer saw children dressed in bright colors in the playground, all running away. Then, at a distance exceeding 100 yards, he saw a person dressed in black, also running away. Thinking that the person dressed in black was the attacker, he raised his rifle and asked Sgt. Coronado for permission to shoot.¹¹⁵

¹¹¹ Committee testimony of SSgt. Eduardo Canales, Uvalde Police (June 29, 2022).

¹¹² Committee testimony of Lt. Javier Martinez, Uvalde Police (June 29, 2022).

¹¹³ Committee testimony of Sgt. Daniel Coronado, Uvalde Police (June 20, 2022).

¹¹⁴ The Committee is unaware of any public reporting about this episode that has identified the police officer by name. The officer testified before the Committee. In light of the Committee's determination that the description of this episode by ALERRT—then widely reported by the media—is likely incorrect, we likewise decline to identify him by name for purposes of this report.

¹¹⁵ See, e.g., Committee testimony of Sgt. Daniel Coronado, Uvalde Police (June 20, 2022).

Sgt. Coronado testified he heard the request, and he hesitated. He knew there were children present. He considered the risk of shooting a child, and he quickly recalled his training that officers are responsible for every round that goes downrange.¹¹⁶

According to the officer who made the request, there was no opportunity for Sgt. Coronado to respond before they heard on the radio that the attacker was running toward the school. The officers testified to the Committee that it turned out that the person they had seen dressed in black was not the attacker, but instead it was Robb Elementary Coach Abraham Gonzales.¹¹⁷ Coach Gonzales had been on his way to the parking lot to leave the school after his lunch duty when he heard a gunshot and then Coach Garcia's report about the attacker over the radio. He told the children around him to run away.¹¹⁸ Robb Elementary fourth grade teachers Lynn

¹¹⁶ *Id.*

¹¹⁷ Part 1 of the ALERRT report, included the following narrative in its timeline:

Prior to the suspect's entry into the building at 11:33:00, according to statements, a Uvalde Police Officer on scene at the crash site observed the suspect carrying a rifle outside the west hall entry. The officer, armed with a rifle, asked his supervisor for permission to shoot the suspect. However, the supervisor either did not hear or responded too late. The officer turned to get confirmation from his supervisor and when he turned back to address the suspect, he had entered the west hallway unabated. (OS per investigating officer interview).

ALERRT, *Robb Elementary School Attack Response Assessment and Recommendations*, at 4 (July 6, 2022). The ALERRT report appears to rely on an interview conducted by Texas Ranger Michael Schraub, who interviewed the officer in question on May 27, 2022. That report stated:

While in route to the scene Officer [A] advised Officer [B] located the shooter. However, the shooter was located a couple blocks away from the dispatch location. Officer [A] advised upon arrival, the shooter was shooting at Officer [B]. Officer [A] advised he positioned his patrol vehicle while ducking down and grabbing his rifle between the shooter and Officer [B]. Officer [A] advised the purpose was to protect Officer [B] while he exited his patrol vehicle. Officer [A] advised his vehicle was not struck by any projectiles.

Officer [A] advised upon exiting his patrol vehicle he observed the shooter in the distance. When he observed the shooter, Officer [A] advised there were kids in the background. Therefore, Officer [A] advised he hesitated shooting at the suspect. Officer [A] advised he requested permission to shoot, looked back very briefly at Sergeant Coronado, but never received a response. Upon looking back the direction of the shooter Officer [A] advised the shooter was gone.

DPS interview (May 27, 2022). In a subsequent DPS interview, the officer in question described the person he saw not as "the shooter" but as "a person in black toward the back of the school, but kids were behind that individual." DPS interview (June 13, 2022). These DPS interview reports do not include or support the detail suggested in the ALERRT report that a Uvalde police officer "observed the suspect carrying a rifle *outside the west hall entry*." Based on its review of evidence to date, this Committee concludes that it is more likely that the officer saw Coach Gonzales dressed in black near a group of schoolchildren than that there was an actual opportunity to shoot the attacker from over 100 yards away, as assumed by ALERRT's partial report.

¹¹⁸ DPS interview of Coach Abraham Gonzales (May 28, 2022).

Deming and Sasha Martinez each testified that Coach Gonzales yelled at their children to lock down as the attacker approached.¹¹⁹

Sgt. Coronado saw people at the funeral home also indicating the attacker was running toward the school. He returned to his car and drove east down Geraldine Street to attempt to flank and engage the attacker. He parked his car on the northeast corner of the campus and saw Uvalde CISD Police Chief Pete Arredondo arrive.¹²⁰

Just minutes before, Chief Arredondo had been in his office at Uvalde High School when he heard “shots fired” on the radio. He rushed out, heard something about Robb Elementary School, and drove toward the school. He arrived with his radios, but as he exited his vehicle, he was fumbling with them and they bothered him, so he dropped them by the school fence knowing that Sgt. Coronado, the sergeant on patrol, was there and “fully uniformed” with his radio.¹²¹

R o b b E l e m e n t a r y S c h o o l L o c k s D o w n

As the attacker approached the school and as law enforcement responders were arriving, staff at Robb Elementary were beginning to lock down, based mostly on word-of-mouth reports of an armed man on campus.

Principal Mandy Gutierrez had just finished an awards ceremony and was in her office when she heard Coach Silva’s report over the radio. She attempted to initiate a lockdown on the Raptor application, but she had difficulty making the alert because of a bad wi-fi signal.¹²² She did not attempt to communicate the lockdown alert over the school’s intercom. By phone, she called and spoke with Chief Arredondo, who told her, “shut it down Mandy, shut it down.”¹²³ She told head custodian Jaime Perez to ensure that all the doors were locked. She initially locked down in her own office, but she later moved to the cafeteria.¹²⁴

¹¹⁹ Committee testimony of Lynn Deming, Robb Elementary teacher (June 29, 2022); Committee testimony of Sasha Martinez, Robb Elementary teacher (June 29, 2022).

¹²⁰ Committee testimony of Sgt. Daniel Coronado, Uvalde Police (June 20, 2022).

¹²¹ Committee testimony of Chief Pete Arredondo, Uvalde CISD Police (June 21, 2022).

¹²² DPS interview of Mandy Gutierrez, Robb Elementary Principal (May 27, 2022).

¹²³ Committee testimony of Mandy Gutierrez, Robb Elementary Principal (June 16, 2022). Chief Arredondo told the Committee he had no recollection of talking to Principal Gutierrez. Committee testimony of Chief Pete Arredondo, Uvalde CISD Police, at 161 (June 21, 2022).

¹²⁴ Committee testimony of Mandy Gutierrez, Robb Elementary Principal (June 16, 2022).

Perez was in the cafeteria when he also heard Coach Silva's report on the radio. He immediately started to implement a lockdown, starting to lock doors from the outside. He heard shots and returned to the cafeteria where he remained for the duration of the incident.¹²⁵

In the west building, the fourth grade teachers in and around the building also started to initiate lockdown procedures upon hearing about the approaching attacker. Sasha Martinez taught a fourth grade class in Room 110. She and her class had left their classroom ahead of schedule for recess. They were on their way to the playground when they heard a coach yelling, pointing at the roof, and telling them to run. Martinez started to hear gunshots, and her students started running, some toward the cafeteria, others joining her toward the direction of their classroom in the west building. She then decided to take them to another open classroom in another building instead.¹²⁶

Lynn Deming in Room 104 was getting her class ready to go early to recess. She was standing at the south door of the west building waiting for a child to get a water bottle when her students heading out the south door reported that a coach was yelling at them. She heard "pow pow" and told her kids to get back into the classroom.¹²⁷

Elsa Avila taught fourth grade in Room 109. She had lined-up her students at 11:30 a.m. to go to recess. Some of the children reported to her that students from Deming's classroom were returning screaming and crying. She opened the door and did not see anybody, but she heard a female voice saying, "get in your rooms." She returned to her classroom and slammed the door shut, because otherwise the lock would not latch. She turned off the lights and closed the door. Her students knew what to do—they positioned themselves away from the windows and the doors.¹²⁸

Nicole Ogburn, the fourth grade teacher in Room 102 at the southwest corner of the west building, heard a sound like metal on brick from the outside. She looked out her window and saw a man in dark clothes with a gun and a bag walking up the sidewalk. She told her students to get down. She heard shots coming from the outside into the window, and she hid underneath a curtain in the room.¹²⁹

¹²⁵ Committee testimony of Jaime Perez, Robb Elementary head custodian (June 16, 2022).

¹²⁶ Committee testimony of Sasha Martinez, Robb Elementary teacher (June 29, 2022). Martinez commented that she thought a lot of time passed between hearing gunshots and then later receiving the Raptor alert. *Id.*

¹²⁷ Committee testimony of Lynn Deming, Robb Elementary teacher (June 29, 2022).

¹²⁸ Committee testimony of Elsa Avila, Robb Elementary teacher (June 30, 2022).

¹²⁹ Committee testimony of Nicole Ogburn, Robb Elementary teacher (June 29, 2022).

In Room 105, fourth grade teacher Jennieka Rodriguez received a Raptor alert of a lockdown at 11:32 a.m. Her students knew what to do and where to hide. She stepped outside and checked her classroom door to ensure it was locked. As she did so, she looked across the hall and locked eyes with another fourth grade teacher, Ms. Garcia, who was locking the door to her classroom, Room 112.¹³⁰

The Attacker Enters the West Building

After walking north along the west side of the west building, as observed by Ms. Ogburn,¹³¹ the attacker entered the unlocked west door of the west building.¹³² The exterior doors on the east and south sides of the building also were unlocked, such that even if the west door had been locked, the attacker still would have had the ability to enter the building, but his progress likely would have been slowed.

After passing through the west door, the attacker walked east into the building, then turned to his right, south into a hallway. He proceeded down to the vestibule for Rooms 111 and 112 and turned left to face those classroom doors.

The Attacker Enters Rooms 111 & 112

The surveillance video in the hallway shows that the attacker fired his gun toward Rooms 111 and 112 at approximately 11:33 a.m. He walked forward toward the doors and could be seen stepping back into the hallway before proceeding again into one of the classrooms.

We cannot be certain which of the doors the attacker entered. But, based on the evidence available to the Committee, it is most likely that the attacker found the door to Room 111 unlocked or unsecured and entered through that door.¹³³ There is no evidence that the attacker

¹³⁰ Committee testimony of Jennieka Rodriguez, Robb Elementary teacher (June 29, 2022).

¹³¹ Committee testimony of Nicole Ogburn, Robb Elementary teacher (June 29, 2022).

¹³² The Committee received some evidence that this door was usually kept locked, as it was supposed to be. Committee investigator interview of Arnulfo Reyes, Robb Elementary teacher (June 30, 2022). The Committee also heard some evidence that staff often propped open the door with a rock so that teachers could run out and come back in. *See, e.g.*, Committee testimony of Nicole Ogburn, Robb Elementary teacher (June 29, 2022). The surveillance camera inside the west building recorded that someone had propped open the west door with a rock earlier on May 24. *See* Robb Elementary surveillance video. Apparently in response to the lockdown alert, a teacher came into the hallway and removed the rock. *Id.* When the attacker arrived, the door was not propped open by a rock—but because the door was unlocked, he was still able to open the door and enter the building. *Id.*

¹³³ As discussed later in this report, responding officers assumed, but did not verify, that the doors to Rooms 111 and 112 were locked because of school policies and door designs intended to ensure locked classroom doors. Acting on that assumption, officers spent a great amount of time seeking a master key that could open a door they presumed to be locked. Other information described in this report casts doubt on the suggestion the door

made a forced entry through either door. As noted previously, there is evidence that Ms. Garcia, a teacher in Room 112, locked her classroom door as witnessed by the teacher in Room 105 across the hall, Ms. Rodriguez.¹³⁴

As for Room 111, there was substantial evidence that door did not secure properly. The teacher in Room 111, Arnulfo Reyes, knew this, and on several occasions reported the condition of the door to the school.¹³⁵ There was also evidence that teachers and students throughout the fourth grade knew the condition of Room 111's door, as they regularly would enter the door to access the printer in that room.¹³⁶ Reyes has no recollection of ever receiving a lockdown alert¹³⁷ or any memory that he undertook the special effort needed to get his classroom door to lock before the arrival of the attacker.¹³⁸

According to an analysis provided to the Committee, after entering the attacker spent about 2½ minutes rapidly firing over 100 rounds between the two rooms,¹³⁹ ultimately killing many innocent victims.¹⁴⁰ Law enforcement discovered a Hellfire trigger system in the room with the attacker, but based on the evidence provided to date, the Committee is unable to determine whether it was used to increase the weapon's rate of firing. The Department of Public Safety

was actually locked. The Committee has been advised that none of the Border Patrol agents who used a key and ultimately opened the door were wearing body cameras which might have shed additional light on this question.

¹³⁴ Committee testimony of Jennieka Rodriguez, Robb Elementary teacher (June 29, 2022). One of the surviving students in Room 112 also reported that she saw Ms. Garcia lock the door. DPS interview of Khloie Torres (June 2, 2022).

¹³⁵ Committee testimony of Mandy Gutierrez, Robb Elementary Principal (June 16, 2022); *see also* interview of Arnulfo Reyes, Robb Elementary teacher (June 30, 2022).

¹³⁶ Committee testimony of Nicole Ogburn, Robb Elementary teacher (June 29, 2022); *see also* interview of Arnulfo Reyes, Robb Elementary teacher (June 30, 2022).

¹³⁷ DPS (Elizondo) interview of Arnulfo Reyes, Robb Elementary teacher (June 8, 2022).

¹³⁸ *E.g.*, DPS (Williamson/Benitez) interview of Arnulfo Reyes, Robb Elementary teacher (May 27, 2022). Reyes told the Committee's investigators that he believes the attacker entered through Room 112 and from there shot through the wall into Room 111. Interview of Arnulfo Reyes, Robb Elementary teacher (June 30, 2022). The Committee finds that suggestion to be unlikely for the reasons previously explained about why Room 112 likely was locked and Room 111 likely was unlocked. It is more likely, and otherwise consistent with his account, that Reyes heard bullets fired by the attacker from outside in the hallway, through the doors, and into Room 111.

¹³⁹ *Cf.* Texas Department of Public Safety (@TexasDPS), <https://twitter.com/TxDPS/status/1539256179234332673> (June 21, 2022) (reference materials for testimony before Texas Senate Special Committee to Protect All Texans).

¹⁴⁰ *See also* Committee interview of DPS Director Col. Steven C. McCraw (June 9, 2022) (incident timeline). The analysis provided to the Committee strongly suggests that of approximately 142 total rounds fired by the attacker in the building, approximately 21 of those rounds can be identified as being fired after officers entered the building. The first 11 officers to enter the building did so over the course of approximately 6 seconds. It thus appears to be virtually certain that over 100 rounds were fired before the arrival of the first responders.

has advised the Committee there is no indication that the Hellfire device was used by the attacker. It is also possible that it was used.¹⁴¹

Terrified teachers and students throughout the west building heard this extended burst of gunfire, as did law enforcement officers who were arriving on the campus and closing in on the west building.¹⁴² Responders heard the tail end of this gunfire as they entered the building through the south and west doors.¹⁴³ During those two and a half minutes of gunfire, it is likely that one of the bullets passed through the walls and struck Ms. Avila, the teacher in Room 109.¹⁴⁴

Also during this time, at approximately 11:36 a.m., Uvalde Police Department dispatch received a call reporting a woman “shot in the head on Diaz Street.”¹⁴⁵

First Law Enforcement Approaches & Enters

After the attacker already had fired over 100 shots in Robb Elementary’s west building, two separate groups of officers converged on the building at the same time from different directions. From the time of their initial entry and over the course of the next five minutes, the attacker fired approximately 16 additional rounds.

On the south side of the building, Chief Arredondo and Officer Adrian Gonzalez of the Uvalde CISD Police and Uvalde Police Officer Page and Sgt. Coronado approached. Officers Page and Gonzalez were the first to enter,¹⁴⁶ followed by Chief Arredondo, then by Sgt.

¹⁴¹ U.S. Dep’t of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, Report of Investigation #13 (June 2, 2022).

¹⁴² *E.g.*, Committee testimony of Sgt. Daniel Coronado, Uvalde Police (June 20, 2022).

¹⁴³ *E.g.*, Committee testimony of Lt. Javier Martinez, Uvalde Police (June 29, 2022); *see also* Robb Elementary surveillance video.

¹⁴⁴ *See* Committee testimony of Elsa Avila, Robb Elementary teacher (June 30, 2022).

¹⁴⁵ Uvalde County Sheriff Ruben Nolasco testified to the Committee that while he was on his way to respond to the report of shots fired in the vicinity of Robb Elementary, he learned about the shooting of a woman on Diaz Street (who turned out to be the attacker’s grandmother) from a man in a vehicle who flagged him down in the street. *See* Uvalde Police Department Call Sheet Report (May 24, 2022); Committee testimony of Uvalde County Sheriff Ruben Nolasco (July 11, 2022). Other information provided to the Committee has suggested that Sheriff Nolasco learned about the shooting on Diaz Street by other means, and perhaps earlier than he has acknowledged. In a desire to put this issue to rest, and to foreclose the suggestion that earlier reporting of the attacker’s assault on his grandmother could have led to an earlier law enforcement intervention, the Committee has requested records from Sheriff Nolasco’s mobile phones to confirm that he was not contacted directly for assistance on Diaz Street. The Committee has not yet received these records. The issue is important if a more timely report of the Diaz Street shooting could have prompted an earlier call from dispatch for law enforcement response to the area or an earlier Raptor alert at the school.

¹⁴⁶ *E.g.*, Committee testimony of Officer Adrian Gonzalez, Uvalde CISD Police (June 20, 2022); DPS interview of Officer Donald Page, Uvalde Police (May 25, 2022).

Coronado. Officers Page and Gonzales both heard rounds as they were approaching.¹⁴⁷ So did Sgt. Coronado, who yelled “shots fired.”¹⁴⁸

Meanwhile, on the north side of the building, Lt. Martinez and Ssgt. Canales of the Uvalde Police entered the building first, followed by Uvalde Police Officer Louis Landry.¹⁴⁹ Lt. Martinez told a DPS investigator that he heard gunfire from inside the building, then he entered.¹⁵⁰ He testified to the Committee that he suspected the attacker was inside shooting,



West Building, Robb Elementary.

¹⁴⁷ E.g., Committee testimony of Officer Adrian Gonzalez, Uvalde CISD Police (June 20, 2022); DPS interview of Officer Donald Page, Uvalde Police (May 25, 2022).

¹⁴⁸ E.g., Committee testimony of Sgt. Daniel Coronado, Uvalde Police (June 20, 2022); *see also* Sgt. Coronado's body-worn camera footage (11:36).

¹⁴⁹ DPS interview of Officer Louis Landry, Uvalde Police (May 26, 2022); *see also* Robb Elementary surveillance video.

¹⁵⁰ DPS interview of Lt. Javier Martinez, Uvalde Police (May 25, 2022); *see also* Robb Elementary surveillance video.

but that as he entered the building it was definitely quiet, with no screaming or crying. He said that on arrival inside the building, he heard “a few muffled shots.”¹⁵¹

The evidence establishes that as they arrived at the west building, the initial responders knew there had been gunfire inside the building. They heard it as they were approaching. When they entered, they could see a cloud of debris in the hallway from drywall, as well as bullet holes in the walls and spent rifle casings on the floor. Yet the testimony received by the Committee also indicated that none of these initial responders recalled hearing screams or having any contemporaneous understanding, as they arrived in the building, that teachers and students just then had been shot inside the classrooms.



Uvalde Police officers enter from north end of hallway.

¹⁵¹ *E.g.*, Committee testimony of Lt. Javier Martinez, Uvalde Police (June 29, 2022); *see also* Robb Elementary surveillance video.

After entering the west building, the two separate groups of officers converged on Rooms 111 and 112. Coming from the south, Officer Page saw smoke and fog and observed that both classrooms were dark. Officer Gonzales remembers smelling gunpowder, saying that it looked smoky or cloudy, like someone set off a fire extinguisher.¹⁵² Chief Arredondo made similar observations of smoke, and he also saw spent casings on the ground.¹⁵³ As Sgt. Coronado followed this group and Chief Arredondo from the south, he heard no more active gunfire as recorded on his body camera. It was quiet, and he could see bullet holes through the sheetrock.¹⁵⁴ On Sgt. Coronado's body camera footage, another officer can be heard saying, "it's an AR."¹⁵⁵ Upon entering the building, the officers tried but were unable to communicate on their radios. Officer Page stopped near Rooms 111 and 112,¹⁵⁶ and the school surveillance video suggests that the officers coming north from the south door were the first to reach the near vicinity of Rooms 111 and 112.

Simultaneously, Lt. Martinez followed by SSgt. Canales entered the hallway and approached Rooms 111 and 112, with Lt. Martinez approaching along the east wall and SSgt. Canales following along the west wall, as recorded on SSgt. Canales's body camera and the school surveillance video. Immediately behind them, four additional officers entered the building and remained in the north hallway.

At approximately 11:37 a.m., the officers converged from both sides of the hallway on Rooms 111 and 112. Coming from the north, Lt. Martinez peered into the vestibule for Rooms 111 and 112, and he faced gunfire, getting grazed by fragments of building material on the top of his head.¹⁵⁷ He immediately retreated to the north end of the hallway.¹⁵⁸ On the opposite side

¹⁵² E.g., Committee testimony of Officer Adrian Gonzalez, Uvalde CISD Police (June 20, 2022).

¹⁵³ Committee testimony of Chief Pete Arredondo, Uvalde CISD Police, at 87 (June 21, 2022). Chief Arredondo testified that he recalled seeing "the locking mechanism" for the door to Room 111, or what he calls "a thumb, the locking mechanism that goes in the throw." He explained, "there's a small gap in between the door and the frame, and you could see, you know, a fraction of an inch. I have an image in my head of seeing that—that throw." *Id.* at 97. For the reasons explained above, the Committee finds it is most likely that the door to Room 111 was not properly or effectively locked.

¹⁵⁴ E.g., Committee testimony of Sgt. Daniel Coronado, Uvalde Police (June 20, 2022).

¹⁵⁵ Sgt. Coronado's body-worn camera footage (11:36).

¹⁵⁶ DPS interview of Uvalde Police Department Officer Donald Page (May 25, 2022).

¹⁵⁷ ALERRT, *Robb Elementary School Attack Response Assessment and Recommendations* (July 6, 2022) (stating that Lt. Martinez and Ssgt. Canales were hit by "building material fragments caused by the suspect's rounds passing through the walls," citing "Investigating Officer Interview" and "Internal School Surveillance").

¹⁵⁸ See Robb Elementary surveillance video (11:36). The recent ALERRT report states that "[o]nce the officers retreated, they should have quickly made a plan to stop the attacker and gain access to the wounded," noting "[t]here were several possible plans that could have been implemented." "Perhaps the simplest plan," according to ALERRT, "would have been to push the team back down the hallway and attempt to control the classrooms

of the hall, fragments also hit SSgt. Canales on his ear. He likewise retreated and exited the building on the west side. No shots were fired at that time toward the attacker by the law enforcement responders.

What Happened for the Next 73 Minutes?

Like the initial approach into the west building, the remainder of law enforcement actions at Robb Elementary School until the ultimate breach of the classroom and neutralization of the attacker was a tale of two separate responses on the north and south sides of the hallway.

On the South ...

After the attacker fired on the responders, Chief Arredondo noticed the light on in Room 110—the room immediately south of Room 111 which was used by Ms. Martinez, who had taken her class out of the building early for recess. Chief Arredondo wondered if there could be a threat in Room 110. The door was either open or unlocked. He entered to clear the room, and he saw holes in the wall. The room was vacant. He told the Committee he thought, “There’s no babies in here. It’s awards day.”¹⁵⁹ He testified that he prayed that if Room 110 was empty, the children might be gone from the rooms occupied by the attacker as well.

Although the encounter had begun as an “active shooter” scenario, Chief Arredondo testified that he immediately began to think of the attacker as being “cornered” and the situation as being one of a “barricaded subject” where his priority was to protect people in the other classrooms from being victimized by the attacker.¹⁶⁰

With the benefit of hindsight, we now know this was a terrible, tragic mistake.

Testifying before the Committee, Chief Arredondo explained his thinking on this subject at the time as follows:

We have this guy cornered. We have a group of officers on ... the north side, a group of officers on the south side, and we have children now that we know in these other rooms. My thought was: We’re a barrier; get these kids out -- not the hallway, because the bullets

from the windows in the doors.” The report explains the purported simplicity of the plan by noting: “Any officer wearing rifle-rated body armor (e.g., plates) would have assumed the lead as they had an additional level of protection.” ALERRT, *Robb Elementary School Attack Response Assessment and Recommendations* (July 6, 2022). A problem with ALERRT’s depiction of its “simplest plan” is that no officer present was wearing “rifle-rated body armor (e.g., plates).” The Committee agrees the officers should have attempted to breach the classrooms even without armor, but it is inflammatory and misleading to release to the public a report describing “plans that could have been implemented” that assume the presence of protective equipment that the officers did not have.

¹⁵⁹ Committee testimony of Chief Pete Arredondo, Uvalde CISD Police (June 21, 2022).

¹⁶⁰ *Id.*

are flying through the walls, but get them out the wall – out the windows, because I know, on the outside, it's brick.

[T]o me ... once he's ... in a room, you know, to me, he's barricaded in a room. Our thought was: "If he comes out, you know, you eliminate the threat," correct? And just the thought of other children being in other classrooms, my thought was: "We can't let him come back out. If he comes back out, we take him out, or we eliminate the threat. Let's get these children out."

It goes back to the categorizing, ... I couldn't tell you when -- if there was any different kind of categorizing, I just knew that he was cornered. And my thought was: "... We're a wall for these kids." That's the way I looked at it. "We're a wall for these kids. We're not going to let him get to these kids in these classrooms" where ... we saw the children.¹⁶¹

Chief Arredondo's testimony about his immediate perception of the circumstances is consistent with that of the other responders to the extent they uniformly testified that they were unaware of what was taking place behind the doors of Rooms 111 and 112. They obviously were in a school building, during school hours, and the attacker had fired a large number of rounds from inside those rooms. But the responders testified that they heard no screams or cries from within the rooms, and they did not know whether anyone was trapped inside needing rescue or medical attention. Not seeing any injured students during their initial foray into the hallway, Sgt. Coronado testified that he thought that it was probably a "bailout" situation.¹⁶²

Chief Arredondo and other officers contended they were justified in treating the attacker as a "barricaded subject" rather than an "active shooter" because of lack of visual confirmation of injuries or other information. Chief Arredondo explained his reasoning for not continuing an active shooter-style response, telling the Committee:

[W]hen there's a threat ... you have to visibly be able to see the threat. You have to have a target before you engage your firearm. That was just something that's gone through my head a million times ... [G]etting fired at through the wall ... coming from a blind wall, I had no idea what was on the other side of that wall. But ... you eliminate the threat when you could see it. ... I never saw a threat. I never got to ... physically see the threat or the shooter.¹⁶³

This "barricaded subject" approach never changed over the course of the incident despite evidence that Chief Arredondo's perspective evolved to a later understanding that fatalities

¹⁶¹ *Id.* at 122, 125-25.

¹⁶² *E.g.*, Committee testimony of Sgt. Daniel Coronado, Uvalde Police (June 20, 2022). Chief Arredondo also testified that the possibility of a bailout "came over my mind at some point ... because they happen so often, and there's been a few that were armed." Committee testimony of Chief Pete Arredondo, Uvalde CISD Police, at 49 (June 21, 2022).

¹⁶³ Committee testimony of Chief Pete Arredondo, Uvalde CISD Police (June 21, 2022).

and injuries within the classrooms were a very strong probability.¹⁶⁴ He effectively conceded his error when asked what he would have done differently had he known injured victims were in the classroom. Chief Arredondo responded to the Committee: “I guess, if I knew there was somebody in there, I would have—we probably would have rallied a little more, to say, ‘Okay, someone is in there.’”¹⁶⁵

Chief Arredondo went to Room 109, found it locked and dark, saw a child’s head, and realized there were students in that room.¹⁶⁶ Officer Gonzales asked Chief Arredondo if he wanted to activate the SWAT team, which he confirmed, so Gonzales then stepped out and made the call.¹⁶⁷ As mentioned earlier, however, the head of the Uvalde Police SWAT team already was in the building.

Chief Arredondo then used his mobile phone to call the Uvalde Police. The Department of Public Safety supplied the following transcription of that call:

Hey..hey it’s Arredondo..it’s Arredondo can you hear me? No I have to tell you where we’re at..it’s an emergency right now. I’m inside the building. I’m

dispatcher can be heard talking in the background asking what room number

Is the teacher with him? Is the teacher with him? Is the teacher with him? Is she in the same room as him? Can you hear me? Ma’am?

dispatcher: I’m right here

Ma’am, is the teacher with him? In his classroom?

dispatcher: She’s in another classroom she’s in room 102. Another person possible shot across from her.

Okay, we have him in the room. he’s got an AR15, he’s shot a lot. He’s in the room, he hasn’t come out yet. We’re surrounded, but I don’t have a radio

dispatcher confirms SWAT location

Yes and they need to be outside of this building prepared. Because we don’t have enough fire power right now it’s all pistol and he has an AR15. If you

dispatcher asked if you can stay on the phone with me as long as you can

I am but I’m gonna drop it when he comes out of that door. Alright.

dispatcher advises over the radio that 401 has the shooter in 111 or 112. He’s going to be armed with a rifle. He’s requesting SWAT by the funeral home.

¹⁶⁴ For example, later in the incident, Sgt. Coronado’s body-worn camera footage recorded that somebody asked, at 12:34 p.m., “we don’t know if he has anyone in the room with him, do we?” Chief Arredondo responded, “I think he does. There’s probably some casualties.” Sgt. Coronado agreed, saying “yeah, he does ... casualties.” Then at 12:41 p.m.: “just so you understand, we think there are some injuries in there.”

¹⁶⁵ Committee testimony of Chief Pete Arredondo, Uvalde CISD Police (June 21, 2022).

¹⁶⁶ *Id.*

¹⁶⁷ Committee testimony of Officer Adrian Gonzalez, Uvalde CISD Police (June 20, 2022); *see also* Committee testimony of Chief Pete Arredondo, Uvalde CISD Police (June 21, 2022).

So. So I need you to bring a radio for me, and give me my radio for me. I need to get one rifle. Hold on. I'm trying to set him, I'm trying to set him up.

By 11:42 a.m., Constable Johnny Field had arrived on the north end of the hallway.¹⁶⁸ Constable Field saw Chief Arredondo on the other end and held up his phone. Chief Arredondo called and began communicating with him by phone as his primary contact on the north end.¹⁶⁹ They discussed the need to evacuate children from the building,¹⁷⁰ and Chief Arredondo decided to accomplish that by breaking windows.¹⁷¹ Officers Gonzales and Page proceeded to start breaking classroom windows and helping to evacuate students from classrooms.¹⁷² Chief Arredondo found another unlocked classroom on the east side of the hallway with a teacher and students locked down inside, and he told them to stay down.¹⁷³

Meanwhile, Sgt. Coronado had exited the building through the south door and made his own report by radio.¹⁷⁴ He requested shields and flashbangs from the police department, and he asked for helicopter support and ballistic shields from the Department of Public Safety. Agreeing with Chief Arredondo's assessment, he reported the shooter was "contained" inside the building and "barricaded in one of the offices." Dispatch asked Sgt. Coronado if the classroom door was locked. He responded he was not sure, but that they had a Halligan tool to break it. Radio traffic indicated the attacker was in Ms. Mireles's classroom (Room 112) and asked whether her students were inside. In response, Sgt. Coronado requested a mirror to look around corners. A voice on the radio stated that "the class should be in session."¹⁷⁵

After the initial responders took fire from the attacker, Sgt. Coronado remained outside the building on the south and west sides for a total of approximately 30 minutes,¹⁷⁶ regularly

¹⁶⁸ See Robb Elementary surveillance video.

¹⁶⁹ Testimony of Constable Johnny Field, Uvalde County Pct. 1 (June 30, 2022); Testimony of Chief Pete Arredondo, Uvalde CISD Police (June 21, 2022).

¹⁷⁰ Testimony of Constable Johnny Field, Uvalde County Pct. 1 (June 30, 2022).

¹⁷¹ Testimony of Chief Pete Arredondo, Uvalde CISD Police (June 21, 2022).

¹⁷² Testimony of Officer Adrian Gonzalez, UCISD Police (June 20, 2022) (stating that after calling for SWAT, he began to help evacuating children on his own initiative and received no further orders from Chief Arredondo).

¹⁷³ Testimony of Chief Pete Arredondo, Uvalde CISD Police (June 21, 2022).

¹⁷⁴ Sgt. Coronado's body-worn camera footage (11:38).

¹⁷⁵ Sgt. Coronado's body-worn camera footage (11:43).

¹⁷⁶ Sgt. Coronado's body-worn camera documented his activity. At 11:44 a.m., a responder asked by radio where he was needed, and received direction to head to the south side of the school. The responder then stated that a lot of people were pulling up by the funeral home. Sgt. Coronado responded to have some officers available to keep everybody back. At 11:48 am he suggested locking down the high school and all the other schools. At 11:49 a.m., a little more than 10 minutes after their initial encounter with the attacker, Sgt. Coronado warned arriving officers about a doorway and a "fatal funnel." He asked them to prop open the south door.

advising other officers to be careful about potential crossfire or a “fatal funnel” in the hallway and assisting the evacuation of students and teachers through windows on the west side of the building. When some newly arrived responders appeared to suggest that the officers should clear out of the south side of the hallway because United States Border Patrol Tactical Unit (BORTAC) responders were operating on the opposite end, Sgt. Coronado responded, “Chief is in there, Chief is in charge right now,”¹⁷⁷ suggesting both that Chief Arredondo was in control and in communication with the other side of the building.

While Sgt. Coronado was outside, his body camera recorded several people commenting on the need to find a master key to the classrooms. Once Sgt. Coronado returned inside the south side of the hallway, he found Chief Arredondo on his phone also asking for a key, which was a primary focus of his attention for the next 40 minutes. Chief Arredondo personally tried all of one large set of keys brought to him,¹⁷⁸ and when Sgt. Coronado cautioned him to stay clear of the hallway and the “fatal funnel,” Chief Arredondo responded, “just tell them to f***ing wait.”¹⁷⁹

Much of this time was spent by Chief Arredondo on the phone with Constable Field. He issued a series of additional requests for equipment and support, including snipers,¹⁸⁰ a master key,¹⁸¹ and breaching tools,¹⁸² repeatedly referencing the need for a key and breaching tools before they could attempt to enter the classrooms with the attacker. While waiting, he also periodically attempted to communicate with the attacker in English and Spanish, including immediately after four shots were fired inside the classroom at 12:21 p.m.

Despite all of the discussion of breaching tools, Chief Arredondo testified no one made him aware when one arrived at the building.¹⁸³

Chief Arredondo prioritized making certain all other classrooms in the building were cleared of teachers and students, including the evacuation of Room 109, where the attacker had shot Ms. Avila through the walls.¹⁸⁴ In the context of this evacuation, Chief Arredondo commented

¹⁷⁷ Sgt. Coronado’s body-worn camera footage.

¹⁷⁸ Sgt. Coronado’s body-worn camera footage (12:17 p.m.).

¹⁷⁹ *Id.* (12:17 p.m.).

¹⁸⁰ *Id.* (12:14 p.m.).

¹⁸¹ *Id.* (12:16 p.m.).

¹⁸² *Id.* (12:21 p.m.); *see also* Committee testimony of Chief Pete Arredondo, Uvalde CISD Police (June 21, 2022).

¹⁸³ Committee testimony of Chief Pete Arredondo, Uvalde CISD Police (June 21, 2022).

¹⁸⁴ *See* Sgt. Coronado’s body-worn camera footage (12:26 p.m.).

that “people are going to ask why we’re taking so long,” and, in an apparent reference to the ongoing evacuations, that they were trying to care of “the rest of the lives first.”¹⁸⁵

In addition to seeking keys and a breaching tool, the other predominant theme on the south side of the building was waiting for BORTAC to breach the classrooms. Chief Arredondo discussed with Constable Field various means of assisting the breach, such as by using a sniper or flashbangs to kill or distract the attacker.¹⁸⁶

Beginning around 12:30 p.m., various officers entered through the south door and walked by Chief Arredondo and Sgt. Coronado, stacking up south of Rooms 111 and 112 and on the west side of the hallway, anticipating a move to breach the classrooms.¹⁸⁷



Responders stack in hallway south of Rooms 111 & 112.

At 12:45 p.m., somebody commented that a Ranger had a set of keys that was being tested. And finally, at 12:50 p.m., a team of officers made entry into the classrooms and killed the attacker, with officers stationed in the south part of the hallway quickly falling in behind them and entering Rooms 111 and 112.

¹⁸⁵ Other public reports about this particular quote appear to be inaccurate.

¹⁸⁶ Sgt. Coronado’s body-worn camera footage (12:17 p.m.).

¹⁸⁷ Sgt. Coronado’s body-worn camera footage; *see also* Committee testimony of Chief Pete Arredondo, Uvalde CISD Police (June 21, 2022); Committee testimony of Trooper Joshua Bordovsky, Tex. Dep’t of Public Safety (June 20, 2022).

Chief Arredondo testified that the only direction he gave to the north side of the building, through Constable Field, was for them to evacuate the kids and to test the keys before trying to go into the room with the attacker. He said he did not make any decision for BORTAC to breach the classrooms.¹⁸⁸

O n t h e N o r t h ...

Rewinding the clock to the point at which the attacker shot at the initial responders in the building, there were three Uvalde Police officers who led the way down the hallway from the north side of the building: Lt. Martinez, followed by SSgt. Canales, followed by Officer Landry. Building fragments hit Lt. Martinez and SSgt. Canales as the attacker shot into the hallway, and all three officers retreated to the north end.

As Ssgt. Canales ran out, his body camera documented the presence of multiple officers in the north hallway and a Department of Public Safety trooper stationed at the door as he exited to the west. Ssgt. Canales stated “we got to get in there,” and he made a phone call requesting more help.¹⁸⁹ Uvalde Police Officer Landry, who had been third in line on the north side behind Lt. Martinez and Ssgt. Canales, also exited the building on the west side, then moved to the south side of the building where he began helping to clear classrooms and waiting for specialized teams to arrive.¹⁹⁰ After the initial shock of taking gunfire, Lt. Martinez returned south back down the hallway. Following active shooter training, he began to advance again toward Rooms 111 and 112 in an evident desire to maintain momentum and to “stop the killing,” but this time no other officers followed him. Several law enforcement officers suggested to the Committee that if others had followed him as backup, Lt. Martinez might have made it back to the classroom doors and engaged. Later, he helped to evacuate children from classrooms and moved to the south side of the building, and ultimately he was part of the stack of officers on that side of the hallway when BORTAC finally breached the classrooms.

The school surveillance camera installed where the north-south hallway intersects the east-west hallway at the north end of the building captured the movement and activity of law enforcement officers on the north side of the building. From that perspective, the period from 11:37 a.m., when Lt. Martinez, Ssgt. Canales, and Officer Landry made their retreat from the attacker’s gunfire, to 12:50 p.m., when a BORTAC-led stack finally made entry into the

¹⁸⁸ Committee testimony of Chief Pete Arredondo, Uvalde CISD Police (June 21, 2022).

¹⁸⁹ See Ssgt. Canales’s body-worn camera footage.

¹⁹⁰ DPS interview of Uvalde Police Department Officer Louis Landry (May 26, 2022).

classrooms, saw the movement of dozens of officers from a variety of law enforcement agencies in and out of the north hallway, positioning and preparing themselves for the eventual breaching effort.

At first, responders from the Uvalde Police Department, including the acting chief of police on that day, Lt. Mariano Pargas, dominated the north end of the building. Lt. Pargas, who was one of the earliest responders, testified that he was never in communication with Chief Arredondo, and that he was unaware of any communication with law enforcement officers on the south side of the building. He told the Committee he figured that Chief Arredondo had jurisdiction over the incident and that he must have been coordinating the law enforcement response—and that the Uvalde Police were there to assist. He did not coordinate with any of the other agencies that responded, such as the Uvalde Sheriff's Office and the Department of Public Safety. Lt. Pargas did receive a phone call from the chief of the Uvalde Police, who was out of town on vacation, who called to tell him to set up a command post right away. Lt. Pargas testified that he went to the back of the funeral home to start a command post, that the funeral home provided an office, and that then he went back outside to try to keep up with what was going on.¹⁹¹ This did not result in the establishment of an effective command post.

Lt. Pargas was present when a Uvalde CISD officer, Ruben Ruiz, entered through the west door and stated, “she says she is shot.” Officer Ruiz was referring to his wife, Ms. Mireles, who was one of the teachers in Room 112. Officer Ruiz was escorted away from the building. Lt. Pargas also testified he heard on the radio about 911 calls that had come from inside the classrooms, and he told the Committee that it was his understanding that officers on the north side of the building understood there were victims trapped inside the classroom with the attacker. According to Lt. Pargas, while nobody said it, the officers on the north side of the building were waiting for other personnel to arrive from Department of Public Safety or BORTAC, with better equipment like rifle-rated shields.¹⁹²

As responders continued to arrive on the scene, officers stationed outside the building directed them to assist on the perimeter. Special Agent Luke Williams of the Department of Public Safety testified that upon his arrival he disregarded a request that he assist at the perimeter, and instead he proceeded into the east door on the north side of the building. He began to clear rooms along the north hallway, and he found a student hiding in the boys' restroom. The student had his legs up so as not to be seen, and as he had been trained to do, he demanded

¹⁹¹ Committee testimony of Lt. Mariano Pargas, Jr., Uvalde Police (June 29, 2022).

¹⁹² *Id.*

that Special Agent Williams confirm he was with law enforcement, which he did by showing his badge under the stall.

As Special Agent Williams then approached the intersection of the hallways from the east where a group of officers was positioned at the west side of the intersection with weapons pointed south, he heard somebody ask, “y’all don’t know if there’s kids in there?” Special Agent Williams interjected, “if there’s kids in there we need to go in there.”



Responders positioned in north end of hallway (Special Agent Williams's body camera).

An officer who had been positioned in the hallway responded to Special Agent Williams that whoever was in charge would figure that out. Another officer pointed out to him that his position on the east side of the intersection was creating a crossfire situation relative to the group of officers pointing their weapons toward Rooms 111 and 112 from the south. Special Agent Williams departed to continue clearing other classrooms.¹⁹³

Between 11:52 a.m. and 12:21 p.m., the surveillance video shows four different

ballistic shields arriving in the building. Importantly, however, only the last shield, furnished by the U.S. Marshals, was rifle-rated. The Committee heard evidence that the rifle-rated shield was the only one that would have provided meaningful protection to officers against the attacker's AR-15 rifle. The Committee received no evidence that anyone told Chief Arredondo or anyone else on the south side of the building about the arrival of the rifle-rated shield.

Just before 12:30 p.m., there was a burst of activity on the north side. A group of officers moved past the position previously established at the north hallway intersection, and they began to establish a stack close to the north side of Rooms 111 and 112. Viewed from the south, Sgt. Coronado announced the arrival of BORTAC.¹⁹⁴ Another group of officers began to stage medical triage equipment in the east side of the north hallway. This indicates that BORTAC likely assumed tactical command of the incident at this time.

¹⁹³ See Special Agent Williams's body-worn camera footage.

¹⁹⁴ Sgt. Coronado's body-worn camera footage (12:29 p.m.).

BORTAC Acting Commander Paul Guerrero came to the north side of the building upon his arrival at Robb Elementary. In a post-incident statement, he said he was advised “that the subject had possibly shot multiple children and was still in the classroom.” He requested surveillance through the back windows of Rooms 111 and 112 to possibly deploy gas as they made entry. He then went to retrieve a Halligan tool from his car.¹⁹⁵ The school’s surveillance camera shows the arrival of a Halligan breaching tool at 12:35 p.m..¹⁹⁶ The Committee received no evidence that the arrival of the breaching tool ever was communicated to Chief Arredondo or anyone else on the south side of the building.

According to his statement, Cdr. Guerrero attempted to pry open a door in the hallway to see if the Halligan tool would work. He determined it would take too long and dangerously expose an officer to gunfire coming from inside the classroom. He observed that the classroom doorway had multiple holes consistent with bullet holes, and he did not want to expose or jeopardize the safety and lives of any officers by trying to pry the door open.¹⁹⁷

Cdr. Guerrero then obtained a master key from an officer at the scene. As he made his way to the classroom door, an officer advised him to try it on another door first. He attempted to open another door along the hallway, and it did not work. He saw a few Border Patrol agents and advised them to start setting up for a triage situation of mass casualties. He then received a second master key, which he successfully used to open another door.¹⁹⁸

Working with the BORTAC team, Cdr. Guerrero had another agent use the rifle-rated ballistic shield to give him cover as he opened the classroom door. Cdr. Guerrero placed the key in the door to Room 111 and opened the door. (Cdr. Guerrero’s contemporaneous report stated that he unlocked the door,¹⁹⁹ but as explained above, there is reason to question whether the door was actually locked.)

¹⁹⁵ Statement of Agent Paul Guerrero (undated, taken by Ranger Ricardo Guajardo).

¹⁹⁶ See Special Agent Williams’s body-worn camera footage.

¹⁹⁷ *Id.*

¹⁹⁸ *Id.*

¹⁹⁹ In his statement, Commander Guerrero said “I placed the key into the keyhole. The key worked and I was able to unlock and open the door.” *Id.*; see also Statement of Agent Warren John Becker (undated, taken by Ranger Tyler Williamson) (“The door was locked, and I utilized the shield to provide cover for Acting BORTAC Commander Guerrero as he opened the door with the master key.”).

The attacker was standing in front of a closet in the corner of Room 111, and he fired his rifle at the stack of officers coming through the classroom door. The officers fired on the attacker, killing him.²⁰⁰

The Committee has been advised that none of the Border Patrol agents involved in opening the door were wearing activated body cameras.

O n t h e O u t s i d e ...

As mentioned in the narratives above, there were important events happening outside the north and south ends of the west building. In part due to the difficulty of maintaining radio communications within the building, not everybody inside the building received all of this information.

A police radio communication of unknown origin stated at 11:56 a.m.: “[I]t is critical for everybody to let PD take point on this.”²⁰¹ None of the witnesses interviewed by the Committee indicated any knowledge of this communication or what it meant by “PD” taking “point on this.” The general consensus of witnesses interviewed by the Committee was that officers on the scene either assumed that Chief Arredondo was in charge, or that they could not tell that anybody was in charge of a scene described by several witnesses as “chaos” or a “cluster.”

There was a series of phone calls with a student inside Room 112, initiated by the student calling 911 at 12:03 p.m.. Radio traffic communicated to those officers who could hear it the fact that a student had called from within the classroom. Several witnesses indicated that they were aware of this, but not Chief Arredondo. The Committee has received no evidence that any officer who did learn about phone calls coming from inside Rooms 111 and 112 acted on it to advocate shifting to an active shooter-style response or otherwise acting more urgently to breach the classrooms.

W h a t D i d n ’ t H a p p e n i n T h o s e 7 3 M i n u t e s ?

A major error in the law enforcement response at Robb Elementary School was the failure of any officers to assume and exercise effective incident command. Uvalde Police officers responding to a vehicle wreck and shots fired appear to have arrived first on the scene, which would make one of them the initial incident commander. Uvalde CISD Police Chief Arredondo quickly arrived as the incident moved to school property and the law enforcement

²⁰⁰ Statement of Agent Paul Guerrero (undated, taken by Ranger Ricardo Guajardo).

²⁰¹ Source: DPS timeline.

response evolved. This made him a natural person to assume command over an incident as it developed. But Chief Arredondo does not consider himself to have assumed incident command. He explained to the Committee:

[W]hile you're in there, you don't title yourself ... I know our policy states you're the incident commander. My approach and thought was responding as a police officer. And so I didn't title myself. But once I got in there and we took that fire, back then, I realized, we need some things. We've got to get in that door. We need an extraction tool. We need those keys. As far as ... I'm talking about the command part ... the people that went in, there was a big group of them outside that door. I have no idea who they were and how they walked in or anything. I kind of -- I wasn't given that direction.

you can always hope and pray that there's an incident command post outside. I just didn't have access to that. I didn't know anything about that.²⁰²

Other people could have assumed command, including the next people in Uvalde CISD's preassigned line of command for active shooter response or others on the scene with more experience or training. ALERRT training teaches that any law enforcement officer can assume command, that somebody must assume command, and that an incident commander can transfer responsibility as an incident develops. That did not happen at Robb Elementary, and the lack of effective incident command is a major factor that caused other vital measures to be left undone. Also, the misinformation reported to officers on the outside likely prevented some of them from taking a more assertive role. For example, many officers were told to stay out of the building because Chief Arredondo was inside a room with the attacker actively negotiating.

Responders did not remain focused on the task of "stopping the killing" as instructed by active shooter training.²⁰³ They never attempted to breach the classroom before BORTAC accomplished entry. Chief Arredondo explained:

I knew those doors ... Those doors opened outward. ... They're thick, heavy doors with a metal frame. Most people are used -- as police officers, used to going to a residence and you kick in doors. That's just such a common thing in our business. You didn't have that option here. I knew a ramrod, which I call a buddy, which is ... a heavy pipe with two handles, that wasn't going to work ... and that's why I called for that extraction tool and keys.²⁰⁴

²⁰² Committee testimony of Chief Pete Arredondo, Uvalde CISD Police (June 21, 2022).

²⁰³ *E.g., id.*

²⁰⁴ *Id.*

But nobody ever checked the doors of Rooms 111 or 112 to confirm they were actually locked or secured.²⁰⁵ Room 111 probably was not. Chief Arredondo's search for a key consumed his attention and wasted precious time, delaying the breach of the classrooms.²⁰⁶

Nobody called Principal Gutierrez to ask about the location of a master key.²⁰⁷ She had a key, and the head custodian had a key. Yet despite all the effort to find a key, nobody called her.

Although discussed on both the south and north sides of the building, nobody ever created a diversion on the east side of the building, where Rooms 111 and 112 had windows.²⁰⁸

And although it should not have proved necessary had responders remained focused on "stopping the killing" as soon as possible, as the incident dragged on, nobody tasked any law enforcement responder to establish reliable communications between the south and north sides of the building and with resources outside the building. Radio communication was ineffective, so something else was needed for decisionmakers to receive critical information, such as the fact that victims had called from inside the rooms with the attacker.²⁰⁹ To the extent there was confusion among officers about whether the scenario was an "active shooter" or "barricaded subject," information that there were wounded victims in the rooms would have clarified the existence of an active shooter scenario.

L a w E n f o r c e m e n t R e s p o n d e r H e a d c o u n t

In total, 376 law enforcement officers responded to the tragedy at Robb Elementary School.

²⁰⁵ E.g., Testimony of Chief Pete Arredondo, Uvalde CISD Police (June 21, 2022).

²⁰⁶ ALERRT has noted the failure to check the lock in its criticisms. See ALERRT, *Robb Elementary School Attack Response Assessment and Recommendations* at 18-19 (July 6, 2022). A representative of ALERRT testified before the Committee that the "first rule of breaching" is to check the lock. See Testimony of John Cumutt, ALERRT (July 11, 2022). Unfortunately, ALERRT apparently has neglected to include that "first rule of breaching" in its active-shooter training materials, which includes modules entitled "Closed and Locked Interior Doors" and "Entering Locked Buildings Quickly, Discreetly, and Safely." See Federal Bureau of Investigation & ALERRT, *Active Shooter Response – Level 1*, at STU 3-8 – 3-10, 4-20 – 4-25.

²⁰⁷ E.g., Testimony of Chief Pete Arredondo, Uvalde CISD Police (June 21, 2022) (no recollection of communicating with Principal Gutierrez).

²⁰⁸ E.g., Testimony of Chief Pete Arredondo, Uvalde CISD Police (June 21, 2022).

²⁰⁹ See Testimony of Chief Pete Arredondo, Uvalde CISD Police (June 21, 2022) (did not recall tasking anyone, commented "it would be fantastic" to have the most up-to-date information and that his "priority was to get into that classroom," and "I didn't have communication with ... what was going on outside. My big thing was getting through that door:").

The breakdown of responders, by agency, is as follows:²¹⁰

149	United States Border Patrol
91	Texas Department of Public Safety
25	Uvalde Police Department
16	San Antonio Police Department (SWAT)
16	Uvalde County Sheriff's Office
14	Department of Homeland Security – HIS
13	United States Marshals
8	Drug Enforcement Agency
7	Frio County Sheriff's Office
5	Kinney County Sheriff's Office
5	Uvalde Consolidated Independent School District
4	Dilley Police Department
4	Zavala County Sheriff's Office
3	Medina County Sheriff's Office
3	Sabinal Police Department
2	City of Uvalde Fire Marshals
2	Pearsall Police Department
2	Texas Parks and Wildlife
2	Uvalde County Constables
2	Val Verde County Sheriff's Office
1	Frio County Constables
1	Southwest Texas Junior College
1	Zavala County Constables

²¹⁰ Source: Texas Department of Public Safety.

6 | INFORMATION FLOW

This Committee's chief goal from the very beginning has been to provide accurate information from dependable sources. The public's need for accurate information only has intensified as we have investigated the facts surrounding the tragedy. Problems with the flow of information have plagued government, media, and public discussion about what happened at Robb Elementary from the outset—damaging public trust, inflicting a very real toll on the people of Uvalde, and creating an imperative to provide a reliable set of facts.

The First Reports

Shortly after the shooting, authorities first reported to the public that the shooter killed fourteen students and one teacher, and the attacker was reported dead at that time.²¹¹

The next day, state leaders looked to law enforcement for more information in preparation for a broader press conference. The briefing was planned to be led by a Uvalde police lieutenant who had been at the scene, but that officer literally passed out while waiting in the hallway beforehand. In his place, the DPS Regional Director for South Texas, Victor Escalon, agreed to conduct the briefing.²¹² Director Escalon, who is not based in Uvalde, had arrived on the scene shortly before the attacker was killed. He did not personally witness the bulk of the day's events, leaving him to depend on secondhand knowledge acquired from other law enforcement officers who had been part of the response.²¹³

That briefing was the basis for the press conference the day after the shooting, in which Governor Abbott and other leaders relied on the information law enforcement gave them. After correcting the death toll to nineteen students and two teachers, they made statements based upon Director Escalon's briefing (which itself was based entirely on secondhand knowledge). These statements repeated a false narrative that the entire incident lasted as little as forty minutes thanks to officers who rapidly devised a plan, stacked up, and neutralized the attacker. The general sentiments shared that day were that law enforcement responders were courageous in keeping the attacker pinned down while children were evacuated.

²¹¹ All press conferences referenced in this report were recorded.

²¹² Committee testimony of DPS Director Col. Steven C. McCraw (July 11, 2022).

²¹³ Uvalde CISD Police Chief Pete Arredondo said he approached Regional Director Escalon after the briefing because he was surprised and frustrated after hearing his comments that a school district officer had engaged the attacker. "Y'all haven't even gotten our statements yet," he told Escalon. "We were all the first ones there." Chief Arredondo testified: "he corrected that. But during the press conference, it still came out that way." Committee testimony of Chief Pete Arredondo, Uvalde CISD Police, at 180-81 (June 21, 2022).

Another press conference was held the next day outside of Robb Elementary School, and new details emerged. One was: “The back door was propped open. It wasn’t supposed to be ... a teacher ... propped it open [and] that was an access point that the subject used.” The idea that the door was propped open led to public outcry, and even a teacher who was not implicated was devastated as she wondered whether she had accidentally left a door open.²¹⁴ The truth—confirmed by video—is that while a teacher had propped open the west exterior door, she actually saw the attacker approaching and slammed that door shut as she called 911 for help. The door was closed; it simply was either already unlocked or the lock failed to engage, which she could not have known because the doors lock from the outside.²¹⁵ On May 31, it was confirmed that her account was correct.²¹⁶

The media repeated the communication failures of relevant authorities, supplemented by leaks released uncritically. The Committee certainly does not question the role or value of reporting by the press, but it is unfortunate that caution and context have been so uncommon. Various people commenting publicly perpetually have taken information at face value, presenting it as definitive when provided as tentative, and they rarely have characterized it as one small part of a vastly larger body of evidence. (To their credit, some outlets did produce original investigative pieces questioning many of the inconsistencies documented earlier.)

The Committee recognizes the natural tension between providing the public with immediate information and the need for accuracy. A complete and thorough investigation can take months or even years to confirm every detail, especially when this many law enforcement officers are involved. However, one would expect law enforcement during a briefing would be very careful to state what facts are verifiable, and which ones are not.

While this is by no means an exhaustive list, the Committee draws attention to two instances to make its broader points.

A L E R R T R e p o r t

The first instance is based upon the report, and subsequent media coverage, of the report released by the Advanced Law Enforcement Rapid Response Training (ALERRT) Center. The report was “based on an incident briefing held for select ALERRT staff ... for approximately

²¹⁴ One teacher emotionally testified to the Committee that she had spent several distraught days thinking it was her fault the attacker had entered the building, and she had gone as far as apologizing to people.

²¹⁵ Like virtually all schools, Robb Elementary made use of “Columbine” doors that can only be locked from the outside; from the inside, exterior doors are opened with a push bar.

²¹⁶ Travis Considine, chief communications officer for DPS, confirmed this for the Associated Press as one of their reporters explored the story.

1 hour” along with some unspecified “additional information” staff later received from DPS.²¹⁷ ALERRT conducted no investigation of its own and spoke to no witnesses, relying instead on a snapshot of an evolving investigation. One of its conclusions was a bombshell: a “UPD officer was armed with a rifle and sighted in to shoot the attacker; however, he asked his supervisor for permission to shoot.”²¹⁸ He failed to get a response, and the attacker quickly slipped into the school.

During testimony before the Committee, an ALERRT representative admitted he had learned that DPS had received an additional statement from the officer, stating he no longer believed he had seen the attacker when he sought permission to shoot. In fact, and as the Committee has concluded, that officer saw a coach ushering kids inside—something the Texas Rangers, under the purview of DPS, had discussed with the officer during a later interview. Uvalde Mayor McLaughlin issued a statement explaining as much, and ALERRT quickly caveated its findings, saying it did not know “the officer gave a third statement to investigators that was different from the first two statements.”

V i d e o E v i d e n c e

The Committee fought hard to make sure the public could see the hallway video (although, as previously stated, the Committee would not have shown the images of the attacker and would have let the families of the victims see it first). Our justification was that we could tell people all day long what we saw, but everyone needed to see it for themselves.

After the leak of part of a composite video prepared by the FBI, images began circulating condemning some shown on it. “Cellphone cop” was said to be standing around checking his phone, indifferent. What those sharing it did not know was that it was an image of Eva Mireles’s husband. She had been in contact with him already, and when he moved off camera later, she told him she was dying. After receiving this call, he was naturally devastated and was not permitted to return by other law enforcement officers. While this report has cited numerous failures by law enforcement, the actions of this man were not among them.

The problem, of course, is the power, speed, and unaccountable nature of social media. While it allows the truth to spread, it has done far more to amplify incorrect or incomplete information. This is an example of how a picture without context can lead to an incomplete or false impression that is repeated even by respected news organizations. Mark Twain said it best: “A lie can travel halfway around the world before the truth puts on its shoes.”

²¹⁷ See ALERRT, *Robb Elementary School Attack Response Assessment and Recommendations* at 3 (July 6, 2022).

²¹⁸ *Id.* at 15.

Compromised Trust

This report has addressed many of the discrepancies and loose threads related to the Robb Elementary shooting, and the Committee focused on research and documentation to support its findings, in part because we expected to be met with rightful skepticism after everything that has happened. The results of the information issues surrounding the shooting are wide ranging and will be felt for a long time to come.

An uncertain narrative also opens the door much wider for conspiracy theories, many of which have been harmful. The fear of a coverup is palpable here, and while most see it as simply part of an intragovernmental “blame game,” others have made wild accusations that authorities are sweeping some major scandal under the rug.²¹⁹ Comments on social media have repeated and shared specific false allegations about the attacker’s identity and associations. And predictably, some have promoted the disgusting Sandy Hook-style claim that Robb Elementary was home to a hoax or “false flag” operation.²²⁰ While this and similar claims might seem obviously beneath our dignifying with a response, it does become harder to proclaim the truth when it is so opaque.

Most fundamentally, there has been a loss of trust in government. As peace officers’ union CLEAT said in a recent release, the “great deal of false and misleading information” means that sources “Texans once saw as iron-clad and completely reliable have now been proven false.”²²¹ The Committee certainly has felt the distrust and doubt about its work from those who have cynically but justifiably worried about the way we conducted our investigation.

We tried at every turn to elevate and respect the needs of Uvalde, because nowhere has unreliable information more impacted a community. We saw wounds continuously ripped open and agonizing disillusionment grow there among the people who most deserve swift, sure answers about the tragedy that shook their community. Uvalde itself has paid a terrible price as it has waited for the truth and waded through the shaky narrative given instead.

²¹⁹ In fact, #uvaldecoverup is a popular hashtag for tweets related to the Robb Elementary School shooting, and those are the kinds of claims regularly associated with it.

²²⁰ Some coverage can be found at the *Houston Chronicle* (<https://www.houstonchronicle.com/politics/texas/politifact/article/fact-check-uvalde-false-flag-17214816.php>), among other outlets.

²²¹ CLEAT’s release is at <https://www.cleat.org/cleat-response-to-uvalde-mass-shooting/>.

7 | FACTUAL CONCLUSIONS

Based on the foregoing information developed through its investigation, the Committee has drawn the following preliminary conclusions:

1. Uvalde CISD and Robb Elementary

a. *Communications and lockdown alerts:*

- i. Poor wi-fi connectivity in Robb Elementary likely delayed the lockdown alert through the Raptor application.
- ii. Once the alert was sent, not all teachers received it immediately for a variety of reasons including wi-fi coverage, whether the teacher used the Raptor phone application (as opposed to logging in through a web browser), and whether the teacher was carrying a phone at the time.
- iii. No one used the school intercom as another means to communicate the lockdown.
- iv. As a result, not all teachers received timely notice of the lockdown, including the teacher in Room 111.

b. *Effect of bailouts:*

- i. The frequency of less-serious bailout-related alerts in Uvalde diluted the significance of alerts and dampened everyone's readiness to act on alerts.
- ii. In response to the May 24, 2022, lockdown alert at Robb Elementary, the initial reaction of many administrators, teachers, and law enforcement responders was that it likely was a less-dangerous bailout.

c. *Doors and locks:*

- i. Robb Elementary had recurring problems with maintaining its doors and locks.
- ii. In particular, the locking mechanism to Room 111 was widely known to be faulty, yet it was not repaired.
 1. The Robb Elementary principal, her assistant responsible for entering maintenance work orders, the teacher in Room 111, other teachers in the fourth grade building, and even many fourth grade students widely knew of the problem with the lock to Room 111.

2. Nevertheless, no one placed a work order to repair the lock—not the principal, her secretary, the teacher to Room 111, or anyone else.
- iii. Robb Elementary had a culture of noncompliance with safety policies requiring doors to be kept locked, which turned out to be fatal.
 1. Exterior doors.
 - a. Teachers at Robb Elementary often used rocks to prop open exterior doors.
 - b. The west door to the west building was supposed to be continuously locked. When the attacker approached on May 24, 2022, it was unlocked, and he was able to enter the building there.
 - c. If the door had been locked as policy required, the attacker likely would have been slowed for some period of time as he either circumvented the lock or moved to another point of entry into the building.
 2. Interior classroom doors.
 - a. Teachers at Robb Elementary commonly left interior doors unlocked for convenience, and they also used magnets and other methods to circumvent door locks.
 - b. The doors to Rooms 111 and 112 were required to be locked at all times, and in a lockdown, the teachers were supposed to check that they were locked.
 - i. A teacher in Room 112 was seen locking her classroom door after the lockdown alert.
 - ii. The door to Room 111 probably was not locked. The teacher in Room 111 does not recall hearing the lockdown alert. The door required special effort to lock it, and the teacher has no memory of having done so. The attacker apparently did not have to take any actions to overcome a locked door before entering the classrooms.
 - c. If the door to Room 111 had been locked, the attacker likely would have been slowed for some time as he either circumvented the lock or took some other alternative course of action.

2. Information that was known or knowable about the attacker**a. Home and family:**

- i. The attacker had an unstable home life with no father figure and a mother struggling with a substance abuse disorder.
- ii. The attacker's family moved often and lived in relative poverty.
- iii. The attacker developed sociopathic and violent tendencies, but he received no mental health assistance
- iv. Various members of the attacker's family were aware during the time leading up to the attacker's 18th birthday that he was estranged from his mother and that he had asked for help in buying guns through straw purchases that would have been illegal. Family members uniformly refused to buy guns for him.
- v. During the week between his 18th birthday and the events of May 24, 2022, the attacker expressed suicidal ideation to a cousin, who talked to him and did not believe he was an imminent suicide risk.
- vi. During the week between his 18th birthday and the events of May 24, 2022, the attacker's grandparents and other family members became aware that the attacker had bought guns. The grandparents demanded that the guns be removed from their home.

b. School:

- i. The attacker struggled academically throughout his time in school.
- ii. The school made no meaningful intervention with the attacker before he was involuntarily withdrawn for poor academic performance and excessive absences.
- iii. The attacker had few disciplinary issues at school, but he was suspended once for a fight.
- iv. Due to his excessive absences, there apparently was no information actually known to the school district that should have identified this attacker as a threat to any school campus.

c. Law enforcement: There apparently was no information actually known to local Uvalde law enforcement that should have identified this attacker as a threat to any school campus before May 24, 2022.**d. Friends and acquaintances:** Some of attacker's social media contacts received messages from the attacker related to guns, suggesting that he was going to do

something they would hear about in the news, and even referring to attacking a school.

e. *Social media:*

- i. Reports suggest that some social-media users may have reported the attacker's threatening behavior to the relevant social media platforms. The social media platforms appear to have not done anything in response to restrict the attacker's social media access or report his behavior to law enforcement authorities.
- ii. The services used by Uvalde CISD to monitor social media for threats did not provide any alert of threatening behavior by the attacker.

- f. *Firearms and ammunition sellers:* There was no legal impediment to the attacker buying two AR-15-style rifles, 60 magazines, and over 2,000 rounds of ammunition when he turned 18. The ATF was not required to notify the local sheriff of the multiple purchases.

3. Law enforcement response on May 24, 2022

- a. There was no law enforcement officer on the Robb Elementary campus when the attacker came over the fence and toward the school.
- b. Citizens at the scene quickly alerted local law enforcement about a vehicle accident, a man with a gun, and shots fired near the Robb Elementary campus.
- c. As initially reported by Uvalde Police dispatch and as understood by most initial responders, the incident began off-campus and as one that would have been in the jurisdiction of the Uvalde Police Department. Uvalde Police officers were among the first, if not the first, law enforcement responders on the scene as a man firing a gun moved toward Robb Elementary School.
- d. As the situation developed and responders received more information, it became apparent that the threat moved on to the school campus and within the jurisdiction of the Uvalde CISD Police Department.
- e. Multiple law enforcement officers arrived at Robb Elementary within a few minutes of the attacker coming over the fence.
- f. A Uvalde Police Department officer saw a person dressed in black and thought it might have been the attacker. From a distance of over 100 yards, that officer requested permission to shoot. Subsequent analysis suggests that the person in black was a school coach, and the officer did not have an opportunity to stop the attacker by shooting him before he entered the west building.
- g. Robb Elementary School Coach Yvette Silva acted heroically and almost certainly saved lives by alerting the school to the attacker's advance. Most fourth grade classes successfully locked down as a result of her quick response.

- h. After entering through the unlocked west door, the attacker had about three minutes in the west building before first responders arrived at the building, including approximately two and a half minutes during which the attacker is estimated to have fired over 100 rounds.
- i. The initial responders to the west building heard gunfire and encountered a hallway with a fog of drywall debris, bullet holes, and empty rifle casings. They converged on Rooms 111 and 112, which they identified as the location of the attacker. They acted appropriately by attempting to breach the classrooms and stop the attacker. The attacker immediately repelled them with a burst of rifle fire from inside the classrooms.
- j. The responders immediately began to assess options to breach the classroom, but they lost critical momentum by treating the scenario as a “barricaded subject” instead of with the greater urgency attached to an “active shooter” scenario.
- k. It actually was an “active shooter” scenario because the attacker was preventing critically injured victims from getting medical attention.
 - i. An active shooter scenario differs from a barricaded-subject scenario in that law enforcement officers responding to an active shooter are trained to prioritize the safety of innocent victims over the safety of law enforcement responders.
 - ii. At first, the first responders did not have “reliable evidence” about whether there were injured victims inside Rooms 111 and 112, although circumstantial evidence strongly suggested that possibility, including the fact that the attacker had fired many rounds inside classrooms at a time when students were in attendance.
 - iii. The ALERRT training “reliable evidence” standard does not align with the “reasonable officer” standard applied by ALERRT in its preliminary and partial report.
- l. Uvalde CISD’s active shooter policy called for Uvalde CISD Police Chief Arredondo to be the incident commander in any active shooter response.
 - i. Chief Arredondo was one of the first responders to arrive at the west building.
 - ii. In the initial response to the incident, Chief Arredondo was actively engaged in the effort to “stop the killing” up to the point when the attacker was located in Rooms 111 and 112, and the attacker fired on responding officers.
 - iii. By this time, there were dozens of officers on the scene, but Chief Arredondo did not assume his preassigned responsibility of incident command, which would have entailed informing other officers that he

was in command and also leaving the building to exercise command, beginning with establishing an incident command post.

- iv. Instead, he remained in the hallway where he lacked reliable communication with other elements of law enforcement, and he was unable to effectively implement staging or command and control of the situation.
- m. Over the course of the next hour, hundreds of law enforcement officers arrived at the scene.
 - i. The scene was chaotic, without any person obviously in charge or directing the law enforcement response.
 - ii. To the extent any officers considered Chief Arredondo to be the overall incident commander, they also should have recognized that was inconsistent with him remaining inside the building.
 - iii. There was an overall lackadaisical approach by law enforcement at the scene. For many, that was because they were given and relied upon inaccurate information. For others, they had enough information to know better.
- n. Despite obvious deficiencies in command and control at the scene which should have been recognized by other law enforcement responders, none approached Chief Arredondo or any of the officers around him or subordinate to him to affirmatively offer assistance with incident command.
- o. Chief Arredondo and the officers around him at the south end of the building were focused on gaining access to the classrooms (through use of a breaching tool, a key, or other means) and protective equipment for officers (through rifle-rated ballistic shields, flashbangs, etc.).
- p. Meanwhile, dozens of law enforcement officers were assembling in the hallway on the north side of the building, stacking up for an assault on the classrooms, and mostly waiting for further instructions pending the arrival of protective gear and breaching equipment.
- q. While 911 received communications from victims inside Rooms 111 and 112, Chief Arredondo did not learn about it because of his failure to establish a reliable method of receiving critical information from outside the building.
- r. Eventually, Chief Arredondo came to understand there probably were casualties inside Rooms 111 and 112. Even if he had received information of surviving injured victims in the classrooms, it is unclear that he would have done anything differently to act “more urgently.”
- s. U.S. Marshals provided a rifle-rated shield and it arrived around 12:20 p.m., approximately 30 minutes before the classroom was finally breached.

- t. While officers acted on the assumption that the doors to Rooms 111 and 112 were locked, as they were designed to be, nobody tested that assumption.
- u. Room 111's door probably was not effectively locked shut.
- v. Chief Arredondo did not actually exercise tactical incident command over the BORTAC team, nor did the BORTAC team seek instruction from Chief Arredondo.
- w. By the time the BORTAC team breached the classrooms, the tactical command inside the building had been de facto assumed by BORTAC.
- x. Acting on effectively the same information available to Chief Arredondo, including an assumption of injured victims in the room, the BORTAC commander on scene waited until arranging a rifle-rated shield and obtaining a working master key before attempting to breach the classrooms.
- y. The Committee has not received medical evidence that would inform a judgment about whether breaching the classroom sooner than the approximately 73 minutes that passed between the first responders' initial arrival at the west building and their eventual breach of the classrooms could have been saved lives or mitigated injuries.
 - i. As described above, it is likely that most of the deceased victims perished immediately during the attacker's initial barrage of gunfire.
 - ii. However, given the information known about victims who survived through the time of the breach and who later died on the way to the hospital, it is plausible that some victims could have survived if they had not had to wait 73 additional minutes for rescue.

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**Robb Elementary School Attack Response Assessment and
Recommendations**



ALERRT
TEXAS STATE UNIVERSITY

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The following abbreviations are used throughout the report.

ISS – Internal School Surveillance
 FH – Funeral Home video footage
 OS – Officer Statement
 IOI – Investigating Officer Interview
 BWC – Body Worn Camera
 UPD CS – Uvalde Police Department Call Sheet
 RL – Radio Logs
 UCISD PD – Uvalde Consolidated Independent School District Police Department
 UPD – Uvalde Police Department
 DPS – Texas Department of Public Safety
 BP – Border Patrol
 BORTAC – Border Patrol Tactical Teams

This report was created using school video, third party video exterior of school, body cameras, radio logs, verbal testimony of officers on scene, and verbal statements from investigators. This report should not be considered a definitive or final report as all investigatory options have not been exhausted at this point. This report should be considered a living document. It is subject to changes as new or further evidence becomes available. This report is being compiled for the explicit purpose of identifying training gaps to be addressed by police officers across the state of Texas. The authors of this report are subject matter experts in their field of active attack incidents, patrol, and tactical operations with over 150 years of combined experience. These are the expert opinions based on experience, research, and studies of other incidents and not a formal accusation of the responders on this incident.

Introduction

Robb Elementary School in Uvalde, Texas was attacked on May 24, 2022. The attack resulted in 21 fatalities (19 students and 2 teachers) and 17 injuries. The Texas Department of Public Safety contacted the Advanced Law Enforcement Rapid Response Training (ALERRT) Center soon after the attack to assess the law enforcement response. The ALERRT Center was selected for this task for a variety of reasons. First and foremost, ALERRT is nationally recognized as the preeminent active shooter / attack response training provider in the nation. ALERRT was recognized as the national standard in active shooter response training by the FBI in 2013. ALERRT's excellence in training was recognized in 2016 with a Congressional Achievement Award.

More than 200,000 state, local, and tribal first responders (over 140,000 law enforcement) from all 50 states, the District of Columbia, and U.S. territories have received ALERRT training over the last 20 years. The ALERRT course catalog includes several courses designed to prepare first responders to 1) isolate, distract, and neutralize an active shooter, 2) approach and breach a crisis site using traditional and non-traditional methods, 3) incorporate effective command to manage a rapidly evolving active situation, and 4) manage traumatically injured patients to improve survivability. ALERRT's curriculum is developed and maintained by a team of subject matter experts with over 150 years combined law enforcement, fire, and tactical experience.

ALERRT training is research based. The ALERRT research team not only evaluates the efficacy of specific response tactics (Blair & Martaindale, 2014; Blair & Martaindale, 2017; Blair, Martaindale, & Nichols, 2014; Blair, Martaindale, & Sandel, 2019; Blair, Nichols, Burns, & Curnutt, 2013;) but also has a long, established history of evaluating the outcomes of active shooter events to inform training (Martaindale, 2015; Martaindale & Blair, 2017; Martaindale, Sandel, & Blair, 2017). Specifically, ALERRT has utilized case studies of active shooter events to develop improved curriculum to better prepare first responders to respond to similar situations (Martaindale & Blair, 2019).

For these reasons, ALERRT staff will draw on 20 years of experience training first responders and researching best practices to fulfill the Texas DPS request and objectively evaluate the law enforcement response to the May 24, 2022, attack at Robb Elementary School. This initial report will be focused on the portion of the response up until the suspect was neutralized.

The information presented in this report is based on a incident briefing held for select ALERRT staff on June 1, 2022. The briefing, which was held for approximately 1 hour, was led by an investigating officer with knowledge of the event and investigative details. Briefing materials included surveillance footage from the school, Google Maps, a brief cell phone video, and verbal questions and answers between ALERRT staff and the investigator. We were first oriented to the location of this incident by the investigator via Google Maps. We were then given a chronological timeline of events and actions by the investigator as we reviewed the cell phone and school surveillance video. All times presented in this report are based on timelines provided by investigators. Additionally, we have received additional information as the investigation is still ongoing. The timeline presented here is based on the most current information as of 6/30/2022.

The report will begin by presenting a thorough timeline of events as evidenced through video footage and details garnered from the ongoing investigation. Each entry cites the data source (refer to abbreviations presented on the Table of Contents). Following the timeline, we will comment on tactics utilized by responding officers. Information related to breaching options will be presented as a supplemental attachment at the end of the report. The tactical discussion is the opinion of ALERRT, and it is based on years of extensive training, research, and an ever-evolving understanding of active shooter response. The concepts discussed are foundational to ALERRT's nationwide training curriculum. While the discussion will be frank and objective, it is not meant to demean the actions taken by law enforcement during this incident. Rather, the discussion is intended to improve future response. For this reason, attention will be drawn to actions that worked well and actions that did not.

Detailed Timeline

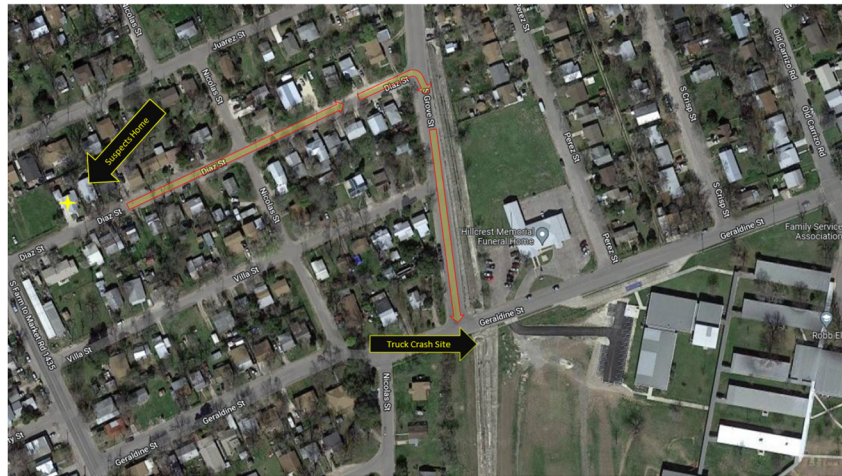


Figure 1. Overhead View

At 11:27:14, a female teacher (Female 1) exits the exterior door in the west hall propping the door open with a rock to prevent it from closing behind her (see Figure 2 for suspect entry point). (ISS)

At 11:28:25, the suspect becomes involved in a motor vehicle crash in a dry canal near the elementary school. Two people from a nearby business approached the crash scene at 11:29:02. The suspect engaged them both with a rifle. The two people were able to flee back to the business unharmed and called 9-1-1. (FH)

At 11:29:40, Female 1 returns through the west entry deliberately kicking the rock from the door jamb. Female 1 pulls the door shut and continues to look out of the exterior door as she is frantically speaking on her cell phone. Female 1 attempts to enter a door on the south side of the west hallway only to find it locked. Female 1 knocked on the door, and it was eventually answered by another female (Female 2). Female 1 appears to advise Female 2 of the emergency whereupon Female 2 re-enters her room and secures the door. Female 1 moves into a room closest to the exit on the north side of the west hallway. Female 1 re-enters the hallway numerous times yelling down the hall for students to get into their classrooms. (ISS)

At 11:30:14, the suspect, wearing dark clothing and carrying a bag, left the crash scene and climbed a chain-link fence onto the elementary school property. The suspect walked deliberately across the open grounds between the fence and the teachers' parking lot. The suspect moved towards the school buildings on the westmost side of the campus. Although a defect that might have been caused by a bullet was located on a building south of the affected structure, it could not be

substantiated at this time that any rounds were fired at a teacher and children on the playground at the time of the crash. (FH)

At 11:31:36, the suspect is captured on video between the cars shooting, and a Uvalde Patrol unit is captured arriving at the crash site. (FH)

At 11:31:43, a Uvalde Consolidated Independent School District Police officer drives through the west gate near the crash site and across the field to the south side of the affect building, at a high rate of speed. (FH)

At 11:32:08, the suspect reached the west teachers' parking lot adjacent to the affected building and fired through windows into the westmost rooms prior to entering the building. (FH and audio file from ISS)

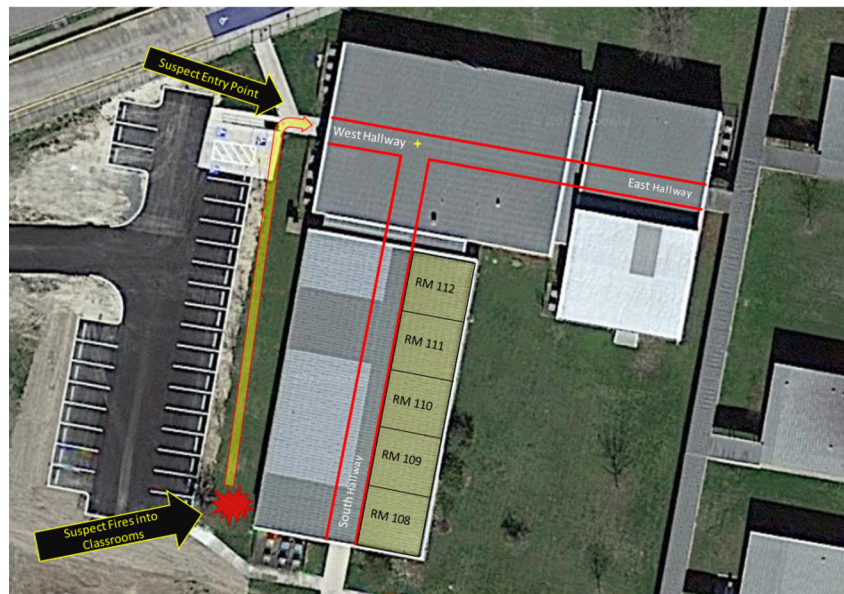


Figure 2. Suspect Entry Point

Prior to the suspect's entry into the building at 11:33:00, according to statements, a Uvalde Police Officer on scene at the crash site observed the suspect carrying a rifle outside the west hall entry. The officer, armed with a rifle, asked his supervisor for permission to shoot the suspect. However, the supervisor either did not hear or responded too late. The officer turned to get confirmation from his supervisor and when he turned back to address the suspect, he had entered the west hallway unabated. (OS per investigating officer interview).

Note: The internal school surveillance (ISS) video consisted of a ceiling-mounted camera that was situated at the intersection of three intersecting hallways (as indicated by the yellow star in Figure 3). This camera captured 1) the suspect's entry point, which was the short (West) hallway leading to an exterior door; 2) a second long hallway (South) with multiple classrooms on either side of the hall and an exterior door at the southmost end of the hall; and 3) a third hallway (East) that leads to other classrooms, restrooms, a teachers' lounge, a library, and an exterior door at the eastmost end of the hallway.



Figure 3. West Building Layout

At 11:33:00, the suspect enters the school from the exterior door in the west hall while holding a rifle. The suspect looked around the hallway and then continued to walk down the west hallway before turning right (down the south hallway). The suspect walked past a series of rooms with closed doors and a firewall “break.” before making his way to room 111 and 112. (ISS)

At 11:33:24, upon reaching rooms 111 and 112, the suspect fired a series of rounds from the hallway in the direction of classrooms 111 and 112. (ISS)

At 11:33:32, the suspect made entry into what appears to be classroom 111. Immediately, children's screams could be heard along with numerous gunshots in the classrooms. The rate of fire was initially very rapid then slowed, lasting only a few seconds. (ISS)

At 11:33:37, the suspect backed out of what appears to be classroom 111 into the south hallway. The suspect made a slight turn to what appears to be his left and fires a series of rounds from the hallway into classroom 112. The suspect then re-enters what appears to be classroom 111 and continues to fire what is estimated to be over 100 rounds by 11:36:04 (according to audio analysis). During the shooting the sounds of children screaming, and crying, could be heard (according to audio analysis). (ISS)



Figure 4. Officers Initial Entry into West Building

After the suspect made entry into the west building, three Uvalde Police Department (UPD) officers gathered on Geraldine Street (behind police vehicles) in front of the school drop-off / pick-up area. Then the officers, using a bounding overwatch tactic, move quickly (one at a time) to the west door.

At 11:35:55, all three Uvalde Police Department (UPD) officers entered the structure through the west door into the west hallway. These officers were equipped with the following: one with external armor and two with concealable body armor, two rifles, and three pistols. At 11:36:00, four officers entered the south hallway through the south door closest to the suspect. It is not clear what equipment these officers had with them. Four more officers entered the west hallway through the west door at 11:36:03. Three of these officers were from the UPD and one was from the Uvalde Consolidated Independent School District Police Department (UCISD PD). They were equipped with three external body armor carriers and one with concealable body armor and pistols. (ISS)

It did not appear that any of the officers were in possession of breaching tools, medical equipment, ballistic shields, or “go-bags.” (ISS)

NOTE: A “go-bag” is typically a bag or backpack that is widely used in the law enforcement community to respond to critical incidents. The “go-bag” commonly consists of spare ammunition, medical equipment, and breaching tools. The purpose of the “go-bag” is to carry equipment needed for a specialized response, when carrying that equipment on a regular basis is not feasible. Taking a “go-bag” into a crisis site facilitates the availability and implementation of these tools in a patrol response where tactical assets and teams are not readily available.

At 11:36:04, the last shots from the initial barrage from the suspect were fired. There were seven officers in the west hallway and four officers in the south hallway. (ISS)

At 11:36:10, officers from the west and south hallway advanced to rooms 111 and 112. As the officers entered the threshold of rooms 111 and 112, they were fired upon by the suspect, who was in room 111. The gunfire at 11:37:00 and 11:37:10 drove the officers away from the threshold of room 111 and 112 and back to the west and south hallways prior to either team making contact with either room 111 or 112 classroom doors. (ISS)

At 11:38:38, the suspect concludes firing, according to audio estimates 11 rounds are fired. (ISS)

Investigators advised that two officers were injured by building material fragments caused by the suspect’s rounds passing through the walls. (IOI and ISS)

Officers generally remained at the intersection of the west and south hallway and in the south hallway near the south entrance until the final assault. (IOI and ISS)

At 11:38:11, officers on scene, but outside of the hallway, call for additional assistance to include a tactical team with specialized capabilities. (BWC and UPD CS)

At 11:38:37, an officer outside of the hallway advises the suspect “is contained.” (BWC)

At 11:40:58, the suspect fires 1 round according to audio estimates. (ISS)

At 11:41:30, dispatch asked via radio if the door was locked, a UPD officer responds, “I am not sure, but we have a hooligan to break it.” (BWC)

At 11:44:00, the suspect fires one more round according to audio estimates. (ISS)

At 11:48:18, a UCISD PD officer enters through the west hallway door and states, "She says she is shot," referring to his wife. He is escorted outside of the building. (BWC)

By 11:51:20, law enforcement from various agencies (including UPD, UCISD PD, Uvalde Sheriff's Office (USO), Fire Marshals, Constable Deputies, Southwest Texas Junior College Police Department (SWTJC PD), and the United States Border Patrol (BP) had arrived at the scene and were moving inside and out to evaluate the situation. (ISS, UPD CS, RL)

At 11:52:08, the first ballistic shield entered the west hallway. (ISS)

At 11:53:10, a Texas Department of Public Safety (DPS) special agent arrived at the perimeter and was advised to man the perimeter. Another officer makes a comment about there being kids still in the building, the DPS special agent advised, "if there is then they just need to go in."

At 11:56:49, the DPS special agent states "there's still kids over here. So, I'm getting the kids out!" (BWC)

At 12:03:51, a second ballistic shield arrives, and at 12:04:16 a third shield arrives on scene in the west hallway. (ISS)

At 12:06:16, UPD RL notes that no Command Post is set up, advised bodies needed to keep parents out. (RL)

At 12:10:17, officers in the west hallway begin passing out and donning gas masks. (ISS)

At 12:14:10, CS gas cannisters and launcher deliverable varieties are brought in. (ISS)

By 12:13:00, dispatchers had received numerous 9-1-1 calls from a child explaining that there were several children and one of her teachers deceased and another teacher hurt in room 112. (UPD 9-1-1)

At 12:15:27, it appears tactical team members of United States Border Patrol Tactical Teams (BORTAC) arrive and assist with fortifying the law enforcement position at the intersection with ballistic shields. (ISS)

At 12:20:46, a fourth ballistic shield arrives in the west hallway. (ISS)

At 12:21:08, four shots are fired by the suspect from within one of the two classrooms. (ISS)

At 12:21:22, BORTAC members move to a set of double doors within 36' of rooms 111 and 112 bringing two ballistic shields. However, no assault on the rooms was conducted. (ISS)

At 12:23:35, BP medical team members began setting up medical triage in the east hallway in front of the restrooms. They had numerous backboards, medical kits, a defibrillator as well as bleeding control supplies. (ISS)

From 12:21:16 until 12:34:38, a continuous conversation takes place in the south hallway, involving UCISD PD Chief Arredondo and a UPD officer discussing tactical options and considerations including snipers, windows, and how to get into the classroom. They also discussed who has the keys, testing keys, the probability of the door being locked, and if kids and teachers are dying or dead. (BWC)

At 12:35:39, BP agents arrive in the west hallway with the first observed breaching tool, a Halligan tool. (ISS)

From 12:37:45 until 12:47:25, UCISD PD Chief Arredondo attempts to negotiate with the suspect, speaking in English and Spanish. The Chief also calls someone to try to look into the windows from outside, he then begins asking for more keys. At 12:46:18, he exclaims, "If y'all are ready to do it, you do it. But you should distract him out that window." At 12:47:25, Chief Arredondo states, "He's going in! He's going in! Tell those guys on the west that they're going in! Let 'em know!" (BWC)

At 12:47:57, a USO deputy arrives in the west hallway with a sledgehammer. (ISS)

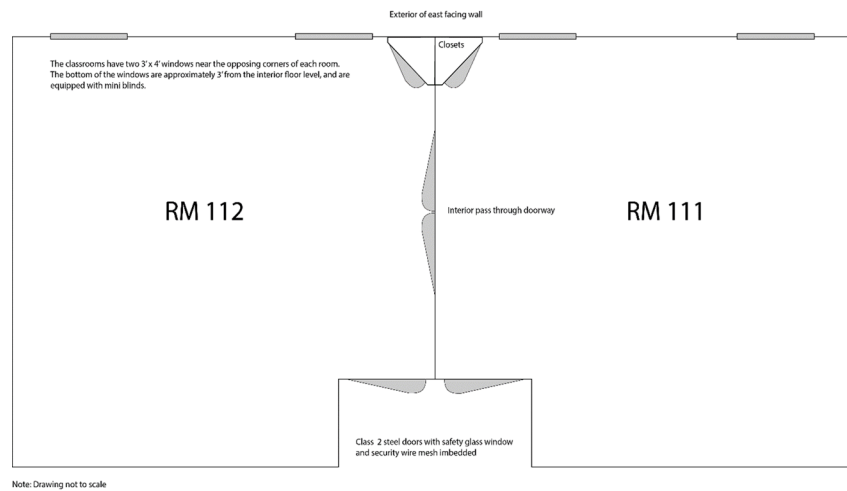
At 12:50:03, an ad Hoc team assaults room 111, neutralizing the suspect. The suspect had concealed himself in a book closet, he then emerged when the team made entry. Footage showed officers frantically carrying the dead and injured to the casualty collection point (CCP) in the east hallway. Some law enforcement officers rushed casualties directly through the exterior door at the end of the west hallway. It is unknown if medical personnel (EMS) were staged nearby for direct patient handoff. (ISS)

The result of this incident was 19 children and two adults killed with an additional 17 reported injuries. Additionally, the suspect was neutralized through gunfire in the assault.

Physical Site Assessment

The investigator escorted ALERRT staff to the crime scene for a site walkthrough. As expected, there was a large quantity of dry blood on the floors in all three hallways. There were noticeable penetrating ballistic defects throughout various walls in the south hall.

The classroom doors were inset just over 36" into a 90-degree inset from the hallway to accommodate the swing of the outward opening classroom doors towards the hall. Each inset had two separate doors, side-by-side, leading into a separate classroom. The door on the left-hand side of the inset opened outward from right to left, and the door on the right-hand side of the inset opened outward from left to right as seen in Figure 5.



Note: Drawing not to scale

Figure 5. Classroom Layout

The classroom doors were class 2 steel doors. The classroom doors had safety glass with security wire mesh imbedded (see Figure 6). The hardware consisted of a single metal door handle locking latch, three exterior metal hinges, and a door closure device mounted to the top inside portion of the door. The door jambs were composed of steel and set in a metal stud and sheetrock wall.



Figure 6. Class 2 Steel Door

The door to room 111 had been removed for evidentiary purposes and collection. Once the evidence had been removed the door was left on the floor of the room. The door for room 112 was intact and in place. There was a noticeable concentration of exiting bullet defects in the area of the inset. There were noticeable bullet defects on the door jamb of classroom 111, approximately 5' from floor level. Both rooms 111 and 112 possessed an extraordinary amount of dry blood concentrated on the floor.

The exterior walls of each classroom had two 3' x 4' windows near the opposing corners of each classroom (see Figure 3). The bottom of each window was approximately 3' from interior floor level, and they were equipped with mini blinds. From the exterior, the windows were approximately 4' from ground level. The windows were composed of a heavy aluminum frame with three lateral cross beams that held four (4) 1'x3' panes of tempered glass, as seen in Figure 7.



Figure 7. Exterior Classroom Window

An exterior window on the right-hand side as you enter room 111 had a clear bullet defect. Based on the fragmented spiderweb pattern it was evident that the window was composed of safety glass, which fragments into small pieces when it is struck with enough force to break.

It appears the investigative teams cut out sections of sheetrock in the south hall to collect evidence. The interior walls were constructed with vertical metal studs every 16". Pink fiberglass insulation was installed between each vertical metal stud and was encapsulated between sheetrock material to form walls that separated each "paired" set of classrooms.

An assessment of the classroom closet, on the exterior wall, which is directly opposite of the classroom door, revealed that the exterior wall was cinder block on the inner portions and decorative brick on the exterior (as seen in Figure 7).

Tactical Assessment

While the previous section detailed the timeline, the following discussion will assess different tactical issues present in the response. We will use the most recent version of our Level I manual (v.7.2) as our primary reference (ALERRT & FBI, 2020). We are breaking this discussion into three parts: 1) circumstances outside the building prior to suspect entering building, 2) initial officer response, and 3) changing environment leading to the eventual assault on room 111.

Circumstances Before the Suspect Entered the Building

We identified three key issues that occurred prior to the suspect gaining entry to the building. First, a teacher propped open the exterior door at 11:27:14. ALERRT staff noted rocks (some of which were painted) were placed at most external doors of the building. Based on this observation, it appears that propping doors open is common practice at this school. While the teacher did kick the rock and close the door prior to the suspect making entry, and the propping open of the door did not affect what happened in this situation, circumventing access control procedures can create a situation that results in danger to students. After the teacher closed the door, she did not check to see if the door was locked. Perhaps this was because the door is usually locked. However, on this day the door was not locked, and because it was not locked, the attacker was able to immediately access the building. This again highlights the importance of not circumventing access control procedures. Even if the teacher had checked to see if the door was locked, it appears that she did not have the proper key or tool to engage the locking mechanism on the door. Finally, we note that the door was a steel frame with a large glass inlay. This glass was not ballistic glass, nor was there film on the glass to maintain the integrity of the door if the suspect shot the glass. This suggests that the suspect would have been able to gain access to the building even if the door was locked.

Second, one of the first responding officers (UCISD PD) drove through the parking lot on the west side of the building at a high rate of speed. The suspect was in the parking lot at this time, but the officer did not see him. If the officer had driven more slowly or had parked his car at the edge of the school property and approached on foot, he might have seen the suspect and been able to engage him before the suspect entered the building (ALERRT & FBI, 2020, p. 3-4.)

Third, a Uvalde PD officer reported that he was at the crash site and observed the suspect carrying a rifle prior to the suspect entering the west hall exterior door. The UPD officer was armed with a rifle and sighted in to shoot the attacker; however, he asked his supervisor for permission to shoot. The UPD officer did not hear a response and turned to get confirmation from his supervisor. When he turned back to address the suspect, the suspect had already entered the west hall exterior door at 11:33:00. The officer was justified in using deadly force to stop the attacker. Texas Penal Code § 9.32, DEADLY FORCE IN DEFENSE OF PERSON states, an individual is justified in using deadly force when the individual reasonably believes the deadly force is immediately necessary to prevent the commission of murder (amongst other crimes). In this instance, the UPD officer would have heard gunshots and/or reports of gunshots and observed an individual approaching the school building armed with a rifle. A reasonable officer would conclude in this case, based upon the totality of the circumstances, that use of deadly force was warranted. Furthermore, the UPD officer was approximately 148 yards from the west hall exterior door. One-hundred and forty-eight yards

is well within the effective range of an AR-15 platform. The officer did comment that he was concerned that if he missed his shot, the rounds could have penetrated the school and injured students. We also note that current State of Texas standards for patrol rifle qualifications do not require officers to fire their rifles from more than 100 yards away from the target. It is, therefore, possible that the officer had never fired his rifle at a target that was that far away. Ultimately, the decision to use deadly force always lies with the officer who will use the force. If the officer was not confident that he could both hit his target and of his backdrop if he missed, he should not have fired.

If any of these three key issues had worked out differently, they could have stopped the tragedy that followed. First, had the exterior door been secured, the suspect may have never gained access to the building. At the very least, the suspect would have been delayed and responding officers would have had more time to find and stop the shooter before he entered the building. The UCISD PD officer might have seen the suspect had the officer not been driving as fast or if he had approached on foot. Lastly, had the UPD officer engaged the suspect with his rifle, he may have been able to neutralize, or at least distract, the suspect preventing him from entering the building.

Initial Response Within Building

We identified three key issues that occurred before the suspect entered rooms 111 and 112 for the last time. First, Uvalde ISD had protocols in place requiring doors to remain locked at all times, and the school was currently on an active lockdown prior to the suspect gaining entry to the school. The suspect was still able to gain access to room 111. We received information from the investigating officer that the lock on room 111 had been reported as damaged multiple times; however, this has not been confirmed through work orders at this time. Regardless, the suspect is seen entering the room, exiting the room, and then reentering the room again prior to officers entering the building at 11:35:55. The only way to engage the lock is to insert a key from the hallway side of the door. At no point is the suspect observed entering the hallway and engaging the locking mechanism. Based upon this, we believe that the lock to room 111 was never engaged.

The second issue involves having teams of officers at both ends of the south hallway. ALERRT teaches that a single team should be in a single area of building at a time (ALERRT & FBI, 2020, pp. 2-20 to 2-26 & 7-4). Having multiple teams or splitting an existing team can create a crossfire situation. If the suspect had emerged from the classrooms, officers from both teams presumably would have opened fire resulting in a high likelihood of officers at either end of the hallway shooting officers at the other end. The teams should have quickly communicated, and officers at one end of the hallway should have backed out and redeployed to another position. Additionally, ALERRT teaches that teams consist of up to 4 members (ALERRT and FBI, 2020, pp. 4-1 to 4-27). Teams larger than 4 tend to create congestion and interfere with the ability of the team to operate quickly and effectively. Therefore, once 4 officers were in the south hallway area of the building, no additional officers were needed in that area. Additional officers should have been assigned other tasks.

The third issue revolves around losing momentum. The first three responding UPD officers enter the west hall exterior door at 11:35:55 and an additional four officers entered the south hall at

11:36:00. Audio recordings indicate the suspect was actively firing his weapon until 11:36:04. The first responding officers correctly moved toward the active gunfire, which was acting as their driving force (ALERRT & FBI, 2020, pp. 2-15 to 2-16, 2-26, 2-33). The seven officers converged on rooms 111 and 112 at 11:37:00. As the officers approached the doors, the suspect began firing. This gunfire caused both teams of officers to retreat from the doors. We note that the officers **did not** make contact with the doors (i.e., they never touched any part of the doors). The team approaching from the north fell back to the T-intersection of the west and south hallways. This position is approximately 67 feet from the doors of rooms 111 and 112. The team approaching from the south fell back to the south end of the south hallway. The team in the south hallway were not visible on camera, so their distance from the affected classrooms is unknown.

ALERRT teaches that first responders' main priority in an active shooter situation is to first **Stop the Killing** and then **Stop the Dying** (ALERRT & FBI, 2020, pp. 2-9, 2-15 to 2-16). Inherent in both stopping the killing and dying is the priority of life scale (ALERRT & FBI, 2020, pp. 2-6 & 2-34). At the top of this scale, the first priority is to preserve the lives of victims/potential victims. Second, is the safety of the officers, and last is the suspect. This ordering means that we expect officers to assume risk to save innocent lives. Responding to an active shooter is a dangerous task (Blair & Duron, 2022). There is a chance that officers will be shot, injured, or even killed while responding. This is something that every officer should be acutely aware of when they become a law enforcement officer.

To adhere to the priority of life, the first responding officers' actions should be determined based on the current driving force. In this instance, there is a suspect actively shooting inside an occupied elementary school. The active gunfire is the driving force, and the officers correctly responded to this driving force by moving toward the rooms that were being attacked.

Ideally, the officers would have placed accurate return fire on the attacker when the attacker began shooting at them. ALERRT trains the widely-used ABCs of cover – Accurate return fire, Body armor, and Cover (ALERRT & FBI, 2020, p. 2-21; Blair et al., 2013). The ABCs give the first responder a tiered approach to achieving cover while maintaining control of the situation. Further, the ABCs are presented in order of preference (A first, B second, C third). As noted in Figure 6, there was a window in the center of each classroom door. Officers could have utilized the window to send accurate return fire back at the suspect. Even though the room was darker than the hallway, the suspect would have been backlit by the exterior windows and muzzle flashes would have been present. Obviously, this return fire must be consistent with the fundamental firearms safety rules (e.g., the officers must ensure that students will not be hit by the officers' return fire). Any officer with body armor should have squared their body armor to the threat to improve protection. In this situation, we don't believe the last course of action (moving to cover) was a viable option because the interior construction of the school would not stop bullets, and therefore, was not cover. Maintaining position or even pushing forward to a better spot to deliver accurate return fire would have undoubtedly been dangerous, and there would have been a high probability that some of the officers would have been shot or even killed. However, the officers also would likely have been able to stop the attacker and then focus on getting immediate medical care to the wounded.

It is not surprising that officers who had never been shot at before would be overwhelmed by the directed gunfire. This is especially the case if they had not been consistently training to deal with this type of threat. However, even after retreating, the officers were still presented with a clear driving force. The suspect was actively firing his weapon when the officers entered the building, and a reasonable officer would assume that there were injured people in the classrooms. The officers also knew the suspect was still alive and preventing them from accessing the wounded in the classrooms. These injured people are a driving force (ALERRT & FBI, 2020, p. 2-17) Once the officers retreated, they should have quickly made a plan to stop the attacker and gain access to the wounded. There were several possible plans that could have been implemented. We list a few here:

- A. Perhaps the simplest plan would have been to push the team back down the hallway and attempt to control the classrooms from the windows in the doors. Any officer wearing rifle-rated body armor (e.g., plates) would have assumed the lead as they had an additional level of protection. A team of 4 officers could have utilized the windows in the doors to control a large portion of the classroom from the hallway. Two officers would have taken angular positions on each window. This would have allowed them to cover a large portion of each classroom and the officers would have been likely to see and engage the attacker. Again, this would have been dangerous, but the priority of life scale dictates that the officers assume risk to save innocent lives. It is also worth noting, the officers had weapons (including rifles), body armor (which may or may not have been rated to stop rifle rounds), training, and backup. The victims in the classrooms had none of these things. If the classroom doors were locked, some of the officers on the door windows would have been able to provide cover while the other officers breached the doors.
- B. If the officers believed that they could not establish control through the doors, they should have found another way to stop the killing and dying. One option would have been to breach the exterior windows of the classrooms. Ideally, this would have involved breaking more than one window simultaneously and then raking the blinds out of the window. It is likely that the suspect would have fired at the officers, but the exterior construction of the building would have provided them with good cover. After the windows were broken (i.e., ported), the officers could have planned to simultaneously stand up in the windows to confront the attacker (i.e., cover). The room would have been substantially darker than the bright exterior conditions at the time. However, breaking the windows and raking the blinds would have increased lighting in the room. Hand-held or weapon-mounted lights could also have been used to increase visibility (see Supplementary information regarding an assessment of breaching options).
- C. Both options a and b could have been done simultaneously. The window breaks could have been used to signal the start of the assault and draw the suspect's attention from the doors. The window officers would stay behind the cover of the exterior wall while the door officers had priority of fire. Then the window officers could stand and cover the rest of the room.
- D. Other options (such as breaching the sheetrock walls or having an officer run past the rooms to draw fire while other officers moved up to cover the interior windows) could also have

been utilized. Each of these alternatives would have had various strengths and weaknesses but would have regained momentum for the officers.

None of these actions were taken. While it would have taken a few minutes to coordinate and execute any of these actions once the officers retreated from the rooms, taking 2, 3, 5 or even 10 minutes to do so would have been preferable to the more than an hour it took to ultimately assault the room.

We commend the officers for quickly entering the building and moving toward the sounds of gunfire. However, when the officers were fired at, momentum was lost. The officers fell back, and it took more than an hour to regain momentum and gain access to critically injured people.

Changing Circumstances Prior to Assault

As discussed, the situation became static at 11:38:37. Prior to this, at 11:38:11, the UCISD PD Chief called for additional assistance (tactical teams and equipment). The responding officers began treating the situation as a hostage/barricade rather than an active shooter event. The timeline shows that the shooter was killed at 12:50:03. This section will describe the escalating circumstances that unraveled over the one hour, eleven minutes, and twenty-six seconds between officers taking static positions and the moment the suspect was killed. We will detail key moments where officers' capabilities increased due to arriving equipment and personnel as well as moments where the exigency of the situation increased due to either suspect actions (e.g., firing his weapon) or additional information (e.g., injured people) being communicated to the officers inside the building.

A reasonable officer would have considered this an active situation and devised a plan to address the suspect. Even if the suspect was no longer firing his weapon, his presence and prior actions were preventing officers from accessing victims in the classroom to render medical aid (ALERT & FBI, 2020, p. 2-17).

For the sake of argument, we will assume that officers believed the active shooter situation had transformed into a hostage barricade starting at 11:38:37. We'll also assume that officers needed additional equipment and/or trained tacticians to perform the room assault. In a hostage/barricade, officers are taught to utilize the 5 Cs (Contain, Control, Communicate, Call SWAT, Create a Plan; ALERT & FBI, 2020, pp. 2-17 to 2-19). In this instance, the suspect was contained in rooms 111 and 112. The officers established control in that they slowed down the assault. However, the officers did not establish communication with the suspect. The UCISD PD Chief did request SWAT/tactical teams. SWAT was called, but it takes time for the operators to arrive on scene. In the meantime, it is imperative that an immediate action plan is created. This plan is used if active violence occurs. It appears that the officers did not create an immediate action plan.

Factors Increasing Exigency

We identified two factors that we believe increased the exigency of the situation and should have prompted officers to execute an immediate action plan. These factors were ongoing gunfire and the presence of injured people.

Gunfire. At 11:40:58, the suspect fired one shot. At 11:44:00, the suspect fired another shot, and finally, at 12:21:08, the suspect fired 4 more shots. During each of these instances, the situation had gone active, and the immediate action plan should have been triggered because it was reasonable to believe that people were being killed.

Injured People. While it is unclear whether the information from 9-1-1 about injured people in the classrooms was being communicated to officers on the inside of the school, at 11:48:18, a UCISD PD officer enters through the west hallway door and states, “She says she is shot,” referring to his wife. The officer was looking at his phone when he relayed the information to the other officers in the hallway. Based on statements, he had received a call from his wife in the room. This statement illustrates officers on scene were aware of at least one injured person in need of assistance.

Factors Increasing Capability

In addition to information that should have increased the exigency of the situation, a variety of factors increased the capabilities of the officers while dealing with these threats. These included breaching tools, shields, tactical operators, and CS gas. Please refer to Figure 8 on page 20 for a detailed timeline of the factors that increased both exigency and officer capability.

Breaching Tools. A UPD officer stated that they had a Halligan at 11:41:30 when asked by dispatch if the doors were locked. This tool was not seen on camera, and if he was referring to the tool being on scene or at the UPD is unclear. A Halligan tool was captured on camera at 12:35:39. A USO deputy arrives on scene with a sledgehammer at 12:47:57. This completed the toolset needed to breach an outward opening door.

Ballistic Shields. The first ballistic shield arrives on scene at 11:52:08. A second ballistic shield arrived at 12:03:51, a third ballistic shield arrived at 12:04:16, and a fourth ballistic shield arrived at 12:20:46. Each ballistic shield afforded first responders additional protection from potential gunfire. We do not have information about the ballistic rating of each shield at this point.

Tactical Operators. While many officers flowed through the scene, the first known tactical operators (i.e., BORTAC) arrived at 12:15:27. BORTAC operators receive extensive training and equipment to respond to barricaded suspects. Additionally, it is common for tactical operations to be turned over to tactical operators upon their arrival; however, it appears that control of tactical operations was not given to the tactical operators on scene.

CS Gas. Between 12:10:17 and 12:14:10, gas masks were passed out and CS gas cannisters and launchers were on scene.

The assault team entered the room at 12:50:03, 1 hour, 11 minutes, and 26 seconds after the first responding officers took static positions. The assault team had keys that could unlock the door. It

does not appear that any officer ever tested the doors to see if they were locked. As we described earlier, we do not believe the door to room 111 was locked.

As this section illustrates, there were multiple points in time where the driving force increased through additional gunfire; however, officers did not act on these increases in driving force. Additionally, officers on scene continually received additional equipment and tactical components that increased their capabilities to address the suspect. Ultimately it is unclear why the officers decided to assault the room at 12:50:03. There was no apparent change in driving force or response capability at this point.

While we do not have definitive information at this point, it is possible that some of the people who died during this event could have been saved if they had received more rapid medical care. In the next part of this AAR, we intend to address that Stop the Dying portion of the response that occurred following the killing of the suspect.

Additionally, we have noted in this report that it does not appear that effective incident command was established during this event. The lack of effective command likely impaired both the Stop the Killing and Stop the Dying parts of the response. The final part of this AAR will address incident command issues.

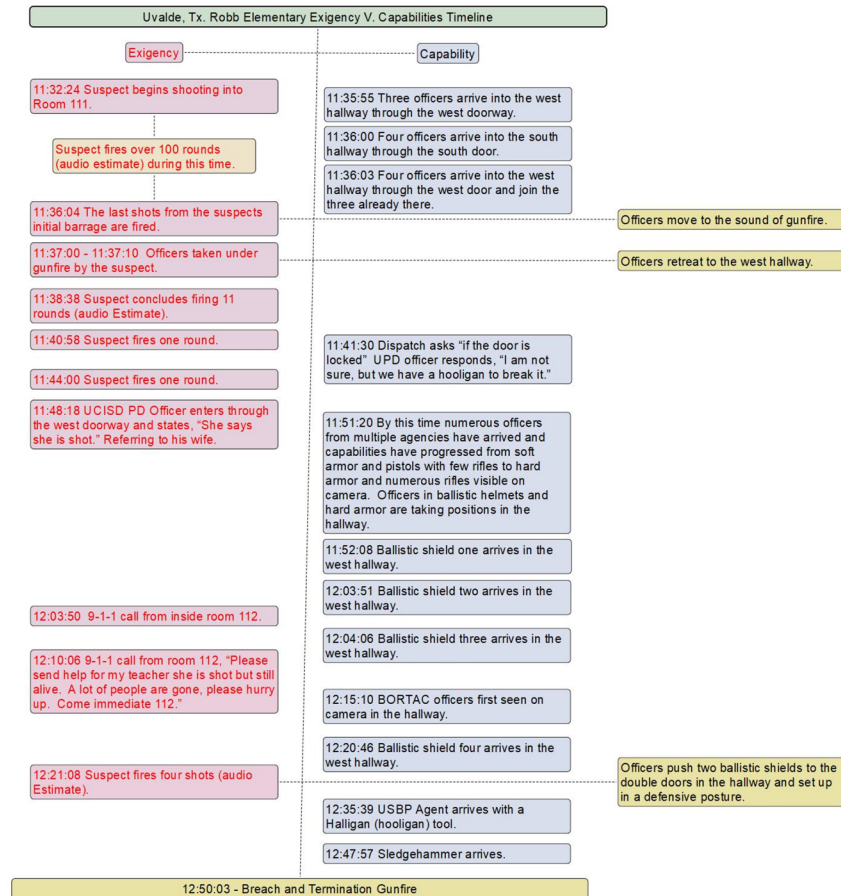


Figure 8. Exigency vs Capability Timeline

Supplemental Materials

Breaching Assessment and Opportunities

The initial wave of officers in this incident worked to locate and identify the location of the suspect. However, in doing so, they were met with a difficult challenge posed by the suspect; they were being fired at while attempting to enter the classroom where the suspect, victims, and casualties were located. Furthermore, the officers did not have any breaching tools. For the purposes of this report, breaching tools refer to common tools that are expected to be carried and utilized during active shooter / active attack events. The responding officers making the initial approach did not have immediate access to ballistic shields. The officer's overall level of training is unknown at this point.

ALERT staff conducted a series of tests at Robb Elementary School incorporating critical thinking and breaching techniques to determine possibilities that may have changed the incident outcome. ALERT staff used non-traditional tools that can be purchased at most any hardware store or obtained from a firetruck. The tools used were a 10LB sledgehammer, a Stanley Fat Maxx, and a Halligan tool (see Figure 9).



Figure 9. Breaching Tools

Keyed Entry

After much discussion and observation, it was clear that an unshielded officer faced imminent serious bodily injury or death if they were to attempt to unlock the door. This was proven during the initial responding officers first attempt to open the door. The breach point and inset locations in the south hall received heavy gunfire, and this breach method, alone, was untenable.

Pry

ALERT staff performed a “pry” on the door using a Stanley Fat Maxx and a sledgehammer. The breaching technique was recorded and performed relatively quickly (the door was opened in 3-4

seconds). Although the breach was conducted quickly, and a positive breach was established, there was still a substantial risk of serious bodily injury or death to officers if this breach were to be performed without a ballistic shield.

Pry with a Distraction

The purpose of implementing a distraction during the breach is to redirect the suspect's focus away from the breach point while the breach is performed. In this case, banging on a wall in the south hallway was used as a distraction. The distraction was initiated, and a positive breach was established relatively quickly (i.e., 3-4 seconds). When the door was opened the ALERRT staff member that was placed in the room as a suspect was focused on the wall where the distraction was performed. The distraction afforded the breachers time to perform the breach while lowering the risk of serious bodily injury or death.

Breaching an outward opening door with a sledgehammer

Typically, outward opening doors are breached using a pry technique. There are techniques that can be used to breach outward opening doors using a sledgehammer or ramming technique. This technique was attempted and proven to not be a viable option due to the construction of the metal door. A positive breach was not established, and performing this technique took a long time. Unshielded, the probability of serious bodily injury or death would be high.

Wall Breaching

Utilizing the walls in an adjoining classroom, a series of wall breaches were conducted. The purpose for a wall breach is to create a distraction prior to conducting a pry breach. Additionally, a wall breach can create a port hole allowing officers to engage the suspect through the opening.

Using a sledgehammer with the strike face toward the wall, a distraction was created by striking the wall multiple times. The strikes resulted in limited penetration to the interior wall in the adjacent classroom.

Using a sledgehammer with the strike face turned sideways, a port was created with 2-3 strikes to the wall. Any remaining insulation materials were removed by hand to clear out the opening.

Using the Stanley Fat Maxx, a distraction was performed by penetrating the sheetrock into the adjacent room with a single puncture through the wall.

It was evident that the suspect in this attack fired numerous rounds from a rifle that penetrated the sheetrock walls. These distractions/ports offer a breaching option but still come with a risk for unshielded officers.

Pry with a window distraction

This breaching method incorporated an exterior window breach as a distraction while simultaneously prying the classroom door. The windows were breached with a Halligan tool while the interior door was breached with a Stanley Fat Maxx and sledgehammer. The window breach added to the tactical advantage by causing the subject in the room to direct attention to the windows while the interior breach team was able to breach, enter, and address the subject.

It was found that “port and cover” on the window was challenging due to miniblinds obstructing view and unequal lighting conditions.

- Port and cover refers to breaching a window and addressing threats from that opening.
- Miniblinds or obstructions would need to be cleared with a breaching tool for a view into the room,
- The classroom was significantly darkened without artificial lighting while the exterior was relatively sunny and bright. When the exterior window was breached, the unequal lighting conditions resulted in the exterior members having diminished capabilities to see into the dark classroom to acquire a target. Raking the blinds out would increase the lighting in the room, and hand-held or weapon mounted lights could further improve lighting conditions.

Additional Breaching Options

Vehicle Breaching. The use of a motor vehicle to breach fortified locations should always be considered as a breaching option in matters of exigent circumstances and loss of life. However, in this incident, vehicle breaching was not a viable option due to the construction and layout of the school. Vehicle breaching was also not feasible because the officers were unsure where innocent children and teachers were located in the room.

Ballistic Breaching. The use of a 12-gauge shotgun and 00 buck is another viable breaching method that could have or may have been used with the proper equipment and training.

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Ms. JACKSON LEE. I now recognize the distinguished gentleman from Arizona, Ranking Member Biggs, for his opening statements.

Mr. Biggs, you're recognized.

Mr. BIGGS. Thank you, Madam Chair.

I appreciate you holding this hearing today, and appreciate you recognizing me for a few minutes to provide an opening statement.

We'll never forget the horror of Uvalde, and those who were victimized will also remain in our hearts and our minds.

As the Chair has said, there was a cavalcade of failures on that day. There are many reasons that evil persists and that evil acts. We welcome our two Witnesses today.

We have Dr. John Lott, Jr., who's an economist, world-recognized expert on guns and crime. He served as the Senior Advisor for Research and Statistics in the Office of Justice Programs and then the Office of Legal Policy in the United States Department of Justice and has held research or teaching positions at various academic institutions including the University of Chicago, Yale, the Wharton School at the University of Pennsylvania, Stanford, UCLA, and Rice. He was the Chief Economist at the U.S. Sentencing Commission during 1988–1989, and he holds a Ph.D. in economics from UCLA.

Nobel Laureate Milton Friedman noted John Lott has few equals as a perceptive analyst of controversial public policy issues. He's a prolific author for both academic and popular publications and has published over 100 articles in peer-reviewed academic journals, and written 10 books, including "More Guns, Less Crime."

His most recent books are, "Dumbing Down the Courts: How Politics Keep the Smartest—How Politics Keep the Smartest Judges Off the Bench." He's been one of the most productive and cited economists in the world. From 1969–2000, he ranked 26 worldwide in terms of quality-adjusted total academic general output and fourth in terms of total research output. Among economics, business, and law professors, his research is currently the 14th most downloaded in the world.

I also welcome the Honorable Jack Brewer to be with us today. He is from Fort Worth, Texas. Grew up in Grapevine, went on to a successful athletic career, both in track and field and in professional football.

Beyond that, though, Mr. Brewer is a humanitarian. He's an ordained evangelist who's dedicated his life to initiatives aligning with biblical commandments to serve the fatherless, the poor, the widows, and the captives. That's what his focus is. He will be talking today about the need for families, if we're going to stop violence of all kinds, in particular, gun violence.

To date, his foundation has delivered over \$70 million in medical aid, supports over 55 orphan care centers, and helped deliver sports equipment to over 1 million underserved children, and helps bring medical care to over 20,000 women and children around the world.

I'm delighted to welcome our two Witnesses here today.

One other thing that our distinguished Chair said today is we have to be honest. Despite the title of the hearing today, there hasn't been an honest engagement and search for bipartisan solutions to gun violence mostly because there's one solution for my

friends across the aisle. That is to emasculate the Second Amendment and remove guns from legal, lawful, and law-abiding citizens.

For proof, just look at the bills they've either introduced or brought through the Committee in the 117th Congress. For example, they have pushed legislation to infringe upon the rights of law-abiding Americans, such as Federally mandating background checks on all firearm transfers, red flag laws, banning certain semiautomatic firearms, extending background check-waiting periods, establishing new Federal databases, and establishing a national firearm registry.

Those proposals, gun law experts have explained, will do nothing to end gun violence or end the criminal use of firearms. They did this, while demonstrating a complete lack of respect for and understanding of the Second Amendment rights of law-abiding Americans.

Don't take my word for it. Let their own words speak for themselves. President Biden stated, quote,

A nine-millimeter bullet blows the lung out of the body. The idea of these high-caliber weapons is of—there's simply no rational basis for it in terms of self-protection, hunting. I mean, I just—and remember the Constitution, the Second Amendment, was never absolute.

Law enforcement, military, and ballistic experts agree that the claim, those claims are pure nonsense. When talking about the Second Amendment rights of law-abiding Americans, one of the Representatives on this Committee stated, quote, "Spare me the bull about constitutional rights," close quote. The same Representative, also, questioned whether or not someone with a semiautomatic rifle has ever been stopped by a law-abiding American with a firearm. Specifically stated, I don't think there's a sing—and I'm quoting here.

I don't think there's a single incident, and maybe there's one, but I've not found one of an assailant using an assault weapon that was stopped by a person with a gun.

Literally a month before he made that claim, a woman stopped what law enforcement indicate was likely to be a mass casualty event in West Virginia when she shot a man carrying an AR-15-type rifle with her handgun. There's one example.

An example from November 24, 2022, was when a 23-year-old woman in a suburb of Chicago, licensed to have a carry conceal permit, shot a man trying to break into her car early in the morning.

Just last week a 56-year-old Chicago man being robbed by four suspects on Chicago on the West Side turned the tables and shot three of the robbers, wounding two of them and saving his own life.

Democrats aren't interested in searching for the causes of these horrific and tragic acts of violence which is, as I said, the persistence of evil in the world. How do we curb that? They're only interested in trampling on the Second Amendment rights of law-abiding Americans.

Today, we're examining the tragedy in Uvalde. The murderer there was estranged from his father, and engaged in numerous, heated conflicts and arguments with his mother who was having trouble raising her son.

I bring up the shooter only because the shooter in Uvalde is not unique in having a difficult and troubled home life. Dr. Peter Langman, an expert on the psychology of school shooters and other perpetrators of mass violence, examined 56 school shooters and found that, quote,

Eighty-two percent of the sample either grew up in dysfunctional families or without their parents together for at least a significant part of their lives.

Research from Dr. Brad Wilcox, a Professor of Sociology at the University of Virginia and Senior Fellow at the Institute for Family Studies, finds that males growing up in single-mother homes are nearly twice as likely to end up delinquent compared to males who enjoy good relationships with their fathers. This is not to denigrate single-mother homes, having my own mother grow up in such a home. It is only to talk about the difficulties and the exacerbation of raising a family that goes hand in hand with these difficult situations.

How long can we continue to ignore these findings if we're really going to search for bipartisan solutions to put a stop to these tragic, tragic events?

My colleagues across the aisle would like to ignore the connection between adolescent males growing up without their fathers, and these violent events, and yet, studies indicate very clearly there is a significant correlation, and probably a causative effect.

In fact, during a hearing this Congress, in the plea for new gun control laws, our own Chair stated:

A recent study in the *American Journal of Medicine* found that compared to 29 other high-income countries, the gun-related murder rate in the United States is 25 times higher, even when you adjust for population differences. Americans are disproportionately killed by gun violence. One of the critical differences, of course, is that other countries have stronger gun safety laws.

The fact is this country has numerous gun laws and penalties already in place for those who violate those laws, for those who sell guns, those who distribute guns, those who traffic in guns, and those who use guns illegally for violent purposes.

What the Chair failed to acknowledge is the fact that nearly a quarter of children in the United States live with only one parent. That is also more than any other country on the planet, and it has a direct correlation to all the violence in our society, including gun violence.

It is now time for us to proceed with this hearing. I'm looking forward to the compelling testimony of all those who are here today. It is also something, if you're going to look at this testimony, it's important to look at root causes for this violence and not focus solely on taking away Second Amendment, constitutionally protected rights.

With that, Madam Chair, I yield back.

Ms. JACKSON LEE. We thank the Ranking Member.

The Chair now recognizes the Chair of the Full Committee, the gentleman from New York, Mr. Nadler, for his opening statement.

Chair NADLER. Thank you, Chair Jackson Lee, for convening this hearing.

I thank the Witnesses for being here to inform this Committee about how the tragedy in Uvalde with can help us continue to develop effective solutions for combating gun violence.

For decades now America has faced increasing crisis of gun violence. From the mass shootings that have become a routine part of American life, to smaller incidents of community violence, to shootings within our homes and our places of worship, gun violence has permeated every aspect of our society.

While every incident of gun violence deserves recognition and remembrance, it is the mass murder of children and the schools that we trust to keep them safe that strikes the deepest chord. Yesterday marked the 10-year anniversary of the massacre at Sandy Hook Elementary School in Newtown, Connecticut, the deadliest grade school shooting in our Nation's history, a history that is littered with far too many school shootings.

We'll never forget the 20 children, young children, only 6–7 years old, and six adults who lost their lives to a 20-year-old young man armed with a semiautomatic assault rifle, a weapon of war.

We will not forget the national outcry for change, for meaningful gun legislation that would prevent similar incidents in the future. For nearly a decade, those cries went unheeded as Republicans in Congress stymied any attempt at reforming our gun laws.

So, month after month, year after year, the shootings have continued. San Bernardino, Orlando, Las Vegas, Parkland, Pittsburgh, Thousand Oaks, El Paso, and Boulder, and still Congress did nothing.

This past year we reached a turning point, when in the span of 10 days, 31 people were killed, were murdered in mass shootings in Buffalo and, of course, in Uvalde. The massacre of 19 school children and two adults at Robb Elementary School was a tragedy so horrific that it is difficult to comprehend.

From the lax gun laws that allowed the 18-year-old shooter to stockpile military-style weapons and ammunition just days before the shooting, to law enforcement's unfathomable failure to respond quickly, and to take all possible actions to save the lives of children, the Uvalde shooting encapsulates so much of what characterizes America's crisis of gun violence.

It is through the lens of the tragedy in Uvalde that we can, we must look for solutions. This Committee did just that the week after our earlier hearing, moving the Protecting Our Kids Act, which passed the House on June 8th of this year, with the vast majority of Republicans voting no.

The Act—contained several critical measures to prevent gun violence, including raising the age for buying semiautomatic rifles like those used in Sandy Hook, Buffalo, and Uvalde, establishing new Federal offenses for straw purchasers of large-capacity magazines, safe storage requirements, and statutory bans on bump stocks and ghost guns.

Because of continued Republican opposition, the Act did not have sufficient support to pass the Senate, despite the cries of the families in Uvalde and throughout the Nation.

Just a few weeks later, Democrats and Republicans and the House and the Senate finally were able to come together to pass the Bipartisan Safer Communities Act. Though it was not nearly

as expansive and our House-championed bill, we were nonetheless proud of what we were able to achieve with the Bipartisan Safer Communities Act.

The first meaningful gun legislation in decades, the Act requires enhanced background checks for firearms purchasers under the age of 21, it creates new Federal straw purchasing and trafficking offenses, and it provides critical funding for violence intervention initiatives, children and family mental health services, and school programs, including safety programs.

It is a critical first step, but it is only a first step. Experience has shown us that there is still so much more to be done. This Committee has tried, but most Republicans have opposed every type of gun legislation we have advanced: Extreme risk protection orders, banning assault weapons, and raising the age to purchase semi-automatic firearms. Each of these measures could have prevented the tragedy in Uvalde and so many others.

It is no surprise then that in the few months since Uvalde we have continued to see more mass shootings, from the July 4th shooting in Highland Park, Illinois, to the Walmart shooting in Chesapeake, Virginia, to the recent massacre at Club Q in Colorado Springs, we have learned that even when police act as swiftly as possible, and even when heroic citizens risk their own lives to stop the bloodshed, there is no act of heroism that can stop an AR-15 assault-style weapon from killing dozens of people within minutes.

As we have said time and again, as the evidence has shown, this is a uniquely American problem. It demands a solution from us, Representatives Americans have chosen to pass laws to protect them while safeguarding their constitutional rights.

As Mr. Biggs quoted me as saying, "Americans are 25 times as likely to die from gun violence as citizens in other countries." No one can slander the American people by saying that we are 25 times as mentally ill.

We are focusing today on the tragedy in Uvalde because it highlights so many of the issues that we must address to stop the bloodshed, extraordinary harm caused by assault-style weapons and ammunition, the likely effects of gun-safety legislation, such as extreme risk protection orders, active shooter alert systems, and raising the age of purchasing semiautomatic weapons, best practices and policies for law enforcement agencies who respond to active shooter situations, how to best protect our youngest and most vulnerable Americans in their schools, and how violence intervention strategies can work with traditional responses to reduce gun violence.

I look forward to hearing our Witness' testimony about these and other issues related to our crisis of gun violence. I thank the Witnesses for coming today. Again, I express my gratitude to Chair Sheila Jackson Lee, who has fought so passionately for gun safety legislation, for convening this hearing.

I yield back the balance of my time.

Ms. JACKSON LEE. I thank the gentleman for his testimony and his statement.

I now recognize the Ranking Member of the Full Committee, the gentleman from Ohio, Mr. Jordan.

Mr. JORDAN. Thank you, Madam Chair.

Ms. JACKSON LEE. Recognized for five minutes.

Mr. JORDAN. Thank you, Madam Chair.

I would just want to thank all our Witnesses for being here today but, in particular, Mr. Lott, who is an expert on firearms and firearm laws, and Mr. Brewer, for his work in supporting the institution of the family.

The first institution the good Lord put together wasn't the church. It wasn't the State. It was moms, dads, and kids. The strength of that institution ultimately determines the strength of our culture, our society, and our great country. So, we appreciate all our Witnesses but, in particular, the two Republican Witnesses.

With that, I would yield back and look forward to the testimony.

Ms. JACKSON LEE. The gentleman yields back.

Thank you so much to the Ranking Member of the Full Committee.

It is now my pleasure, with a sense of sadness, to introduce today's Witnesses.

First, Faith Mata is the big sister of Tess Mata, one of the 21 lives lost at Robb Elementary School in May of this year. She's joined by her parents, Jerry, an aviation mechanic, and Veronica, a kindergarten teacher. I would like them to stand with their baby, Tess.

Faith is a senior at Texas State University, where she is pursuing a degree in psychology.

Thank you, family.

Dr. Roy Guerrero is a board-certified pediatric specialist who was born and raised in Uvalde and attended Robb Elementary School. He treated several of the victims on that day, that terrible day. Dr. Guerrero is their doctor. He is the children's doctor, and he saw these children over and over again. Dr. Guerrero has over 16 years of experience in medicine, including serving as Chair of Pediatrics at Val Verde Regional Medical Center, Assistant Professor of Pediatrics at Baylor College of Medicine, and serving as the Medical Director and CEO of Encina Pediatrics and Primary Care. He didn't sleep for days as he was working with families. Can you imagine his pain?

Thank you, Doctor.

Thank you, Faith, for being here.

The Honorable Roland Gutierrez, who has served in the Texas State Senate, representing District 19, he previously served as a Member of the Texas House of Representatives from 2008–2021. He is a representative of the people. I met him for first time going to Uvalde, the first member, as we worshiped in church that Sunday after the massacre.

He never stopped. He never stopped comforting those parents. He gave up his life, daily activities to just be there and fight for them. Senator Gutierrez has a Bachelor of Arts in Political Science from the University of Texas at San Antonio, a juris doctorate from St. Mary's University of Law. We thank you for being here.

Jack Brewer, who has a master's in education, a CEO and Portfolio Manager of the Brewer Group, Incorporated, founder and Executive Director of the Jack Brewer Foundation, Chair of the America First Policy Institute Center for Opportunity Now. He is an ordained minister and a Professor at the Fordham Gabelli School of

Business, where he is the Program Executive for the Athletes and Artists Executive MBA Program. Mr. Brewer's also a former NFL safety, who was appointed to the U.S. Commission for the Social Status of Black Men and Boys under the previous Administration. Welcome.

Jack Lott, Jr., Ph.D., is an economist and commentator who focuses on guns and crime. During the previous Administration he served as a Senior Advisor for research and statistics in the Office of Justice Programs and in the Office of Legal Policy in the United States Department of Justice.

Dr. Lott has held research and teaching positions at various academic institutions, including the University of Chicago, Yale University, the Wharton School of the University of Pennsylvania, Stanford University, UCLA, and Rice University. He was the Chief Economist at the United States Sentencing Commission from 1988–1989. He holds a Ph.D in Economics from UCLA. Welcome.

Nicole Melchionno. Did I get that? Melchionno? She's got a thumb's up. She was in the second grade at Sandy Hook Elementary School when a gunman entered the school and killed 26 people on December 14, 2012. Yesterday was the 10-year commemoration and the recognition of that day.

In 2018, she participated in the March for Our Lives as she began to mature, a student-led demonstration calling for an action to end gun violence. In 2020, she joined the Junior Newtown Action Alliance, became its legislative coordinator last year. Nicole is just a senior at Newtown High School at this time. Welcome.

Chief Anthony D. Holt is Associate Vice President and Chief of Police at Wayne State University. During a career spanning more than 40 years, Chief Holt rose through the ranks and held multiple positions within the university police department. He is a past President of the metro Detroit chapter of the National Organization of Black Law Enforcement Executives and currently serves as special advisor to the national President of NOBLE and is a member of the NOBLE executive board. Welcome.

T. Christian Heyne is Vice President of Policy at Brady. He began advocating for stronger gun laws after a man with a history of violence shot his parents on Memorial Day in 2005. His father survived multiple gunshots but, sadly, his mother was killed. In the wake of this tragedy, Mr. Heyne and his father started a chapter of Brady campaign to prevent gun violence in Ventura County, California, and helped to pass several local ordinances.

Since that time Mr. Heyne has successfully developed, lobbied, and helped implement a variety of local State and Federal policies.

Thank you for your work on the Emily Vaughn Storage Act and other legislation.

Before joining Brady, he served as a legislative director at the Coalition to Stop Gun Violence.

As I begin to welcome all of you as distinguished Witnesses, and thank you for your participation, I will start by reassuring the Nation that you are under oath and telling the truth to your best of your capacity.

I ask you to stand and raise your right hand at this time.

Would you raise your right hand? I will administer the oath.

Do you swear or affirm under penalty of perjury that the testimony you're about to give is true and correct to the best of your knowledge, information, and belief, so help you God?

Let the record show the Witnesses answered in the affirmative.

Please note that your written statement will be entered into the record in its entirety. Accordingly, I ask that you summarize your testimony in five minutes to help you stay within that time-frame.

There is a timing light on the screen. While the light switches from green to yellow, you have one minute to conclude your testimony. When the light turns red, it signals that your five minutes has expired.

Before I recognize Faith Mata for five minutes, allow me to acknowledge a friend and colleague who joined me on the first and I believe only field hearing from the Federal Government in Uvalde, and that is Congressman Castro of San Antonio is here with us today. I thank him for his presence here today.

It is important for the family to know that the Federal Government from different committees is concerned about you.

So, I ask Ms. Mata to begin her testimony. You're recognized now for five minutes.

TESTIMONY OF FAITH MATA

Ms. MATA. Good morning.

First and foremost, I would like to thank Chair Jackson Lee, Ranking Member Biggs, and other Members for allowing me the speak and share my story.

My name is Faith Mata. I am a 21-year-old, coming up on my last semester of college, preparing for my future, a new future without my little sister, Tess, and a future of having to navigate this new life without her.

I was an only child for quite some time. It was just myself and my parents, Veronica, and Jerry. Being alone was hard and a lesson of being independent. When I reached 10, my parents had the conversation to let me know they would not be having any more children. It would just be me. I remember crying and begging for them to please bring me a sibling. I didn't want to grow up alone.

Not even three months later my mom got a call letting her know she was pregnant, and I now was going to be a big sister. I can still recall the days going with my mom to her appointments, seeing the sonograms, and soon finding out Tess was a girl, all up until the day she was born, February 6, 2012.

Bringing Tess into our life was a blessing in disguise. My sister brightened our darkest days. Tess was the outspoken, courageous, daring, determined, and nurturing person in our family. Our family was whole at this point. We would have family night every Sunday where my dad would put on movies or suggest we play some board games. Tess convinced my parents to bring our mattresses into our living room, and we would all sleep in the same room. Those days were the best, no matter how annoying it was sleeping next to her.

It was an unsaid tradition of taking countless road trips every summer to a new destination we had never been before and spending time just as a family. We were so happy. My family was perfect in my eyes.

Then came time for me to move 2½ hours away from home to begin my college career. It was hard being away from home and not being able to see my sister grow day by day. Every time I came to visit, Tess was getting bigger and smatter before my very eyes. It is a beautiful thing to see as an older sibling. Being the older sibling, it is my duty and obligation to be her role model and the person whom Tess admired.

She was my purpose and strength to be best I could be. It was always bittersweet, having her run out of our house to come and greet me with hugs and smiles. It hurt seeing her cry and beg me to stay just a little longer when I had to leave back home.

Even though I was away at college, our bond was strong. It was so precious to me and her. We talked numerous times of her attending my soon-to-be alma mater and how she would live with me while she was going to school. We were planning our futures to make sure we would always be together.

May 24, 2022, I was getting ready for work around noon when my cousin had alerted me to call my mom. My mom said it's okay. The officer said it was a barricaded subject. I proceed to call my dad. He's standing in front of Robb Elementary and tells me there are so many people here. It looks like a war zone.

Fast-forward about an hour. News goes around. A teacher has been shot, along with eight students. My heart sinks. Still not knowing who the teacher is or the kids, my thoughts were it's not my sister. It can't be. This would never happen to us. Then full panic kicks in. My mom calls to me tell me they're moving kids to the civic center. No luck finding Tess. Dots start connecting. The teacher was, in fact, my sister's. Many of the kids that were considered missing at the time were all in the same two classes, room 111 and 112.

My roommate drove me back to Uvalde, where along the way I was calling hospitals in San Antonio, Texas, looking for my sister. After two hours of driving, I was at the civic center with my parents where we waited in a room with other family members. We waited about 8½ hours until we found out my sister was among the 21 that were deceased.

The days following the death of my sister, I took on the responsibilities and tasks that my parents could not bear to do. My parents should not have to plan their own child's funeral. So, I felt the need to step in when they needed me the most.

Our life has changed forever. It has darkened because our light has left. The child and the little human who once made this family whole is no longer with us. Tess will never get to experience the life we had prayed she would live. She will never graduate high school, never fall in love herself, never be present at my wedding. We will never know how scared she was in her last moments in that classroom.

All we have left is the questions which was once filled with her laughter and the stillness that only Tess could help us move out of.

Today I am here, sharing my story. We are not tired of hearing the stories of victims, and hearing them from victims' families? Are we not tired of hearing yet another tragedy because of gun violence? When is enough?

I truly hope that this never happens to any other family in the days, months, or years to come. This debatable topic on assault rifles should not be brought up again, because someone else's child or sibling was murdered. It's just an excuse at this point.

You may never understand what my family is going through, and I'm not asking you to. Today, you can make a change to help families never have to feel what my family feels, the families of Uvalde feel, and the many others of the mass shootings.

Thank you.

[The statement of Ms. Mata follows:]

Good Morning, first and foremost I would like to thank congress for allowing me the opportunity to speak and share my story. My name is Faith Mata, I am 21 years old and coming up on my last semester of college preparing for my future. A new future without my little sister Tess and a future of having to navigate this life without her.

I was an only child for quite some time, it was just myself and my parents Veronica and Jerry. Being alone was hard and a lesson of being independent. When I reached 10 my parents had a conversation with me to let me know they would not be having any more children, it would just be me. I remember crying and begging for them to please bring me a sibling, I didn't want to grow up alone. Not even three months later my mom got a phone call letting her know she was pregnant and I was going to be a big sister. I can still recall the days going with my mom to her appointments, seeing the sonograms, and then finding out Tess was a girl. All up until the day she was born February 6th, 2012.

Bringing Tess into our life was a blessing in disguise. My sister brightened our darkest days, Tess was the outspoken, courageous, daring, determined, and nurturing person in our family. Our family was whole at this point, we would have family night every sunday where my dad would put on movies or suggest we play some board games. Tess convinced my parents to bring our mattresses into our living room and we would all sleep in the same room. Those days were the best no matter how annoying it was sleeping next to her. It was an unsaid tradition of taking countless road trips every summer to a new destination we had never been before and spending time just as family. We were so happy, my family was perfect in my eyes.

Then came the time for me to move two and a half hours away from home, to begin my college career. It was hard being away from home and not being able to see my sister grow day by day. Every time I came home to visit Tess she was getting bigger and smarter before my eyes. It is a beautiful thing to see as an older sibling. But being the older sibling it was my duty and obligation to be her role model and the person whom Tess admired, she was my purpose and strength to be the best I could be. It was always bittersweet having her run out of our house

to come and greet me with hugs and smiles. And it hurt seeing her cry and beg me to stay just a little longer when I had to leave back home. Even though I was away at college our bond was strong and it was so precious to me and to her. We talked numerous times of her attending my soon to be alma mater and how she would live with me while she went to school. We were planning our futures to make sure we would always be together.

May 24th, 2022. I was getting ready for work around noon when my cousin had alerted me to call my mom. My mom said "it's okay, the officers said it was a barricaded subject." I proceeded to call my dad. He is standing in front of Robb Elementary and tells me "there are so many people here it looks like a war zone." Fast Forward about an hour news goes around a teacher has been shot along with eight students. My heart sinks but still not knowing who the teacher is or the kids. My thoughts were it's not my sister it can't be, this would never happen to us. Then full panic kicks in and my mom calls to tell me that "they're moving kids to the civic center and no luck with finding Tess." Dots start connecting that the teacher was in fact my sisters and many of the kids that were considered missing were all in the same two classes room 111 and 112. My roommate drove me back to Uvalde where along the way I was calling hospitals in San Antonio, Texas looking for my sister. After 2 hours of driving I was at the civic center with my parents where we waited in a room with other family members. We waited about 8 and a half hours before we found out my sister was among the 21 that were deceased.

The days following the death of my sister, I took on the responsibilities and tasks that my mom and dad could not bear to do. My parents should not have to plan their own child's funeral so I felt the need step in when they needed me the most. Our life has changed forever; it has darkened because our light has left. The child and little human who once made this family whole is no longer with us. Tess will never get to experience the life we had prayed she would live, she will never graduate high school, never fall in love herself, never be present at my wedding, and we will never know how scared she was in her last moments in that classroom. All we have left

is this quietness which was onced filled with her laughter and this stillness that only Tess could help us move out of.

Today I am here sharing my story but are we not tired of hearing the stories of victims' families? Are we not tired of hearing of yet another tragedy because of gun violence? When is enough enough? I truly hope that this never happens to any other family and in the days, months, or years to come this debatable topic on assault rifles is not brought up again because someone's child or sibling was murdered. You may never understand what my family is going through and you don't have to, but today you can make a change to help families never have to feel what the families of Uvalde, Texas and the many other mass shootings have felt.

Ms. JACKSON LEE. Thank you very much.
We now recognize Dr. Guerrero. You're now recognized for five minutes.

TESTIMONY OF DR. ROY GUERRERO

Dr. GUERRERO. Thank you, Madam Chair.

I'm grateful for the chance to testify before this Committee and share my perspective on gun safety in America.

As a rifle-owning son of a rancher, as a pediatric doctor, and as a member of a broken community traumatized by the loss of 19 children and two teachers in May, I believe my experiences reflect the deep complexities of the gun control issues. My feelings no doubt echo those of many in our country.

Today, I want to share a few things that I know for certain, because I am a doctor and when it comes to solving problems, we doctors prefer to stick to the facts and the science, rather than get caught up in the emotion, no matter how hard that is.

When you choose a career in medicine, you're signing up to make people better and save lives. Healing is always the ultimate goal, and we use a number of strategies to do that, depending on the challenge. In the modern, developed world, we have a plethora of incredible machines, tools, equipment, regimens, and machines that test, diagnose, administer, and sustain to cure. You've all, no doubt, crossed paths with at least one of these. Maybe it was a Doppler, an MRI machine, or a course of anti-COVID drugs.

For my patients, I'm always looking for the most effective remedy or tool that I can find to relieve their pain, to stem the bleeding, or to kill the pathogen. So, I understand the power of an effective tool.

The AR-15 is a very effective tool. It was designed to deliver quick and heavy fire in combat. It was made to be light and easy to use. It's as exacting in its application on the battlefield as radiation in a patient with cancer.

So, let me ask you this: How comfortable would you be if every day during homeroom your kids and grandchildren were being administered radiation therapy for two hours? Never mind the books with suggested material in the library. I'm talking about highly radioactive particles flooding into the beautiful, healthy bodies of your precious children on a daily basis. Why not? We have all the potential to develop cancer—we all have the potential to develop cancer. Maybe it could be preventive.

If this sounds like a ridiculous or terrifying prospect, you're right, because cancer radiation doesn't belong in the bodies of healthy children, just like AR-15s or any semiautomatic weapon that holds high-capacity magazines don't belong in the hands of everyday civilians, especially when they're not even old enough to buy a pack of beer. They're not appropriate for self-defense in the home, in the school, or in the supermarket. They are and always have been designed as military-grade killing machines.

We made significant progress on sensible gun legislation. Most Americans agree that we need background checks, age limits, and safe storage rules. One of the arguments I hear on repeat from the course of objections to the ban of assault weapons is that the prob-

lem isn't the guns. It's the people who pull the trigger. This is a meritless argument.

How does an anti-Mexican extremist walk into Walmart and kill 23 people in minutes without a semiautomatic rifle? How does an anti-LGBTQ radical slaughter 49 club goers without a SIG Sauer MCX? The children in the classrooms of Sandy Hook Elementary, Marjory Stoneman Douglas, and Robb Elementary School never stood a chance against the speed and power of the weapons they faced.

Let me tell you. These kids, they weren't helpless victims before that day. They were spunky, intelligent, and street-smart kids. I know this because some of them were my patients.

Tess Mata, who you just heard about, I knew since she was a newborn. Amerie Garza was two months old. Amerie was trying to save her friends when the 18-year-old burst into her classroom, wielding the AR-15 he bought the day after his birthday. She was calling 9-1-1 when she was shot to death. She knew what to do. She was brave. She was a fighter. Against a weapon like that, she had no chance, no chance to run, to hide, or to shout for help.

The following is audio that I was given by a parent of kids from across the rooms where the kids were murdered. These children survived. This is the shrill screaming of kids trying to get out while their classmates are being murdered.

[Audio played.]

Dr. GUERRERO. Amerie's call never connected. When you see pictures of Amerie and her friends on the news, you should know. They didn't get buried, looking sweet and happy like their photos. Some were missing limbs. Some had holes in their tiny chests. You might mistakenly imagine a funeral where a child lies peacefully in a colorful coffin, but make no mistake, there's no piece in the death of a child by a weapon of war.

Guns are now the leading cause of death among children. Yes, it's not the flu or drowning or even car accidents, because we dealt with that with seatbelt and car seat regulations. AR-type weapons and bump stocks play a devastating role in this tragic statistic. Here we are, still squabbling about who gets to keep what.

Last time I told you I was here—I told you one of the reasons I wanted to work with young patients was because of how flexible and open their minds are about treatment and learning from their experiences. Of course, they're not always enthusiastic at the outset.

As a pediatrician, I had to learn a few strategies for dealing with children who didn't want to follow doctor's orders. I had to convince them to trust me when they're too scared to get a shot or get their blood drawn. So, you know I've got all kinds of tricks up my sleeve, more screen time, Disney pencils, and stickers. I might be the only doctor who doesn't give out lollipops, though.

As I sit here today, 10 years after Sandy Hook and six months after the massacre in my own town of Uvalde, I'm asked what we can do about finding solutions to gun control. I find myself thinking about those pencils and stickers, because the naysayers and obstructionists in the debate about assault weapons, the people who don't want to give up their toys, they look like adults, but they sound a hell of a lot like children to me.

As I said, I'm a gun owner. I believe in the Second Amendment. I'm also a doctor, and I deal with facts over emotion. So, yes, I love an effective tool. When it comes to—when a body comes into the hospital, riddled with bullets, there's no tool that's going to help. I'm left to wonder what it's going take to take these guns out of the equation. What is going to stop this?

You've seen all the evidence you could possibly see that they inflict needless death and destruction. So, what's it going to take to change your minds? Children require lollipops for convincing. As their protectors, we just need to look at the horrific tragedies that repeat in our country time and time again. No convincing required.

Thank you.

[The statement of Dr. Guerrero follows:]

Dr. Roy Guerrero - Testimony

Thank you. I'm grateful for the chance to testify before this committee and share my perspective on gun safety in America. As a rifle-owning son of a rancher, as a pediatric doctor, and as a member of a broken community traumatized by the loss of 19 children and 2 teachers in May, I believe my experience reflects the deep complexities of the gun control issue and my feelings no doubt echo those of many in our country.

But today I want to share a few things that I know for certain. Because I am a doctor and when it comes to solving problems we doctors prefer to stick to the facts and the science rather than get caught up in the emotion. No matter how hard that is.

When you choose a career in medicine you're signing up to make people better and save lives. Healing is always the ultimate goal. And we use a number of strategies to do that depending on the challenge. In the modern developed world we have a plethora of incredible medicines, tools, equipment, regimens and machines that test, diagnose, administer, sustain and cure. You've all no doubt crossed paths with at least one of these. Maybe it was a doppler, an MRI machine, or a course of anti-COVID drugs. For my patients I'm always looking for the most effective remedy or tool that I can find to relieve their pain, to stem the bleeding or kill the pathogen.

So I understand the power of an effective tool.

The AR15 is a very effective tool. It was designed to deliver quick and heavy fire in combat. It was made to be light and easy to use. And it's as exacting in its application on the battlefield as radiation is in a patient with cancer. So let me ask you this. How comfortable would you be if every day during homeroom, your kids and grandchildren were being administered radiation therapy for two hours. Never mind the books with suggestive material in the library, I'm talking

about highly radioactive particles flooding into the beautiful healthy bodies of your precious children on a daily basis. Why not? Some research suggests we all have the potential to develop cancer. Maybe it could be preventative?

If this sounds like a ridiculous or terrifying prospect you're right? Because cancer radiation doesn't belong in the bodies of healthy children. Just like AR15s or any semi automatic weapon that holds high capacity magazines don't belong in the hands of everyday civilians, especially when they're not old enough to even buy a pack of beer. They are not appropriate for self defense in the home, in the school or in the supermarket. They are and have always only been designed as military grade killing machines.

We've made significant progress on sensible gun legislation - most Americans agree that we need background checks, age limits and safe storage rules. But one of the arguments I hear on repeat from the chorus of objections to the ban of assault weapons is that the problem isn't the guns, it's the people who pull the trigger. This is a meritless argument. How does an anti Mexican extremist walk into a Walmart and kill 23 people in minutes without a semi-automatic rifle? How does an anti-LGBTQ radical slaughter 49 clubgoers without his Sig Sauer MCX? The children in the classrooms of Sandy Hook Elementary, Marjorie Stone Douglass and Robb never stood a chance against the speed and power of the weapons they faced. And let me tell you: these kids, they weren't helpless victims before that day. They were spunky, intelligent, street smart kids. I know this because some of them were my patients. Amerie was trying to save her friends when the 18 year old gunman burst into her classroom wielding the AR15 he'd bought a day after his birthday. She was calling 911 when she was shot to death. She knew what to do, she was brave. She was a fighter. But against artillery like that she had no chance. No chance to run, to hide or to shout for help from someone at the police department. Amerie's call never connected. When you see pictures of Amerie and her friends on the news you should

know, they didn't get buried looking sweet and happy like their photos. Some were missing limbs, some missing parts of their faces. You might mistakenly imagine a funeral where a child lies peacefully in a colorful coffin. But make no mistake there is no peace in the death of a child by a weapon of war.

Guns are now the leading cause of death among children. Yes. It's not flu or drowning or even car accidents. Because we've dealt with that with seatbelts and car seat regulations. It is only because of AR15s, bumpstocks and the lack of restrictions on how and who gets hold of them. That is why our children are dying. That is why marginalized groups are terrorized. And here we are, still squabbling about who gets to keep what.

Last time I was here I told you that one of the reasons I wanted to work with young patients was because of how flexible and open their minds are about treatment and learning from their experiences. But of course, they're not always enthusiastic at the outset. As a pediatrician I had to learn a few strategies for dealing with children who didn't want to follow doctor's orders. I have to convince them to trust me when they're too scared to get the shot or to get their blood drawn. You know, 5 year olds don't want to miss out on fun with friends, 10 year olds are worried something might hurt more than I'm saying it will. So you know I've got all kinds of tricks up my sleeve. Screentime, Disney Pencils. Stickers. I might be the only doctor who doesn't give out lollipops though.

As I sit here today 10 years after Sandy Hook, and 6 months after the massacre in my own town of Uvalde, I'm asked what we can do about finding solutions to gun control and I find myself thinking about pencils and the stickers. Because the naysayers and obstructionists in this debate about assault weapons, the people who don't want to give up their toys, they look like adults but they sound a hell of a lot like children to me.

As I said, I'm a gun owner. I believe in the 2nd amendment. But I'm also a doctor and I deal in facts over emotion. So yes, I love an effective tool. But when a body comes into the hospital riddled with bullets, there is no tool that's going to help. And I'm left to wonder, what it's going to take to get these guns out of the equation. What is going to stop this? You've seen all the evidence you could possibly see that they inflict needless death and destruction, so what is going to change your minds? Please don't tell me it's a lollipop....

Thank you.

Ms. JACKSON LEE. The gentleman's time has expired.
 I thank the doctor for his testimony. Thank you.
 Senator Gutierrez, you're now recognized for five minutes.

STATEMENT OF THE HON. ROLAND GUTIERREZ

Hon. GUTIERREZ. Thank you, Chair Jackson Lee and Members of the Committee for this time.

Ranking Member Biggs, I see you're coming back in. Thank you for the opportunity to speak to you.

May 24th was the worst law enforcement response to one of the worst school shootings in our Nation's history. As policymakers, you and I have to grapple with how much loss of life is acceptable in relation to someone's freedom to obtain and carry a weapon that can inflict so much damage.

I have to believe that we as lawmakers can solve this problem because the alternative is just too evil to contemplate.

The shooter waited until his 18th birthday to secure an AR-15 from the local gun shop. It was followed the next day by buying hundreds of rounds of ammunition at the same gun shop. On the third day, he followed it by picking up his internet-bought Daniels Defense AR-15 at the same gun shop. Nobody asked questions. Nobody called the sheriff. Nobody cared.

On the 24th, he began his shooting spree by shooting and wounding his grandmother. He proceeded to the school and killed 19 children and two teachers.

Let me be clear. Police waited outside for 77 minutes while children lay dying, wounded, waiting for help that would not come. They were injured, huddled on the classroom floor. Children called the police as the gunman taunted them to see if they were dead or alive. Brave little girls called 9-1-1 while law enforcement waited outside just a few feet away.

Not one law enforcement official took control inside or outside of that building. It is worth noting that this community asked the sitting Governor of Texas directly and through the Department of Public Safety for money to fix the radio system years prior to this massacre. It's the same radio system that the Director of the Department of Public Safety acknowledged in a hearing in the Texas Senate needed replacing.

Local law enforcement at any level, not city, not county, police, they never, ever took command and control. The State police never took command and control either, even though they had 91 of their Operation Lone Star troops on the ground, including Texas Rangers, who stood around, talked to their supervisors over the phone, supervisors who did nothing, ordered no action.

Law enforcement agents said over and over DPS is coming. In turn, DPS waited on Federal agents to breach the door to the classroom and try to end the suffering of the bleeding children. Without direction, law enforcement seemingly waited on each other to do nothing.

Seventy-seven minutes later, a Federal BORTAC team, exasperated by inaction, used a key to enter the classroom to kill the gunman. One minute prior to the breach, DPS Captain Joel Betancourt issued a first radio order to the team that is about to breach,

asking them to stand by. How much longer he wanted these kids to wait remains a mystery.

At the end, kids were piled together in two heaps, in two classrooms. The teacher lay shielding several children as best she could. She and the children were all dead. Children bodies were dragged out into a hallway where, again, officers jammed the hallway, seemingly watching the few that were actually trying to administer aid to the remaining children that made it out alive.

A child was dragged out of the hallway. Her face was gone. Hallways and classroom had blood like no horror movie you've ever seen. Off camera you could hear grown men throwing up from the sight of the horror, or perhaps the failure that they had caused.

Thirteen injured children survived. Three others and one teacher were taken out alive but died on their way to the hospital and they bled out in that golden hour as troopers tended to their injuries.

A brave little redheaded girl, Khloe Torres, said to one trooper, "I called the police. Did you get my calls? Was it you I was talking to?" she said to the female trooper. She cried and she asked for her friend, the same friend, Amerie Garza, who had covered her body, who had shielded her, Khloe's body, the friend who had saved her life. She cried, "She's gone, isn't she? I know she's gone."

Khloe was on a bus because they couldn't get ambulances into the school. So, they took four kids on a bus, and she was riddled and covered in blood.

In the aftermath, police pointed fingers at different agencies. We were led to believe that this was one incompetent school cop, then led to believe it was incompetent Uvalde police cop, then led to believe that it was a few officers from DPS and their incompetence. There is no transparency and no accountability to date.

My question to the leaders of this country is: How many children have to be murdered before they are willing to ban the chosen weapon of these school shooters? How many people have to be killed before we take reasonable steps to end murder?

Thank you, Madam Chair.

[The statement of Hon. Gutierrez follows:]

Testimony of Texas State Senator Roland Gutierrez
December 15, 2022
Subcommittee on Crime, Terrorism, and Homeland Security

COMMITTEE ON THE JUDICIARY SUBCOMMITTEE ON CRIME, TERRORISM, AND
HOMELAND SECURITY

Chair and members of the committee: thank you for the opportunity to speak to you.

May 24th was the worst law enforcement response to one of the worst school shootings in our nation's history.

As policy makers, you and I have to grapple with how much loss of life is acceptable in relation to someone's freedom to obtain and carry a weapon that can inflict so much damage. I have to believe that we as lawmakers can solve this problem, because the alternative is just too evil to contemplate.

This shooter waited until his 18th birthday to secure an AR-15 from the local gun shop, followed by the next day buying hundreds of rounds of ammunition, followed by the next day picking up his internet bought Daniels Defense AR-15 at the same gun shop. Nobody asked questions, nobody called the sheriff, and nobody cared.

On the 24th, he began his shooting spree by shooting and wounding his grandmother. He proceeded to the school and killed 19 children, and 2 teachers.

Let me be clear, police waited outside for 77 minutes while children lay dying, wounded waiting for help that would not come. Injured, huddled on the classroom floor, children called the police as the gunman taunted them to see if they were dead or alive. Brave little girls called 911 while law enforcement waited outside, just a few feet away. Not one law enforcement official took control inside or outside of the building. Radios failed to function inside the building. It is worth noting that this community asked the sitting governor directly and through the DPS for money to fix the radio system 7 years prior to this massacre, the same system Director McCraw acknowledged needed replacing.

The local law enforcement at any level school, city and county police never took command and control. The state police never took command and control even with 91 of its Operation Lonestar troops on the ground including Texas Rangers who stood around and talked to their supervisors over the phone. Supervisors who did nothing, ordered no action. Local law enforcement agents said over and over "DPS is coming". In turn, DPS waited on federal agents to breach the door to the classroom and try to end the suffering of bleeding children. Without direction, law enforcement seemingly waited on each other to do nothing. 77 minutes later, a federal BORTAC team exasperated by inaction used a key to gain entry into a classroom to kill the gunman. 1 minute prior to the breach, DPS Captain Joel Betancourt, issued a radio order to

the team that is about to breach asking them to stand by — how much longer he wanted these kids to wait remains a mystery.

At the end, kids were piled together in two heaps in two classrooms. A teacher lay shielding several children as best she could. She and the children were all dead. Children and bodies were dragged out into a hallway where again officers jammed the hallway seemingly watching the few that were actually trying to administer aid to the remaining 13 children that made it out alive. A child was dragged out of the hallway, her face gone. Hallways and classrooms had blood, like no horror movie you have ever seen. Off camera you could hear grown men throwing up from the site of the horror or perhaps what their failure had caused.

Thirteen injured children survived. Three others and one teacher were taken out alive but died on their way to the hospital - bled out in that golden hour. As troopers tended to their injuries a brave little red haired girl, Khloe Torres, said "i called the police - did you get my calls, was it you i was talking to " she said to the female trooper. she cried as she asked for her friend, the same friend, Amerie, who had covered her body, the friend who had saved her life. she cried asking "shes gone isn't she, i know she's gone".

In the aftermath police pointed fingers at different agencies. We were led to believe this was one incompetent school cop, then led to believe it was an incompetent Uvalde police cop, then led to believe that it was a few officers from dps and their incompetence. There is no transparency and no accountability.

My question to the leaders of this Country is how many children have to be murdered before they are willing to ban the chosen weapon of school shooters? How many people have to be killed before we take reasonable steps to end murder?

Ms. JACKSON LEE. I thank the gentleman for his testimony.
I now want to recognize Mr. Brewer. You're recognized for five minutes.

TESTIMONY OF JACK BREWER

Mr. BREWER. Thank you, Madam Chair, Ranking Member Biggs, distinguished Members—

Mr. BIGGS. Is your mike on?

Mr. BREWER. I'm sorry.

Madam Chair Jackson Lee, Ranking Member Biggs, distinguished Members of the Committee, thank you for the invitation to appear before you today.

I'm a resident of Parkland, Florida, and I understand the impact of these tragedies on our communities. I'm a father of four.

Unfortunately, I've experienced gun violence firsthand. At 14 years old, my friend shot a skinhead in the neck in self-defense after a group tried to break into his house. I will never forget the trauma I felt from having to serve as a witness in that case. Trauma and fear hardened me.

After I was threatened and bullied and harassed by skinheads, I started to carry an illegal pistol at 15 years old, a .22 long, to be exact. I even took it to school after the skinheads threatened me.

I didn't know it then, but I know it now: I was traumatized. I'll never forget being shot at and seeing a stray pellet skin my cousin's arm. I was a young kid with all the world in front of me. I was a straight-A student, a great multi-sport athlete, and even the director of my church choir.

If I was caught with that gun in my pocket, I would not be testifying before you today. If I had shot and killed a skinhead or a bully back then, I may still be in prison serving a life sentence today.

The difference between me and the hundreds of young Black boys who are shooting at each other every week in communities across America comes down to one word: Father. The reason I thought twice about ever using that illegal gun I carried in my pocket is because I had a hard-handed daddy at home that would whip my butt. I had a fasting and praying mom at home that taught me the fear of my Father which art in heaven, and I had a father in the flesh and a Father in the spirit. Proverbs 13:24 says: "He that spareth the rod hateth his son, but he that loveth him chastises him betimes." And "betimes" means before the usual or expected time, early."

The very school shootings that have brought so much darkness to our Nation's history are exacerbated by fatherlessness. A 2016 study found that out of a sample of 56 shooters, only 18 percent grew up in a stable household with both biological parents. We know this Uvalde shooter did not have a man, a man of God in his life.

When I saw that this was a bipartisan hearing to find solutions to gun violence, I prayed that the men and women of God in this room would finally be bold enough to focus on the root cause. Talking points may win elections but addressing the root cause is the only way to solve a crisis.

Research has indicated as many as 85 percent of shooters in communities were previously arrested and most of them arrested for violent crimes.

My foundation has worked on addressing the root cause of these issues in some of the most impoverished Black communities on the planet.

Recently, a neighbor of mine was shot in the face, and the two young gunmen ran past the kids at my youth center. As you can imagine, they are traumatized, fearful, and hardened, the same feelings and emotions that I had at their age, carrying guns and always looking over my shoulder. The difference is 80 percent of my kids at my youth center are fatherless.

Gun laws are the least of their worries. If they cuss a teacher out, refuse to do their work, or beat up someone, they have little or no consequences in the public school system today. Parents have little or no responsibility for the actions of their children.

If we are serious about addressing gun violence, we need to first get serious about bringing the paddle and prayer back to our public schools. Proverbs 22:6 says:

Train up a child in the way he should go and when he is old he will never depart from it.

In today's America, we have 18.6 million fatherless kids, more than any Nation on Earth. We all know that kids are 20 times more likely to have a run-in with law enforcement if they're fatherless. We do not even teach the Ten Commandments in our public schools anymore, much less hold our children accountable to them.

As Mr. Nadler mentioned earlier, this is an American problem. If we leave the Capitol today and decide to ban all guns, have we really done anything to address the root cause of gun violence?

Walk into any prison in America and you will see a facility full of men who are locked up for crimes related to illegal guns, charges ranging from murder and robbery and trafficking, carjacking, possession, distribution, to name a few.

I run programs for thousands of men in prison, many of whom committed gruesome gun-related crimes. The majority of these men share one common theme: They are all fatherless.

Many of my students transition out of prison and remain in our second chance programs. Several even work for my organization.

One of the most violent men that I've ever met in prison is currently my roommate. He found full salvation through his Father in heaven, and he was able to meet his biological father for the first time at 50 years old after completing 22 years in prison for violent crimes.

Yes, he shot a man. He happened to be sent to a prison with real Christian-based rehabilitation programs.

Unfortunately, despite the chatter about criminal justice reform in our public prison system, in jails across America we're warehousing men and women and we're not rehabilitating them.

The solutions I speak do not come from me, as I have never committed gun violence. I've only had to deal with the results and the victims as a minister and as a father.

I assume not many of you in this Chamber have ever pulled the trigger on an illegal gun. If we really want to solve these issues—

Ms. JACKSON LEE. Mr. Brewer, can you wrap up.

Mr. BREWER. —don't you think that we'd consider proven solutions?

Ms. JACKSON LEE. Can you come to a conclusion? Thank you.

Mr. BREWER. As a proud American, I'm a dedicated servant to my community. I pray that we can humble ourselves and stop being conformed to the misguided politics of this world, but be transformed by the renewing of our minds, that we may prove what is good and acceptable and the perfect will of God.

Thank you for having me, Ms. Chair.

[The statement of Mr. Brewer follows:]

Testimony of Mr. Jack Brewer
CEO, The Brewer Group
December 15, 2022
House Judiciary Committee
Sub-committee on Crime, Terrorism, and Homeland Security

Chairwoman Jackson-Lee, Ranking Member Biggs, distinguished members of the committee: thank you for the invitation to appear before you today.

I would like to ask for a brief moment of silence for the victims Sandy Hook, on the 10th anniversary of this tragedy. As a resident of Parkland, Florida, I understand the impact that these tragedies have on our communities.

I've unfortunately experienced gun violence firsthand. At 14 my friend shot a skinhead in the neck in self-defense after a group tried to break into his home. I will never forget the trauma I felt from having to serve as a witness in that case. Trauma and fear hardened me. After I was threatened, bullied and harassed by skin heads, I started to carry an illegal pistol at 15 years old. A 22 long to be exact. I even took it to school after the skin heads threatened me. I didn't know it then, but I know it now; I was traumatized.

I'll never forget being shot at and seeing a bullet skim my cousin's arm. I was a young kid with the world in front of me. I was a straight A student, great multi-sport athlete and even the director of my church choir. If I was caught with a gun in my pocket back then, I'm not here today testifying before you. If I had shot and killed a skin head or bully back then, I may still be in prison serving a life sentence, today.

The difference between me and the hundreds of young black boys who are shooting at each other every week in communities across America, comes down to one word: FATHER.

The reason I thought twice about ever using that illegal gun I carried in my pocket is because I had a hard-handed Daddy at home that would whoop my butt. I had a fasting and praying Momma at home that taught me to fear my Father which art in Heaven. I had a father in the Flesh and Father in the Spirit.

The very school shootings that have brought some of the darkest moments in our nation's history are exacerbated by Fatherlessness. A 2016 study found that out of a sample of 56 school shooters, only 18% grew up in a stable household with both biological parents (Langman, 2016).

When I saw that this was a bipartisan hearing to find solutions to gun violence, I prayed that the men and women of God in this room would finally be bold enough to focus on the root cause.

Talking points may win elections but addressing the root cause is the only way to solve a crisis.

My foundation has worked on addressing the root causes of issues affecting some of the most impoverished black populations on the planet. Recently, a neighbor of mine was shot in the face and the two young gunmen ran past the kids from our youth ministry. As you can imagine, they are traumatized, fearful and hardened. The same feelings and emotions that I had at their age, carrying guns and always looking over my shoulder. The difference is 80 percent of the kids at my youth ministry is fatherless. Gun laws are the least of their worries. If they cuss a teacher out, refuse to do their work, or beat someone up, they have little or no consequences in the public school system today. Parents have little or no responsibility for the actions of their children. If we are serious about addressing gun violence, then we need to first get serious about bringing the paddle and prayer back to our public schools.

We all know that Fatherless kids are 20 times more likely to have a run in with law enforcement officers. Yet this is not the focus of our Social and Criminal Justice efforts? This is simply irresponsible.

If we leave the Capitol today and decide to ban all guns, have we really done anything to address the root cause of the gun violence issue? Walk into any prison in America and you will see a facility full of men who are locked up for crimes related to illegal guns. Charges ranging from murder, robbery, trafficking, carjacking, possession and distribution to name a few. I run programs for thousands of men in prison globally, many who have committed gruesome gun related crimes. The majority of these men share one thing in common, they grew up Fatherless.

Many of my students transition out of prison and remain in our second chance programs. Several work for my organization. One of the most violent men that I've met in prison, is currently my roommate. He found full salvation through his Father in heaven, and he was able to meet his biological Father at 50 years old after completing 22 years in prison for violent crimes. Yes, he also shot a man.

The solutions I speak of do not come from me, as I have never committed Gun violence, only had to deal with the results as a victim. I assume not many of you in this chamber have either. If we really want to solve these issues; don't you think it's time to consider the proven solutions that have help many overcome it.

I thank you for your time this morning and look forward to answering your questions.

Ms. JACKSON LEE. Thank you very much.

Mr. STEUBE. Madam Chair, I have a question, a point of parliamentary inquiry.

Ms. JACKSON LEE. What is the gentleman's inquiry?

Mr. STEUBE. Every single one of the first three Witnesses, which are the Democratic Witnesses, went over on their time. When we got to the first Republican Witness, you chided him down.

So, I would ask if you're going to have discernment and openness and allow each of these Witnesses to talk and give their statement, then to allow that across the board for all the Witnesses.

Mr. BREWER. In the name of Jesus. Thank you.

Ms. JACKSON LEE. Well, for the record, let the gentleman reflect that Mr. Brewer went over by two minutes and I tapped for him to come to a conclusion. I think Mr. Brewer was able to complete his statement. Fairness is a golden rule of which I abide by, as the Chair.

Dr. Lott, you are recognized for five minutes.

TESTIMONY OF JOHN LOTT, JR.

Mr. LOTT. Thank you very much. I'd like to thank Chair Jackson Lee, Ranking Member Biggs, and other distinguished Members of the Subcommittee for the opportunity to speak to all of you.

I desperately want to do something to stop the horrific violence that Representative Lee and the other Witnesses have so movingly described this morning, but I want to do something that actually matters. Unfortunately, many of the proposals won't help or will actually make matters worse.

Take background checks on the private transfers of guns, known as universal background checks. There isn't one mass public shooting this century that would have been stopped if such a law had been in effect and had been perfectly enforced.

Worse, no one is talking about the massive errors in the background check system and how it overwhelmingly discriminates against Black and Hispanic males being able to go and defend themselves and their families.

We hear calls for bans of so-called assault weapons, but the vast majority of firearms in the United States, including these assault weapons, are semiautomatic guns that are functionally identical.

Even the influential Associated Press Stylebook acknowledged earlier this year that terms such as "assault weapon" and "weapons of war" convey, quote, "little meaning," and, quote, "are highly politicized," end quote. The AP makes it clear that these firearms are not used by any militaries around the world. Despite the references a couple times, they are not automatic weapons.

President Biden has frequently said you only need an AR-15 to hunt deer if the deer have Kevlar vests. An AR-15 functions exactly the same as any small-caliber hunting rifle, firing the same bullets with the same rapidity and doing the exact same damage. Banning guns based on them looking like military weapons—the key phrase is often "military style"—makes no sense.

Of course, banning all semiautomatic guns, as President Biden has repeatedly called for over the years, would mainly affect law-abiding citizens. While I guess at least it's logically more consistent

than banning military-style weapons, it would make it much more difficult for Americans to use guns defensively.

If you want to ban all semiautomatic rifles, what's the alternative? A manually loaded gun, where you have to physically put another round in the chamber after you fire each shot?

If you face multiple attackers or you fire and miss or fire and wound but don't incapacitate the attacker, someone may not have the luxury of time of manually reloading the gun to be able to go and protect themselves.

Claims about these laws having overwhelming support are based on surveys that simplify and mischaracterize what these laws do. Surveys show that when Americans are accurately informed about what these laws change, strong support changes to strong opposition.

There are four facts I'd like to try to get across.

(1) Over 92 percent of violent crime in America has nothing to do with firearms. That percent has remained fairly constant for the last couple decades. The vast majority of violent crime has nothing to do with firearms.

(2) While the U.S. media doesn't give much attention, if any, to coverage of mass public shootings in other countries, mass public shootings per capita are relatively low in the United States compared to a number of countries in Europe as well as the rest of the world.

Over the 20 years from 1998–2017, the United States had 1.1 percent of the world's share of mass public shooters and 1.8 percent of the mass public shooting murders. Both are significantly less than the U.S.'s 4.6 percent share of the world population.

People don't take into account that the United States has over 330 million people. You can't compare it to a country with five million or even Germany with 80 million without adjusting for the different sizes in population.

Many of these countries with much higher mass public shooting rates and deaths have very strict gun control laws.

(3) Ninety-four percent of the mass public shootings occur in places where civilians are banned from having firearms.

We've heard many times today about the Buffalo mass murderer earlier this year. If you read his manifesto, he spends a great deal of time, like many of these killers do, explaining why he picked the target that he did. I'll read it to you.

His manifesto says, quote:

Attacking in a weapon-restricted area may decrease the chance of civilian backlash. Schools, courts, or other areas where concealed carry are outlawed or prohibited may be good areas of attack. Areas with strict gun control laws are also great places for attack.

I can give you quotes from one manifesto after another, from one diary after another, and they're on our website at *crime research.org*, where these killers time after time tell you, but the media ignores the fact, never reports this part of what's in their manifestos.

(4) I'd like to get across is the most vulnerable people in our society benefit the most from owning guns. If my research convinces

me of anything, there are two groups of people who benefit the most from being able to go and protect themselves.

One is the people who are most likely victims of violent crime. That's overwhelmingly poor Blacks who live in high-crime urban areas.

Anybody who's read any academic research knows that I think police are extremely important, but police understand themselves that they virtually always arrive on the crime scene after the crime's occurred. That raises a question of how people should act when they're having to confront a criminal by themselves? The research shows overwhelmingly that by far the safest course of action for people to take is to have a gun.

That's particularly true for people who are relatively weaker physically, women and the elderly. You're almost always talking about a male criminal doing the attack, and when a man is attacking a woman there's a much larger strength difference that exists there than when a man's attacking another man.

We've heard a lot about different attacks that occurred this year.

Ms. JACKSON LEE. Dr. Lott, can you finish? Will you be finishing soon? Thank you.

Mr. LOTT. Yeah. Okay. Sorry.

If you go through the list, the Robb Elementary School in Uvalde, Texas, was a gun-free zone. The Tulsa, Oklahoma, hospital shooting was a gun-free zone. The Walmart mass murder in Virginia was a gun-free zone. I could go through others. Our research shows that, overwhelmingly, when you see these attacks, they occur in schools where teachers and staff are not allowed to carry. It's not by accident.

Thank you very much.

[The statement of Mr. Lott follows:]

How to stop another Uvalde Massacre and Other Mass Public Shootings from Occurring

**John R. Lott, Jr.
President
Crime Prevention Research Center**

**Testimony Before the Subcommittee on Crime, Terrorism, and Homeland Security,
Committee on the Judiciary of the United States House of Representatives and the Senate**

December 15, 2022

I want to do something to stop violence, but let's do something that matters.

Three basic facts.

1) **Over 92% of violent crimes in America do not involve firearms.** The U.S. Department of Justice's National Crime Victimization Survey for 2020 shows 4,558,150 rapes, robberies, and aggravated assaults, and the FBI reports 21,570 murders.¹ Of those, firearms were involved in 350,460 rapes, robberies, and aggravated assaults. Adding those numbers up, 7.9% of violent crimes were committed with firearms.

2) While the US media doesn't give much, if any, coverage to mass public shootings in other countries, **mass public shootings per capita are relatively low in the United States compared to the rest of the world.** Over the 20 years from 1998 to 2017, the US had less than 1.13% of the world's share of mass public shooters and 1.77% of its mass public shooting murders. That's much less than the US's 4.6% share of the world population.²

Since 2000, there have been nine mass public school shootings in the US. Germany had only three over that period and Finland had only one, but the United States has four times the population of Germany and sixty times that of Finland. Russia has had four such massacres, but we have 2.3 times its population. On a per capita basis, all three countries have a similar or higher rate compared to that of the US.

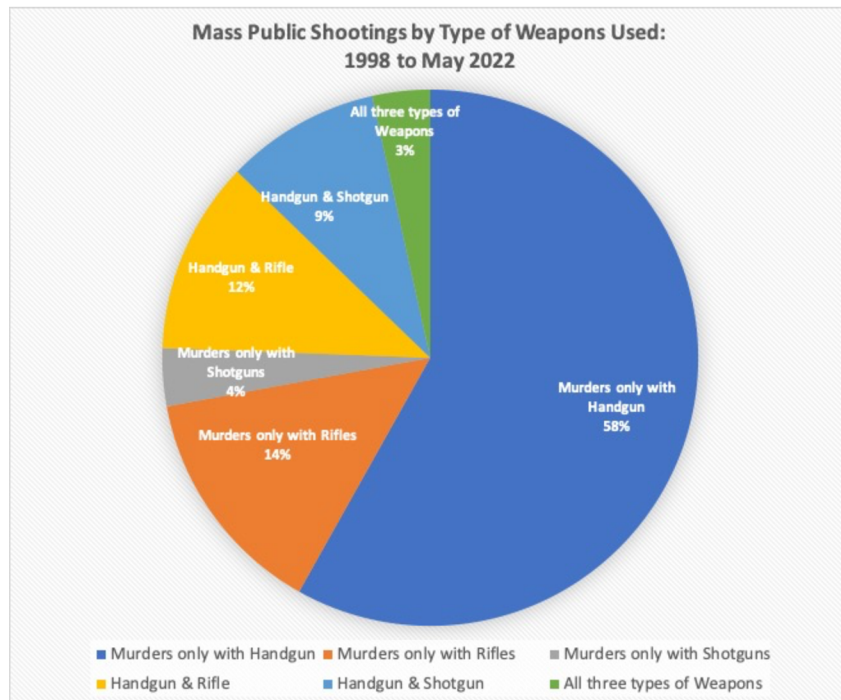
3) Like many other mass public shooters, the Buffalo shooter targeted defenseless people. He even wrote in his manifesto: "Attacking in a weapon-restricted area may decrease the chance of civilian backlash. Schools, courts, or areas where CCW are outlawed or prohibited may be good areas of attack. Areas where CCW permits are low may also fit in this category. Areas with strict gun laws are also great places of attack."³ The national media refuses to report other explicit statements by attackers explaining why they pick the targets they do.⁴ Nor do they report the fact that **94% of mass public shootings occur in places where civilians are banned from having firearms.**⁵

What are the Proposals to Stop these Attacks?

Assault Weapon Ban

In July, the Associated Press's influential Stylebook finally acknowledged that terms such as "assault weapon" and "weapons of war" convey "little meaning" and are "highly politicized."⁶

But that hasn't stopped politicians from continuing to use those terms. "The idea we still allow semi-automatic weapons to be purchased is sick," President Biden claimed on Thanksgiving Day.⁷ "It has no socially redeeming value. Zero. None. Not a single solitary rationale for it except profit for the gun manufacturers." The firearms Biden was talking about are "designed for the civilian market" and certainly not used by any militaries.



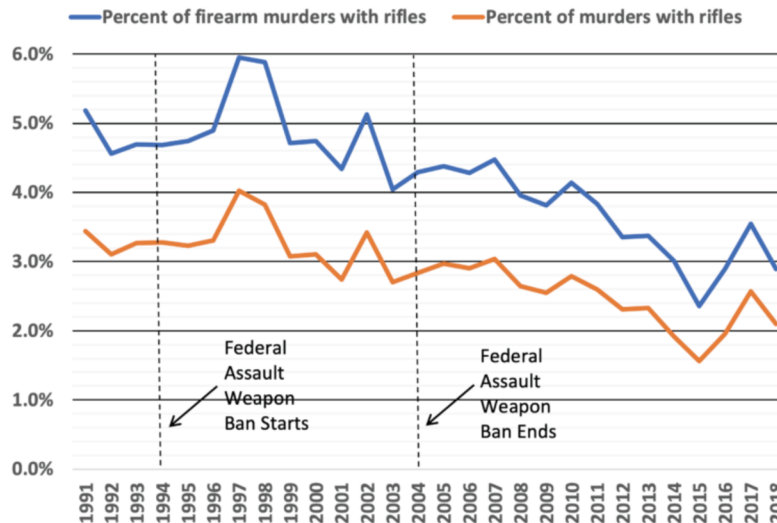
Understandably, people want to do something to stop these attacks. But semi-automatic guns provide critical self-defense benefits. After each shot, a semi-automatic gun reloads itself. A single-shot gun, by contrast, requires manual reloading. This can prove a liability when more than one shot has to be fired. That can easily happen if there are multiple attackers or if a shot misses the target.

The vast majority of handguns sold in this country are semi-automatic. In 2018, almost 3.9 million semi-automatic handguns were manufactured in the U.S., compared to fewer than 700,000 revolvers.⁸ So, about 85 percent of all handguns made were semi-automatics. A similar percentage holds for rifles.

The much-maligned AR-15 functions exactly the same as any small caliber semi-automatic hunting rifle – firing the same bullets with the same rapidity and doing the same damage.

Semi-automatic guns are, of course, dangerous and make it easier to kill people. But they also enable people to protect themselves and others. When Biden says that he can't see "a single, solitary rationale," he shows his ignorance of the importance of self-defense.

How has the rate that rifles were used in murders and firearm murders changed over time?

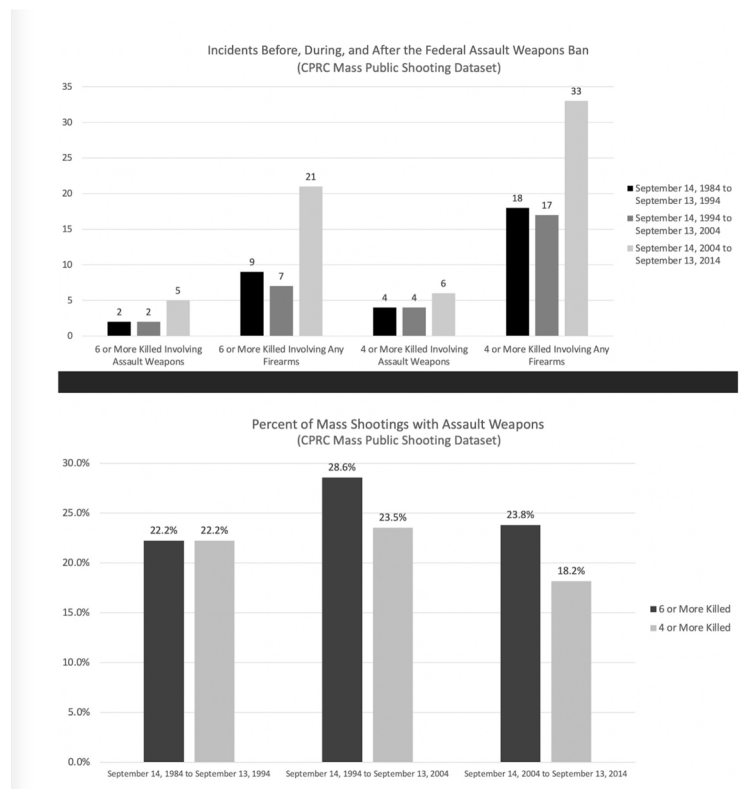


Despite all the discussion about banning rifles classified as assault weapons, 58% of mass public shootings over the last 25 years involve only handguns.⁹ Only 14% involve only rifles.

With all the concern about assault weapons since the federal ban sunset in 2004, it is interesting to see what a small share of murders are committed with rifles of any kind. even that share has fallen over time. The percentage of firearm murders with rifles was 4.8% prior to the ban starting in September 1994, 4.9% from 1995 to 2004 when the ban was in effect, and just 3.6% after that (3.9% if you look at just the first ten years after the ban ended). The data is from the FBI UCR reports.¹⁰

The average rate of firearm murders committed with rifles after the assault weapons ban was statistically significantly lower than the rate during the ban at the 0.0001 percent level for a two-tailed t-test. There was no statistically significant difference in rates for the period before the ban compared to the assault weapon ban period.

Data on Mass Public Shootings Before, During, and After the Federal Assault Weapons Ban

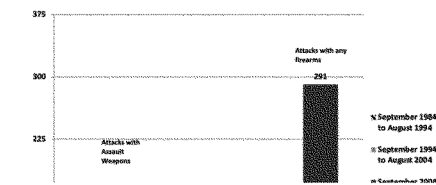


There was no drop in the number of mass public shootings with assault weapons during the 1994 to 2004 ban.¹¹ There was an increase after the ban sunset, but the change was not statistically significant. The claim that there was a drop during the assault weapon ban arises from a unique set of cases compiled by Louis Klarevas. More importantly, if the assault weapon ban drove any drop in attacks, we should see a drop in the percentage of attacks with assault weapons during the federal ban period and then an increase in the post-ban period. but the opposite is true. It just doesn't make sense for the ban to reduce the number of attacks without the share of attacks using assault weapons falling.

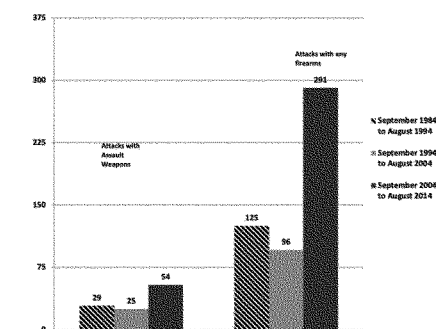
While virtually all of the work in this area looks at attacks where four or more people are murdered, the graphs above only include incidents with 6 or more fatalities. that is how Louis Klarevas structured his data.

The Mother Jones set of mass public shootings uses the traditional FBI definition of four or more people murdered. Again, there is virtually no change in the number of attacks with assault weapons, though the number of attacks with any type of weapon does increase. Again, though, that is because when the assault weapon ban sunset there was a huge increase in the number of attacks that did not involve a so-called assault weapon. It would be interesting for gun control advocates to explain why eliminating the assault weapon ban did not affect the number of attacks with assault weapons but instead led to an increase in attacks that involved other types of weapons.

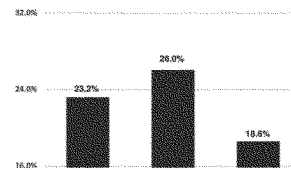
Changes in Number of Mass Public Shooting Deaths Before, During, and After the Federal Assault Weapons Ban (Using Mother Jones' Mass Public Shooting data)



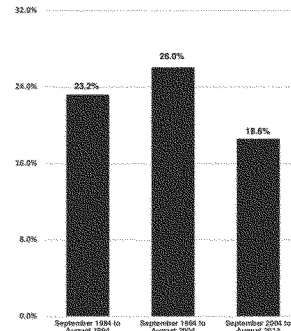
Changes in Number of Mass Public Shooting Deaths Before, During, and After the Federal Assault Weapons Ban (Using Mother Jones' Mass Public Shooting data)



Percent of Mass Public Shooting Deaths Committed with Assault Weapons (Using Mother Jones' Mass Public Shooting data)

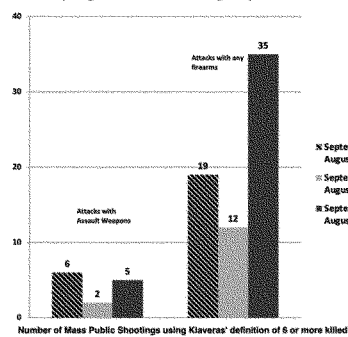


Percent of Mass Public Shooting Deaths Committed with Assault Weapons (Using Mother Jones' Mass Public Shooting data)

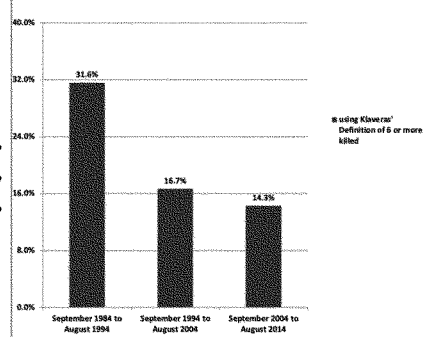


Finally, I show Klarevas's unique data that the Biden administration and others have been relying on. Klarevas creates his own definition of mass public shootings, requiring six or more murders and ignoring the FBI's provisions that the attack must occur in a public place and cannot involve another type of crime such as robbery. Still, even with those changes, the share of mass public shootings involving assault weapons fell after the assault weapon ban sunset. The increase in attacks primarily involves more non-assault weapons. Gun control advocates don't seem to have an explanation for that.

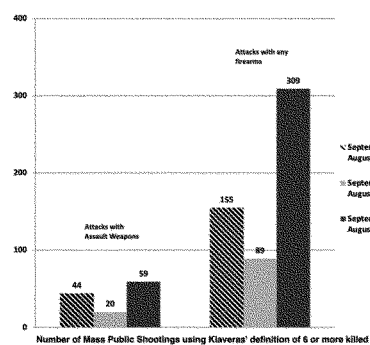
Changes in Number of Mass Shootings Before, During, and After the Federal Assault Weapons Ban (Using Klarevas' Mass Shooting data)



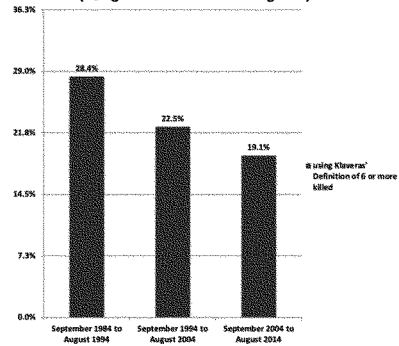
Percent of Mass Shootings with Assault Weapons (Using Klarevas' Mass Shooting data)



Changes in Number of Mass Shooting Deaths Before, During, and After the Federal Assault Weapons Ban (Using Klarevas' Mass Shooting data)



Percent of Mass Shooting Deaths Committed with Assault Weapons (Using Klarevas' Mass Shooting data)



There has been a lot of research on the assault weapon ban, and even work paid for by the Clinton administration [could not find any benefits from the law, including a reduction in any type of violent crime or mass public shootings](#).¹² A recent California judicial decision concluded that the state was unable to provide any evidence that its assault weapon ban reduced any type of violent crime.¹³

Red Flag Laws

Gun control advocates would have us believe that confiscating people's guns is the solution to all problems. Without even a hearing, Red Flag laws allow judges to confiscate people's guns due to mere suspicion of mental health based on a single written complaint.

A third party need only complain that a gun owner is a danger to himself or others. After reviewing the single, written complaint, all a judge needs is "reasonable suspicion." No mental health care experts are involved in the evaluation process or in treating the person.

These laws were supposed to stop the recent mass murders in Colorado Springs and Chesapeake, Virginia on November 19th and 23rd.¹⁴ They were supposed to stop this May's Buffalo mass murderer, who underwent a mental health evaluation last year after threatening to shoot up a school and then kill himself. he was released when he told the mental health professionals that he was merely joking.¹⁵ The problem is that unless someone admits to being serious about committing a crime, it is very possible to evade detection by mental health professionals.

Even when someone poses a danger, red flag laws are hardly a solution. After all, guns present just one of many means of harming oneself or others.

It's easy enough for people to do something crazy with a motor vehicle. Florida police narrowly averted a "mass casualty" event at a 5K Thanksgiving Day run by stopping a woman before she could drive her Range Rover Velar at 60 MPH through the crowd.¹⁶ Once caught, the disturbed woman "repeatedly banged her head" against the window of a police car. A few weeks ago, a car was driven into a crowd of 800 people at a Christmas Market in Congleton, England.¹⁷ And a year ago, a man killed six and injured sixty-one by driving into a Christmas parade in Wisconsin.¹⁸

The Washington Post notes that between May and June 2020, there were at least 18 deliberate vehicle attacks on people.¹⁹ The worst, recent vehicle attack occurred in France on July 14, 2016, and left 86 killed and 430 wounded.²⁰ That attack was much more deadly than any American mass public shooting.

The recent Colorado Springs mass murderer had made bomb threats just the year before. If guns suddenly vanished, there would likely be more of those types of attacks.

Red Flag laws are almost exclusively invoked when someone is suicidal. But, of course, there are many ways to commit suicide without a gun. Instead of focusing on weapon confiscation, let's focus on getting people the mental health treatment they need.

It has always been possible to take a dangerous person's guns away. All 50 states and the federal government have involuntary commitment laws that go by various names: the Baker Act in Florida, for example, or the 5150 code in California. All of these laws require an evaluation by a mental health expert and testimony before a judge. If the defendant can't afford a lawyer, one is provided. Hearings can occur quickly in urgent cases, but a person's right to due process is respected.

Judges have a much broader array of options than just taking away a person's guns. A person may agree to voluntary psychiatric treatment, with a follow-up court hearing to evaluate progress. The individual may also be given home detention or involuntarily committed in a mental health care facility.

Safe Storage Laws

Gun control advocates claim that gunlocks will also reduce children's accidental deaths. Unfortunately, the problem is more complicated. Mandating that people lock up their guns can have unintended consequences.

According to my research, published in the Journal of Law and Economics and elsewhere, requiring individuals to lock up their guns in certain states made it more difficult for those people to successfully defend their families.²¹ Such laws emboldened criminals to attack more people in their homes, causing an average of 300 more murders and 4,000 more rapes each year in these states. Burglaries also rose dramatically.

Time and again, crime rises when we prevent people from protecting themselves. Indeed, every place in the world that has banned guns has seen an increase in murder.²²

Over the ten years from 2011 through 2020, accidental gunshots annually claimed the lives of an average of 63 American children aged under 15.²³ This is a tragic number, but so too is the much larger number of cases where people cannot protect themselves and their families from criminals.

Even if locking up guns could have prevented all four of the mass shootings since 2000 that were committed by juveniles, there would have been 27 fewer deaths. One could even add in

all accidental gun deaths and assume that all of those would be prevented, too. But, even then, we are talking about just a fraction of those who die in one year from the mandated safe storage of guns.

Unfortunately, mandatory gun locks scarcely even reduce accidental gun deaths among children or teenagers. Most accidental gunshots that result in the deaths of minors are fired by males in their mid-to-late 20s with criminal histories. Many are drug addicts or alcoholics.

Unless you send your child to play at a violent criminal's home, your child is exceedingly unlikely to get shot at a gun owner's home. It makes much more sense to find out if your neighbors have violent criminal histories than if they own guns.

We see news stories about the horrible deaths and injuries that occur in school shootings. And rightly so. But we don't hear about the deaths that occur because people can't readily access a gun to protect themselves and their families.

The threat of a felony will ensure that people keep their guns locked. But what we don't need are any more laws that leave people defenseless.

In addition, of the 93 mass public shootings since 1998, there are two cases where gun locks might have stopped someone under 18 years of age from obtaining a gun: the 1998 attacks in Jonesboro, Arkansas, involving Mitchell Scott Johnson and Andrew Douglas Golden and also in 2018 in Santa Fe, Texas with Dimitrios Pagourtzis. There were two other attacks where the murderers obtained guns that were locked up. In the 2021 Oxford, Michigan murders, Ethan Crumley allegedly took the gun from a locked drawer. In the 2014 Marysville, Washington murders, the guns were kept in a safe. In both the 1998 Columbine and 2005 Redlake, Minnesota murders, the murderers obtained the guns from outside the home. With Columbine, one of the murderers was over 18 years of age.

The Danger of Gun-Free Zones

So what do you do if you can't identify in advance who is going to commit a mass murder? When a shooting happens, who is going to fight back?

Mass shootings overwhelmingly occur in gun-free zones where people are defenseless. That was true of the Robb Elementary School in Uvalde, Texas b.²⁴ It was true of the Tulsa, Oklahoma, hospital shooting and the Walmart shooting in Virginia.²⁵ As noted earlier, the Buffalo shooter clearly stated in his manifesto why he wanted to attack gun-free zones.²⁶ Many other planned attacks based on similar explicit comments, including the Aurora Batman movie theater murderer, Elliot Rogers who attacked in Santa Barbara, Abu-Rayyan in Detroit, and Justin Bourque in Canada. Even the Columbine murderers strongly opposed people having permitted concealed handguns.²⁷

Ninety-four percent of all mass public shootings keep occurring in places where guns are banned.²⁸ The murderers might be crazy, but they aren't necessarily stupid. They know that the more people they kill, the more media attention they can get. and they know that if they go to a place where people can't defend themselves, they can kill more people. gun-free zones serve as magnets for attacks.

Surveys show that criminologists and economists had the same top four preferred policies for stopping mass public shootings.²⁹ On a 1 to 10 scale, American criminologists rated the following policies most highly: Allow K-12 teachers to carry concealed handguns (6.0), allow military personnel to carry on military bases (5.6), encourage the elimination of gun-free zones (5.3), and relax federal regulations that pressure companies to create gun-free zones (5.0).

The top four policies for economists were the same, but in a different order: Encourage the elimination of gun-free zones (7.9), relax federal regulations that pressure companies to create gun-free zones (7.8), allow K-12 teachers to carry concealed handguns (7.7), and allow military personnel to carry on military bases (7.7).

As important as police are to fighting crime, increased policing didn't make the top of the list. That's because stopping mass public shootings is a uniquely difficult challenge. For police, wearing a uniform is often akin to wearing a neon sign saying, "Shoot me first." That makes officers easy targets for attackers. The benefit of concealed carry is that the attackers won't know who is a threat to them.

"A deputy in uniform has an extremely difficult job in stopping these attacks," said Sarasota County, Florida, Sheriff Kurt Hoffman.³⁰ "These terrorists have huge strategic advantages in determining the time and place of attacks. They can wait for a deputy to leave the area, or pick an undefended location. Even when police or deputies are in the right place at the right time, those in uniform who can be readily identified as guards may as well be holding up neon signs saying, 'Shoot me first.' My deputies know that we cannot be everywhere."

It is well past time that we address these mass public shootings. But, unfortunately, too many are more concerned about "doing something" than fighting to do something that makes things better. Let's come up with proposals that matter—starting with eliminating "gun-free zones."

Outside of Gun-Free Zones, Concealed Handgun Permit Holders Stop Most Active Shooting Attacks

My organization, the Crime Prevention Research Center, has documented [30 cases](#) since January 2020 where a would-be mass public shooting was likely stopped by civilians legally carrying

guns.³¹ During that time, there were 17 mass public shootings where four or more people were killed. These heroic actions rarely get national news coverage.

But they are just a fraction of the incidents stopped by legally armed civilians. The FBI reports that armed citizens stopped only 11 of the 252 active shooter incidents that it identified for the period 2014-2021.³² The FBI defines active shooter incidents as those in which an individual actively kills or attempts to kill people in a populated, public area.³³ But, as with mass public shootings, it does not include shootings that are deemed related to other criminal activity, such as robbery or fighting over drug turf. Active shootings may involve just one shot being fired at just one target, even if the target isn't hit.

To compile its list, the FBI hired academics at the Advanced Law Enforcement Rapid Response Training Center at Texas State University. Police departments don't collect data, so the researchers had to find news stories about these incidents.

The CPRC also undertook a search for news stories. We discovered a total of 360 active shooter incidents from 2014 to 2021, and found that an armed citizen stopped 124 of these.³⁴ I also found that the FBI had misidentified five cases, usually because the person who stopped the attack was incorrectly identified as a security guard. We found these cases on a tiny budget of just a few thousand dollars.

Though we found that armed citizens had stopped 11 times more cases than the FBI reports, I make no claim that we have identified all of them. It is quite possible that the news media itself never covers many such incidents.

But no one needs to take my word for it that the FBI missed many cases. All of the news stories that my team collected are listed on the CPRC website.³⁵

While the FBI claims that just 4.4% of active shootings were stopped by law-abiding citizens carrying guns, the percentage that I found was 34%. We had more lucky finding recent cases, and the proportion of cases stopped in 2021 was even higher – 49%.

In places where law-abiding citizens are allowed to carry firearms, the percentage of active shootings stopped is above 50% for the entire 2014 to 2021 period. And, again, we are more confident that we have more of the cases from recent years. The figure reaches a lofty 58% in 2021.

In order to follow the FBI's definition, I also had to exclude 24 cases because a law-abiding person with a gun stopped the attacker before he was able to get off a shot.

But there is a more basic problem in the reliance on news coverage to determine whether an active shooting was stopped by an armed civilian. The news media has a clear bias for covering cases where bad things happen over cases where bad things are prevented. The old adage is: "If

it bleeds, it leads.” Killings are usually more newsworthy than woundings, and woundings are more notable than confrontations defused simply by someone brandishing a gun.

To illustrate this, I examined news stories of defensive gun use data from Jan. 1 to Aug. 10 of this year, and found 774 defensive gun uses. Fully 85% involve people shot: 43% resulting in death and 42% in wounding.³⁶ Less than 4% of the cases found in news stories involved no shots fired. But survey data indicate that in 95% of cases when people use guns defensively, they merely show the gun to make the criminal back off.³⁷ Such defensive gun uses rarely make the news.

Family Background

Since 1998, there have been 96 mass public shooters. Of those, the Crime Prevention Research Center has found information on the family lives of 68 of them. Nineteen of these murderers grew up in single-parent families, and another eight grew up with step-parents. In four other instances, the parents separated after the person turned 18. In three cases where there were multiple murderers, there was one case where one of the attackers grew up with a step-parent and one case where the parents of one of the attackers separated after the attacker turned 18.

There is Actually Much Less Support for Gun Control Laws than People think

Red Flag laws are the top priority of Democrats and gun control advocates. Polls show that Americans overwhelmingly support these measures — by margins ranging between 2-1 and 3-1.³⁸ Congress recently passed legislation providing funding for states that adopted these laws.

But the polling doesn’t really gauge whether Americans understand how these laws operate. The surveys generally just ask people if they support laws that “allow guns to be temporarily confiscated by a judge from people considered by a judge to be a danger to themselves or others.”³⁹

Respondents might reasonably assume that a normal legal process is being followed, whereby complaints are made and witnesses are cross-examined. They might presuppose that mental health experts are involved in the process.

To examine this premise, the Crime Prevention Research Center (CPRC), which I head, hired McLaughlin & Associates to survey 1,000 general election voters from July 21 to 24, 2022.⁴⁰ The survey began by asking people whether they supported red flag laws. It then informed respondents that there are no hearings before an individual’s guns are taken away, and that there are no mental health care experts involved in the process.

People initially answered by a two-to-one margin that they support red flag laws (58%-to-29%), with the strongest support coming from Democrats, the wealthy, blacks and Hispanics, and people aged between 18 and 29.

However, after being told that there are no court proceedings before an individual's guns are taken away, and that there are no mental health care experts involved in the process, support changed to opposition (29%-to-47%). Strong support plummeted from 34% to 14% and strong opposition rose from 18% to 29%.

Finally, people were asked if they prefer "involuntary commitment" to red flag laws. They were told that involuntary commitment laws provide for evaluations by mental health care experts, that an emergency court hearing takes place before a judge's decision, and that a lawyer is provided if a person can't afford one. They are also told that, under such rules, judges have a range of less extreme options such as mandatory outpatient mental health care and weapon confiscation.

Survey respondents favored involuntary commitment by a 40%-to-33% margin. Only Democrats, the wealthy, blacks and Asians supported red flag laws as their preferred option.

In April, the CPRC also hired McLaughlin & Associates to survey people's estimates of the percentage of violent crime that is committed using guns.⁴¹ They found that those most strongly supporting gun control dramatically overestimated the percentage of violent crime committed with guns. While the average Democrat estimates that 56.9% of violent crimes involve guns and the typical Republican gave an answer of 37%. (The actual rate is less than 8%.) This suggests that Democrats, who are more likely to favor gun control, are particularly ill-informed about the realities of gun violence.

We keep being told that there is 90+% support in polls for universal background checks on the private transfer of guns.⁴² But when these measures have been on the ballot, they haven't been slam dunks. In 2016, despite Michael Bloomberg's overwhelming financial backing, ballot initiatives failed in Maine by 4 percentage points and won in Nevada by less than 1%.⁴³

The Nevada initiative had \$20 million in funding behind it, amounting to an impressive \$35 per vote.⁴⁴ That's three times more than what was spent in opposition. In Maine, the opposition was *outspent by a factor of 20*.⁴⁵ And in both states, the media coverage was overwhelmingly sympathetic to the background checks.

While the Nevada initiative technically eked out a win, it wasn't able to go into effect because it had been inaccurately sold to voters as not costing taxpayers any money.⁴⁶

Americans keep being told by the media that they overwhelmingly support gun control laws. So why don't the laws get passed? Might it be that the polls are inaccurate and biased? My own survey suggests just that.

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³⁹ “Texas Trends Survey 2022 – Gun Safety,” University of Houston Hobby School of Public Affairs and Texas Southern University Barbara Jordan–Mickey Leland School of Public Affairs, 2022.

⁴⁰ Crime Prevention Research Center, “Original Research: Support for Red Flag Laws Depends on People not understanding how Red Flag Laws Operate,” September 11, 2022 (<https://crimeresearch.org/2022/09/original-research-support-for-red-flag-laws-depends-on-people-not-understanding-how-red-flag-laws-operate/>).

⁴¹ John R. Lott Jr., “When Misinformation Drives Bad Policy,” Real Clear Politics, May 16, 2022.

⁴² Crime Prevention Research Center, “Remember those claims that 80 to 90% of Americans wanted expanded background checks?: Well, no so much support for specific bills,” December 1, 2016 (<https://crimeresearch.org/2016/12/remember-those-claims-that-80-to-90-of-americans-wanted-the-senate-background-check-bill-to-pass-well-it-was-clearly-wrong/>).

⁴³ Joseph Ax, "Gun control groups spend millions on state ballot initiatives," Reuters, November 2, 2016.

⁴⁴ "Nevada Background Checks for Gun Purchases, Question 1 (2016)," Ballotpedia ([https://ballotpedia.org/Nevada_Background_Checks_for_Gun_Purchases,_Question_1_\(2016\)\)](https://ballotpedia.org/Nevada_Background_Checks_for_Gun_Purchases,_Question_1_(2016)))).

⁴⁵ "Maine Background Checks for Gun Sales, Question 3 (2016)," Ballotpedia ([https://ballotpedia.org/Maine_Background_Checks_for_Gun_Sales,_Question_3_\(2016\)\)](https://ballotpedia.org/Maine_Background_Checks_for_Gun_Sales,_Question_3_(2016)))).

⁴⁶ A formal opinion from the Office of the Attorney General to James M. Wright, Director of the Department of Public Safety (https://ag.nv.gov/uploadedFiles/agnv.gov/Content/Publications/AGO_2016-12.pdf).

Ms. JACKSON LEE. The Witness' time has expired.
I am now pleased to recognize Nicole Melchionno for five minutes.

Welcome, dear. Thank you so very much.

TESTIMONY OF NICOLE MELCHIONNO

Ms. MELCHIONNO. My name is Nicole, and on December 14, 2012, I was a second-grader at Sandy Hook Elementary School. I was sitting on the carpet with my classmates waiting for my teacher to give us directions for the day as we heard what sounded like large metal pans being smashed together come from the hallway.

My teacher quickly ran to the door to see if anyone was in the hall and pulled two students into our classroom to join us in lockdown. She then shut the door and turned off all the lights.

As the gunshots continued to ring through the hallways, we huddled by our cubbies and my teacher pulled over a desk and grabbed a book to try and read to us so we could calm down. As she was reading, she began to heavily shake, and I knew we were in danger at this point. I felt a strong sense of nausea come over me as I thought I would be the first to die if the gunman got into our classroom, because I was close to the door.

We then heard a knock and shake on the door handle, which was terrifying because we didn't know who it was, but after deciding to open the door we were evacuated out of the school by the police and taken to the firehouse nearby to reunite with our families. The firehouse was chaotic, and everyone was running around yelling, looking for their children, as everything was still so unclear.

I then went home that day, and my town endured the most horrific aftermath after finding out 26 beautiful, innocent souls were taken from us that day. In less than five minutes, an AR-15 fired 154 bullets, killing 26 people.

How do we continue to allow this?

I have grown up in a world where the unimaginable happens over and over again, uncovering trauma over and over again. I am here not only because of the trauma I have endured in the past, but also because I am terrified of it happening again in the future. We live in the constant aftermath of inaction from our lawmakers that we voted into office to do everything in their power to protect us.

I have met amazing people in this fight, both survivors and victims of gun violence, which is a community that has grown far too big. We have been pushing for an assault weapons ban, which is a crucial step to decreasing these mass shootings with unacceptable death tolls.

We also need red flag laws implemented in all 50 States as well as a Federal safe storage law for all gun owners and universal background checks. That is just the beginning of the work that needs to be done.

We see time and time again that these shootings are pure acts of hate, Buffalo, Uvalde, Pittsburgh, and Parkland. Whether it's racial inequity, anti-Semitism, socioeconomic backgrounds, high schools, grocery stores, the cold grip of gun violence has touched far too many and has no boundaries.

America is alone in this battle to live freely for a reason. Our lawmakers have not taken bold, life-saving, crucial action to protect what the majority of Americans believe in, which is commonsense gun safety measures.

I am here today to beg you to please do everything in your power to enact measures that prevent everything you care about being lost within seconds, because with no action it is not a matter of if, it is a matter of who is next. We ran out of time over a decade ago. We need to act now.

Thank you.

[The statement of Ms. Melchionno follows:]

My name is Nicole, and on December 14th, 2012, I was a second grader at Sandy Hook Elementary School. I was sitting on the carpet with my classmates waiting for my teacher to give us directions for the day as we heard what sounded like large metal pans being smashed together come from the hall. My teacher quickly ran to the door to see if anyone was in the hall, and pulled two students into our classroom. She then shut the door and turned off the lights. As the gunshots continued to ring through the hallways we huddled by our cubbies and my teacher pulled over a desk and grabbed a book to try and read us so we would calm down. As she was reading she began heavily shaking and I knew we were in danger. I felt a strong sense of nausea come over me and thought I would be the first to die if the gunman got into our classroom because I was close to the door. We then heard a knock and shake on the door handle which was terrifying because we didn't know who it was. After deciding to open the door we were evacuated out of the school by the police and taken to the firehouse nearby to reunite with our families. The firehouse was chaotic and everyone was running around, looking for their kids, as everything was still so unclear. I then went home that day and my town endured the most horrific aftermath after finding out 26 beautiful, innocent souls were taken from us that day. In less than five minutes, an AR-15 fired 154 bullets killing 26 people. How do we continue to allow this?

I have grown up in a world where the unimaginable happens over and over again. I am here not only because of the trauma I have endured in the past, but also because I'm terrified of it happening again in the future. We live in the constant aftermath of inaction from our lawmakers that we voted into office to do everything in their power to protect us.

I have met amazing people in this fight both survivors and victims of gun violence, which is a community that has grown far too big. We have been pushing for an assault weapons ban which is a crucial step to decreasing these mass shootings with unacceptable death tolls. We also need red flag laws implemented in all 50 states, as well as federal safe storage laws for all gun owners, and universal background checks. That is just the beginning.

We see time and time again that these shootings are pure acts of hate. Buffalo, Uvalde, Pittsburgh, Parkland, whether it is racial inequity, religion, socioeconomic backgrounds, high schools, grocery stores, the cold grip of gun violence has touched far too many and has no boundaries. America is alone in this battle to live freely for a reason. Our lawmakers have not taken bold, lifesaving, crucial action to protect what the majority of Americans believe in, common sense safety measures. I am here today to beg you to please, do everything in your power to enact measures that prevent everything you care about being lost within seconds, because with no action it is not a matter of if, it is a matter of who is next. We ran out of time over a decade ago and we need to act now.

Ms. JACKSON LEE. I thank you very much for your testimony, Nicole.

Chief Holt, you are recognized now for five minutes.

TESTIMONY OF CHIEF ANTHONY HOLT

Chief HOLT. First, I'd like to thank the Committee for the time for allowing me to testify this morning in this important matter.

I first want to bring you greetings on behalf of our National President, Brenda Goss Andrews—she could not be present today due to a previous commitment—of the Executive Board Members and constituents of the National Organization of Black Law Enforcement Executives (NOBLE).

I serve as the Special Assistant to Brenda Goss Andrews and I'm the current Chief of Police of Wayne State University in Detroit, Michigan. I have served over 40 years in the law enforcement profession, and I have experience responding to more than my share of violent gun victims, including the loss of life of one of my officers, who was fatally shot in the head. Like everyone here, parents are not supposed to bury their kids.

Yesterday marks the 10th anniversary of the Sandy Hook Elementary School shooting that occurred in Newtown, Connecticut, where 20-year-old Adam Lanza shot and killed 26 people. The vast majority of the victims were children, ranging in age of 6–7 years old. In total, 20 of the 26 victims were children. The Sandy Hook Elementary School shooting is the deadliest mass shooting in an elementary school in U.S. history and the fourth deadliest mass shooting overall.

We at NOBLE released a statement acknowledging the 10th-year anniversary and once again express our heartfelt prayers and condolences to the affected families and communities.

Unfortunately, our Nation again experienced a mass shooting in Robb Elementary School in Uvalde, Texas, resulting in the deaths of 19 students and two teachers at an elementary school not unlike Sandy Hook Elementary School. Again, we want to express our heartfelt prayers and condolences to the affected families and communities.

Of course, there is a difference in time, place, location, victims, and the circumstances leading up to the violent act of shooters of both mass shootings. However, there are certain undeniable elements within our Nation that existed during both the Sandy Hook shooting and the Robb Elementary School shooting, the main one being the lack of an assault weapon ban.

NOBLE is very concerned about the level of gun violence in the United States and specifically the correlation between violence and proliferation of assault weapons and high-capacity ammunition magazines.

It is our organization's opinion that violence, particularly gun violence, is a public health issue. As with all public health issues, it demands a comprehensive, nonjudgmental, pragmatic, evidence-based approach to saving lives and reducing injuries.

NOBLE, along with organizations such as the National Gun Law Enforcement Partnership to Prevent Gun Violence, is committed to addressing the pervasive nature of gun violence and the horrific impacts on communities across America. Specifically, firearm-

related injuries and deaths, to include homicides, suicides, accidental shootings, is unacceptable and demands immediate attention.

The aim of this program is to reduce injuries and deaths due to improper gun storage, especially as it relates to the safety of young children. This is a program that the National President of NOBLE launched entitled, "It Starts At Home."

Additionally, NOBLE advocates for limiting high-capacity ammunition magazines to ten rounds and the regulation of new semi-automatic assault weapons. In 2016, assault weapons accounted for one in four police officers killed in the line of duty through gun violence.

NOBLE supported the Public Safety Recreational Firearms Use Protection Act or Federal Assault Weapons Ban of 1994.

A positive step toward addressing the level of gun violence in our Nation was taken with the passage of the Bipartisan Safer Communities Act. NOBLE supported this legislation. The bill combines gun safety legislation with mental health and school security resources. The bipartisan gun deal increases funding and improves mental health, school safety, crisis intervention, and anti-violence programs.

Among other things, it requires tougher background checks for younger gun buyers, those who are deemed a risk in certain cases, and closes the so-called "boyfriend loophole." This bars intimate partners who have been convicted of domestic violence crimes against their significant other from having a gun even if they don't live together.

Lastly, law enforcement plays a critical or crucial role in preventing gun violence and solving crime. Effective strategies for the strict enforcement of laws concerning the illegal possession, trafficking, and criminal use of firearms are vital and need to be supported by data, research, technology, training, and best practice.

Because the public's health and safety depend on the efforts of law enforcement agencies, we must have the resources sufficient to prioritize the protection of officers and communities against illegal guns and firearm violence.

The crisis of gun violence in our country necessitates the sustained, coordinated, and collaborative efforts involving citizens, elected officials, and the entire criminal justice system.

Our members stand ready to meet the needs of our communities and Nation.

Thank you again for this opportunity to provide testimony.

[The statement of Chief Holt follows:]

COVER PAGE

NAME: **Anthony Holt**

Position: **Chief of Police, Wayne State University Police Department, Special
Assistant to the President of the National Organization of Black Law
Enforcement Executives (NOBLE)**

DATE: **December 15, 2022**

TITLE: **Examining Uvalde: The Search for Bipartisan Solutions to Gun
Violence**

Testimony

National Organization of Black Law Enforcement Executives (NOBLE)

Before U.S. House Committee on the Judiciary, Subcommittee on Crime,

Terrorism, and Homeland Security

Thursday, December 15, 2022

Committee Chairman, Congressman Jerrold Nadler, Ranking Member, Congressman James Jordan, Subcommittee Chairwoman, Congresswoman Sheila Jackson Lee, Ranking Member, Congressman Andrew Biggs, and committee members, I bring you greetings on behalf of National President Brenda Goss Andrews, who could not be present due to a previous commitment, the Executive Board, members, and constituents of the National Organization of Black Law Enforcement Executives – NOBLE.

My name is Anthony Holt, and I am the Special Assistant to President Brenda Goss Andrews and current Chief of Police for Wayne State University Police Department, in Detroit, Michigan. I have served more than 40 years in the law enforcement profession. Since joining the force as a police officer in 1977, I have held multiple positions within the university police department including sergeant, lieutenant, captain and now Chief of Police. It is an honor for NOBLE to provide

written testimony on the topic of “Examining Uvalde: The Search for Bipartisan Solutions to Gun Violence.”

Yesterday, marked the 10th year anniversary of the Sandy Hook Elementary School shooting that occurred in Newtown, Connecticut, when 20-year-old Adam Lanza shot and killed 26 people. The vast majority of the victims were children ranging in age from six years old to seven years old. In total, 20 of the 26 victims were children. The Sandy Hook Elementary School shooting is the deadliest mass shooting at an elementary school in U.S. history, and the fourth-deadliest mass shooting overall. We at NOBLE released a statement acknowledging the 10th year anniversary and want to again express our heartfelt prayers and condolences to the affected families and communities

Unfortunately, our nation again experienced a mass shooting at Robb Elementary School in Uvalde, TX resulting in the death of nineteen students and two teachers at an elementary school not unlike Sandy Hook Elementary School. We also express our heartfelt prayers and condolences to the affected families and communities of Uvalde, TX.

Of course, there is a difference in time, place, location, victims, and the circumstances leading up to the violent actions of the shooter in both mass

shootings. However, there are certain undeniable elements within our nation that exists during both the Sandy Hook Elementary School and Robb Elementary School shootings. The main one being the lack of an Assault Weapons Ban.

NOBLE is very concerned about the level of gun violence in the United States, and specifically the correlation between violence and the proliferation of assault weapons and high-capacity ammunition magazines. It is our organization's opinion that violence—particularly gun violence is a public health issue. And, as with all public health issues, it demands a comprehensive, nonjudgmental, pragmatic, evidence-based approach to saving lives and reducing injury. NOBLE along with organizations such as the National Law Enforcement Partnership to Prevent Gun Violence (of which we are a member) is committed to addressing the pervasive nature of gun violence and its horrific impact on communities across America. Specifically, firearm-related injuries and deaths to include homicides, suicides, and accidental shootings, is unacceptable and demands immediate attention. Consequently, our National President, Brenda Goss Andrews, has led the effort for NOBLE to launch an initiative titled: "It Starts At Home". The aim of this program is to reduce injuries and deaths due to improper gun storage especially as it relates to the safety of our young children.

Additionally, NOBLE advocates for limiting high-capacity ammunition magazines to ten rounds and the regulation of new semi-automatic assault weapons. In 2016, assault weapons accounted for 1 in 4 police officers killed in the line of duty through gun violence (Violence Policy Center - February 27, 2018). NOBLE supported the Public Safety and Recreational Firearms Use Protection Act or Federal Assault Weapons Ban (AWB) of 1994 and the Federal Assault Weapons Ban Reauthorization Act of 2004.

A positive step towards addressing the level of gun violence in our nation was taken with the passage of the Bipartisan Safer Communities Act. NOBLE supported this legislation. The bill combines gun safety legislation with mental health and school security resources. The bipartisan gun deal increases funding and improves mental health, school safety, crisis intervention and anti-violence programs. Among other things, it requires tougher background checks for younger gun buyers, those who are deemed a risk in certain cases, and closes the so-called “boyfriend loophole,” barring intimate partners who have been convicted of domestic violence crimes against their significant other from having a gun even if they don’t live together. We at NOBLE recommend that in addition to the Bipartisan Safer Communities Act, that Congress, the Law Enforcement Profession, and communities across this nation work to secure the passage of bipartisan legislation that will at minimum address the following:

- Mandate Universal Background Checks
- Ban Assault Weapons
- Ban High-Capacity Magazines
- Mandate Safe Gun Storage

Lastly, law enforcement plays a central and critical role in preventing gun violence and solving crime. Effective strategies for the strict enforcement of laws concerning the illegal possession, trafficking, and criminal use of firearms are vital, and need to be supported by data, research, technology, training, and best practices. Because the public's health and safety depend on the efforts of law enforcement, agencies must have resources sufficient to prioritize the protection of officers and communities against illegal guns and firearm violence. The crisis of gun violence in our country necessitates a sustained, coordinated, and collaborative effort involving citizens, elected officials, law enforcement, and the entire criminal justice system.

On behalf of the law enforcement leaders of NOBLE and our National President Brenda Goss Andrews, thank you for supporting law enforcement and our ability to maintain public safety while continuing to address the health issue of gun violence. Our members stand ready to meet the needs of our communities and nation. Thank you again for this opportunity to provide testimony.

Ms. JACKSON LEE. Thank you.
I now recognize the gentleman, Mr. Heyne, for five minutes.
Thank you.

TESTIMONY OF T. CHRISTIAN HEYNE

Mr. HEYNE. Chair Jackson Lee, Ranking Member Biggs, and distinguished Members of the Subcommittee, thank you for the opportunity to testify today. My name is Christian Heyne, and I am the Vice President of Policy and Programs at Brady, one of the Nation's oldest gun violence prevention organizations.

Brady works across courts, communities, and Congress to end America's gun violence epidemic. Our organization carries the name of Jim Brady, who was shot and severely injured in the assassination attempt on President Reagan's life.

Jim and his wife Sarah led the fight to pass the landmark Brady bill nearly 30 years ago, and I have been a part of this movement for almost two decades, and much like Jim and Sarah Brady, I come to this work unwillingly.

Memorial Day weekend 2005, my parents, Tim and Jan Heyne, were returning the boat they borrowed from my dad's best friend, Steve Mazin, after a vacation spent in Big Bear, California.

What they didn't know is that as they began unhitching the boat in the driveway, a gunman with a long history of violence and a backpack filled with firearms was parked across the street. Steve was chatting with my mom when the gunman emerged from his vehicle, walked up the driveway, and shot Steve in the stomach. He immediately turned the gun on my father, shooting him multiple times.

Rather than running away, my mom had stayed with Steve. She was trying to desperately keep him alive. The gunman walked back, stood over her. In the last words she would ever speak, she begged and pleaded for him to stop. When it was clear that he wouldn't, she got up, ran a few steps before he shot her.

On May 30, 2005, my mom, Jan Heyne, was killed with a single bullet to the spine.

Over the next day, this gunman terrorized our community, hospitalizing two children, killing their mother, and shooting and wounding a sheriff's deputy. Thanks to the incredible work from neighbors, first responders, trauma surgeons, my father, he survived, and we'll forever consider ourselves very deeply lucky for that.

Despite the efforts of many, including my mother, Steve, unfortunately, also died from his wounds.

Now, after years of working in the gun violence prevention movement, I have realized that the only truly remarkable part of my story is how unremarkable it actually is. Our lives were forever altered, but we had simply joined an ever-growing club of people devastated by an epidemic of gun violence that continues to rage on with a regularity that no other industrialized country allows.

I have also learned that so much of this pain and anguish is inextricably tied to failures of policy.

Today we are discussing bipartisan solutions to gun violence within the context of a horrific mass murder that took place in Uvalde, Texas. The lives of 19 children and two educators were

ended with an assault weapon in yet another devastating attack on a school.

We also hold this conversation 10 years and one day after the heinous shooting at Sandy Hook. We look at these shootings and we ask: How is it possible that something like this can happen? In the past 10 years, we've asked this question again and again and again. The answer, however, is simple: No community is truly safe from gun violence when our leaders have done so very little to prevent it.

So, 10 years and more than a million gun deaths and injuries later, we're still here, in spite of the fact that a vast majority of gun owners, nongun owners, Democrats, Republicans, and Independents overwhelmingly support policies that can prevent it—by expanding and strengthening the Brady background check system, by preventing guns from being trafficked into communities and investing in those communities to break generational cycles of violence, by reducing rates of suicide, domestic violence, and unintentional shootings by incentivizing and requiring the safe storage of firearms, and, yes, by mitigating mass shootings by reinstating the ban on assault weapons and large-capacity magazines.

Let's be clear, more guns are not a solution. That is a myth perpetuated by an industry that wants to sell more guns. If more guns made us safer, we would already be the safest country on the planet.

American gun violence is a multifaceted issue that will persist unless our elected leaders enact targeted solutions. If not, we will be back here again 10 years from now asking the same question yet again.

I leave this Committee with one final reminder—that your decisions here have tangible impacts in all our lives. Think of the 350,000 people killed by guns since the Sandy Hook shooting, grimly disproportionate number of whom were Black men and victims of suicide. Think of the jarring fact that the leading cause of death in America right now for the first time in our history is firearms.

What I will think about is my wedding day. On the most significant day of my life, there was an empty chair that my mom should have been in. I'll think about all the times I wanted to pick up the phone, tell her a story, or hear her laugh. I'll think about how she's never held her grandchildren. I'll think about all the families this year that will have to live through Christmas without their child and the inevitability of those who will join our club unless Representatives here take the requisite action to prevent it.

I sincerely thank the Committee for this opportunity to testify, and I look forward to your questions.

[The statement of Mr. Heyne follows:]



**Prepared Testimony of
T. Christian Heyne
Vice President of Policy and Programs, Brady**

**House of Representatives Judiciary Subcommittee on
Crime, Terrorism, and Homeland Security**

**Hearing Subject: Examining Uvalde - The Search for Bipartisan Solutions to Gun Violence
December 15th, 2022**

Introduction

Chairwoman Jackson Lee, Ranking Member Biggs, and distinguished members of the subcommittee, thank you for the opportunity to testify today. It is an honor to appear before this illustrious body on a topic as important as the subject of today's hearing. My name is Christian Heyne and I am the Vice President of Policy and Programs at Brady, one of the nation's oldest gun violence prevention organizations.

Brady works across Congress, courts, and communities, to end America's gun violence epidemic. Our organization carries the name of Jim Brady, who, while serving as Ronald Reagan's press secretary, was shot and severely injured in the assassination attempt on the President. Jim and his wife, Sarah, led the fight to pass the Brady Bill, federal legislation requiring background checks for gun sales from licensed dealers. I have been a part of the movement fighting for common sense gun violence solutions for almost two decades, and, much like Jim and Sarah Brady, I came to this work unwillingly.

Memorial Day weekend in 2005, my parents - Tim and Jan Heyne - were returning a boat they borrowed from my Dad's best friend, Steve Mazin, after a vacation spent in Big Bear, California. What they didn't know is as they began unhitching the boat in the driveway, a gunman with a long history of violence and a backpack filled with firearms was parked across the street.

Steve was chatting with my mom when the gunman emerged from his vehicle, walked up the driveway, and shot Steve in the stomach. He immediately turned the gun on my father, shooting him multiple times. Rather than running away, mom had stayed with Steve, trying desperately to keep him alive. The gunman walked back and stood over her. In the last words she'd ever speak, she begged and pleaded for him to stop. When it was clear that he wouldn't, she got up and ran a few steps before he shot her. On May 30th, 2005, my mom, Jan Heyne, was killed with a single bullet to the spine.

Over the next day, this gunman terrorized our community, hospitalizing two children, killing their mother, and shooting and wounding a sheriff's deputy. He eventually turned the gun on himself and ended his life.

Thanks to incredible work from neighbors, first responders, and trauma surgeons, my father survived. We will forever consider ourselves deeply lucky for that. Despite the efforts of many, including my mother, Steve unfortunately also died from his wounds.

I reflect on the events of that day frequently, but after years of working in the gun violence prevention movement I have realized that the only truly remarkable part of my story is how unremarkable it actually is. My family, our friends, our entire community, all of our lives were forever altered, but we had simply joined an ever-growing "club" in this country, of people left devastated by an epidemic of gun violence that continues to rage on with regularity that no other industrialized country allows.

I have also learned just how much of the pain and anguish experienced by hundreds of thousands of Americans each year as a result of gun violence is inextricably linked to failures of policy.

Today we are here to discuss bipartisan solutions to gun violence within the context of the horrific mass murder that took place in Uvalde, Texas. The lives of 19 children and two educators were ended with an assault weapon in yet another devastating attack on a school. We also hold this conversation 10 years and 1 day after the shooting at Sandy Hook where twenty children, and 6 heroic educators were

murdered with a similar weapon. We look at these shootings and ask, “how is it possible that something like this could happen?” In the past 10 years, we’ve asked this question again and again. After shootings in Parkland, Las Vegas, Buffalo, and even again in my hometown of Thousand Oaks. Communities that live with the daily toll of gun violence ask this question every day. It’s the question we asked ourselves after mom was murdered. The answer, however, is simple — no community can truly feel safe from gun violence when we have done almost nothing to prevent it from happening.

Between our unfettered access to firearms, inconsistent patchwork of state gun laws, systemic issues that perpetuate cycles of violence, and loopholes either intentionally created or ultimately exploited by a gun lobby intent to put profits over human life — the epidemic of gun violence is an inevitable outcome unless our legislators, like those in this very body, are willing to take the requisite action to prevent it.

Here we are, ten years later, bearing a collective national shame that we’ve allowed it to happen again. This time in Uvalde, Texas. Moreover, throughout the course of those ten years, we have allowed it to continue to happen every single day. From firearm suicide, to cycles of violence disproportionately impacting communities of color, to domestic violence, hate-fueled violence and many other forms, Americans continue to get injured and killed with guns at levels that no other industrialized country in the free world experiences. This is in spite of a vast majority of Americans, including gun owners and non-gun owners—Democrats, Republicans, and Independents—who support policies that could address this violence in meaningful ways.

Policy Solutions for A Safer America

Gun violence goes beyond the catastrophic mass shootings that make the front page; it is a public health epidemic that profoundly impacts millions of Americans every single day. Gun violence is a preventable and uniquely American tragedy that claims more than 100 lives each day, inflicting immeasurable trauma on not only survivors, but their families, friends, and communities as well. The devastating reality of gun violence not only injures over 100,000 Americans every year, but it also creates collective trauma, limits educational and social advancement, damages communities economically, makes education and the enjoyment of social activities difficult, and infringes on our fundamental right to live.¹ Gun violence undeniably intersects with many issues facing Americans today: systemic racism, voter suppression, subversion of democracy, and economic injustice, to name a few. In order to fully meet the challenges laid before us, we must consider how interconnected these issues are — for those lost to gun violence, for the countless individuals directly and indirectly impacted by gun violence whose lives will never be the same, and for the overall health and economic well-being of the nation.

Gun violence is a complex problem that requires comprehensive solutions aimed at addressing the root causes faced by a variety of communities. Solutions which reduce firearm suicide and incidents of family fire — a shooting involving an improperly stored or misused gun in the home that results in death or injury² — look different than solutions to the daily toll of community violence which disproportionately affects communities of color. Tools needed to prevent mass shootings look different than the tools needed to prevent diversions of firearms into the illegal market. American gun violence is a layered issue that will persist without tailored solutions that address all of its forms.

¹ Brady. *The Mental Health Impacts of Mass Shootings*. Accessed 13 December 2022. Available at <https://www.bradyunited.org/reports/the-mental-health-impact-of-mass-shootings>

² Brady. *End Family Fire*. Accessed 13 December 2022. Available at <https://www.bradyunited.org/program/end-family-fire>

Below is a non-exhaustive list of policy solutions to this uniquely American epidemic.

Fixing the Brady Background Check System

The critical underpinning of all gun violence prevention laws is the Brady Background Check System. Without this foundational measure, no other gun laws can properly function. The Brady Background Check System has been extremely successful, preventing more than 4.4 million unlawful gun transactions since its passage in 1993.³ In 2018 alone, an average of 630 prohibited gun transactions were prevented *every single day*.⁴ Without background checks, it is almost impossible to keep guns out of the hands of prohibited individuals or to hold gun traffickers accountable.

But while the Brady Background Check System established the essential framework for all other gun violence prevention laws, it does not and will not fix the issue of gun violence on its own. Gaps have emerged in the system as technology has progressed, and businesses and individuals have exploited loopholes for profit. Today, approximately 1 in every 5 gun sales occurs without a background check, due in large part to the rise of gun shows and websites that facilitate private sales online.⁵ Also, under current law, a licensed dealer may transfer a gun to a buyer after three business days even if the background check has yet to determine whether that buyer is legally eligible to purchase a gun. This gap has allowed prohibited people to acquire firearms at an alarming rate: between 2008 and 2021, over 53,000 firearms were transferred to prohibited buyers.⁶

The Brady Background Check System saves lives, but to ensure that the system is actually comprehensive we must expand background checks, with reasonable and narrow exceptions, to cover every gun transaction, and we must ensure that the system has adequate time to complete a background check before someone can take possession of a firearm. Nationally, gun homicide rates fell an astonishing 41% from 1993 to 2018.⁷ At the state level, universal background check laws were associated with a 15% reduction in overall homicide rates.⁸ We need to expand background checks to cover all gun transactions so that prohibited purchasers cannot elude the vetting process by turning to private sellers posting on internet forums or running a gun show booth.

The House has already taken steps to address this issue by passing H.R. 8 (the Bipartisan Background Checks Act of 2021) and H.R. 1446 (the Enhanced Background Checks Act of 2021), both with bipartisan support.

³ C. Brooks. *Background Checks for Firearm Transfers*, 2018. U.S. Department of Justice: Office of Justice Programs, Bureau of Justice Statistics. October 2021. Available at <https://bjs.ojp.gov/library/publications/background-checks-firearm-transfers-2018>

⁴ *Id.*

⁵ M. Miller, L. Hepburn, and D. Azrael. *Firearm Acquisition Without Background Checks: Results of a National Survey*. *Annals of Internal Medicine*: 21 February 2017. Available at <https://doi.org/10.7326/M16-1590>

⁶ U.S. Department of Justice, "National Instant Criminal Background Checks System Operations Report" (2008-2020/2021), Criminal Justice Information Services Division, Federal Bureau of Investigation, retrieved December 2022, available at <https://www.fbi.gov/how-we-can-help-you/need-an-fbi-service-or-more-information/nics>

⁷ G. Kena, J. L. Truman. *Trends and Patterns in Firearm Violence, 1993-2018*. U.S. Department of Justice: Office of Justice Programs, Bureau of Justice Statistics. April 2022. Available at <https://bjs.ojp.gov/content/pub/pdf/tpfv9318.pdf>

⁸ M. Siegel, M. Pahn, Z. Xuan, *et al.* *The Impact of State Firearm Laws on Homicide and Suicide Deaths in the USA, 1991-2016: a Panel Study*. *Journal of General Internal Medicine*: 28 March 2019. Available at <https://doi.org/10.1007/s11606-019-04922-x>

Approaching Gun Violence as a Public Health Epidemic

It is indisputable that American gun violence is a public health epidemic. Every day, over 110 people are shot and killed in the United States.⁹ Of those, 10 are children and teens, including those shot in instances of Family Fire.¹⁰ Gun violence is now the leading cause of death for children.¹¹ Americans kill each other with guns at 25 times the rate of other high-income countries; the rate is 49 times higher for 15- to 24-year-olds.¹² In 2020, gun deaths cost the American economy at least \$483 billion¹³ – a large proportion of which taxpayers end up covering. Violence intervention programs alone can drastically reduce these costs; cities such as Oakland, San Francisco, and Baltimore have already seen millions of dollars savings.¹⁴

Despite rapid advances in medical technology and a heightened awareness of the gun violence crisis in communities across the country, gun injuries and deaths continue to rise in both rural and urban areas.¹⁵ In order to fully understand the scope of the problem and to identify the best policy solutions to prevent these deaths, we must treat gun violence as a public health epidemic¹⁶ and continue to provide funding to the Centers for Disease Control and Prevention (CDC) and National Institute of Health (NIH) to conduct thorough, evidence-based research on the issue.¹⁷

Firearms, Suicide, and Safe Storage

Firearm suicides represent the greatest share of gun violence deaths in the United States and affect every American community. An average of 66 people die by suicide with a gun every day, accounting for approximately 60% of all gun deaths.¹⁸ Between 2013 and 2017, firearms were the second most common means of suicide among children 5 to 11 years old – and in every documented case, the child obtained a firearm stored unsafely in the home.¹⁹ In 2019, veterans accounted for 13.7% of suicide

⁹ WISQARS Fatal Injury Data. *Centers for Disease Control and Prevention*. Available at <https://wisqars.cdc.gov/>

¹⁰ *Ibid*

¹¹ M. McGough, K. Amin, N. Panchal, C. Cox. *Child and Teen Firearm Mortality in the U.S. and Peer Countries*. Kaiser Family Foundation: 8 July 2022. Available at <https://www.kff.org/global-health-policy/issue-brief/child-and-teen-firearm-mortality-in-the-u-s-and-peer-countries/>

¹² D. Hemenway. *Off the Cuff: What don't we know about the causes of gun violence? Almost everything*. Harvard T.H. Chan School of Public Health: 2016. Available at https://www.hsph.harvard.edu/magazine/magazine_article/off-the-cuff-what-dont-we-know-about-the-causes-of-gun-violence-almost-everything/

¹³ WISQARS Cost of Injury. *Centers for Disease Control and Prevention*. Available at <https://wisqars.cdc.gov/>

¹⁴ K. Warden. *Hospital-Based Intervention Programs Reduce Violence and Save Money*. Center for American Progress: 4 August 2022. Available at <https://www.americanprogress.org/article/hospital-based-intervention-programs-reduce-violence-and-save-money/>

¹⁵ J. Butts. *Gun Violence is not an “Urban” Problem*. John Jay Research and Evaluation Center: January 2020. Available at <https://johnjayrec.nyc/2018/05/24/databit201801/>

¹⁶ American Public Health Association. *Gun Violence is a Public Health Crisis*. February 2021. Available at https://www.apha.org/-/media/files/pdf/factsheets/200221_gun_violence_fact_sheet.ashx

¹⁷ S. Rajan, C. C. Branas, S. Hargarten, and J. P. Allegrante. *Funding for Gun Violence Research Is Key to the Health and Safety of the Nation*. *American Journal of Public Health*: February 2018. Available at <https://doi.org/10.2105%2FAJPH.2017.304235>

¹⁸ WISQARS Fatal Injury Data. *CDC*.

¹⁹ D. A. Ruch, K. M. Heck, A. H. Sheftall, et al. *Characteristics and Precipitating Circumstances of Suicide Among Children Aged 5 to 11 Years in the United States, 2013-2017*. *JAMA Network*: 27 July 2021. Available at [10.1001/jamanetworkopen.2021.15683](https://doi.org/10.1001/jamanetworkopen.2021.15683)

deaths among U.S. adults and 18% of firearm suicide deaths, despite making up less than 7% of the adult population.²⁰

Perhaps the greatest obstacle to overcome in preventing suicide from a firearm policy perspective is the degree of impulsivity that leads to suicide attempts. More than half of suicidal acts are completely impulsive involving no prior planning,²¹ which is why reducing access to lethal means is such an effective method of reducing the likelihood of death for those experiencing suicidal ideation.²² Less than 10% of all suicidal acts are fatal,²³ but about 90% of suicidal acts with a firearm result in death.²⁴ A second chance is critical because the vast majority of those who attempt suicide – a full 70% – will never make another attempt on their life.²⁵ Access to a gun in the home increases the risk of suicide death by 300%.²⁶ Limiting or delaying access to firearms via extreme-risk style laws and safe storage laws would significantly reduce the fatality rate of suicide attempts among all Americans.

Extreme Risk Laws (sometimes called “red flag laws” or ERPOs) allow for individuals who are a risk to themselves or others to be temporarily separated from firearms by a court of law without criminal charges or a permanent prohibition. Nineteen states and Washington, D.C. have enacted ERPO-style laws.²⁷ These laws are particularly well-suited for preventing suicide, with one study of Connecticut risk protection orders finding that nearly half of all ERPOs issued in the state resulted in individuals receiving needed treatment – and that for every 10 to 20 orders, one suicide was successfully prevented.²⁸ Indiana’s ERPO law was associated with a 7.5% reduction in firearm suicides over the 10 years following its enactment in 2005.²⁹ Furthermore, extreme risk laws can assist in preventing mass shootings: in a study of 21 cases in California where a credible threat of violence was made by a person who either had access to a firearm or who was attempting to gain it, the temporary removal by the state of that access resulted in no violence.³⁰

²⁰ U.S. Department of Veterans Affairs: Office of Mental Health and Suicide Prevention. *National Veteran Suicide Prevention Annual Report*. September 2021. Available at <https://www.mentalhealth.va.gov/docs/data-sheets/2021/2021-National-Veteran-Suicide-Prevention-Annual-Report-FINAL-9-8-21.pdf>

²¹ E. Baca-García, C. Diaz-Sastre, E. Basurte, R. Prieto, A. Ceverino, J. Saiz-Ruiz, J. de Leon. *A prospective study of the paradoxical relationship between impulsivity and lethality of suicide attempts*. The Journal of clinical psychiatry: July 2021. Available at <https://pubmed.ncbi.nlm.nih.gov/11488369/>

²² Harvard T.H. Chan School of Public Health. *Means Matter*: 2022. Available at <https://www.hsph.harvard.edu/means-matter/>

²³ A. Conner, D. Azrael, M. Miller. *Suicide Case-Fatality Rates in the United States, 2007 to 2014*. Annals of Internal Medicine: 17 December 2019. Available at <https://doi.org/10.7326/M19-1324>

²⁴ R. S. Spicer and T. R. Miller. *Suicide acts in 8 states: incidence and case fatality rates by demographics and method*. American Journal of Public Health: December 2000. Available at 10.2105/ajph.90.12.1885

²⁵ Harvard. *Means Matter*. 2022.

²⁶ A. Anglemeyer, T. Horvath, G. Rutherford. *The Accessibility of Firearms and Risk for Suicide and Homicide Victimization Among Household Members: A Systematic Review and Meta-analysis*. Annals of Internal Medicine: 21 January 2014. Available at <https://doi.org/10.7326/M13-1301>

²⁷ Brady. *What are extreme risk laws?* Accessed 13 December 2022. Available at <https://www.bradyunited.org/fact-sheets/what-are-extreme-risk-laws>

²⁸ J. W. Swanson, M. A. Norko, H. Lin, et al. *Implementation and Effectiveness of Connecticut’s Risk-Based Gun Removal Law: Does it Prevent Suicides?* Law and Contemporary Problems: 2017. Available at <https://scholarship.law.duke.edu/lcp/vol80/iss2/8/>

²⁹ A. J. Kivisto, P. L. Phalen. *Effects of Risk-Based Firearm Seizure Laws in Connecticut and Indiana on Suicide Rates, 1981–2015*. Psychiatric Services: 1 June 2018. Available at <https://doi.org/10.1176/appi.ps.201700250>

³⁰ G. J. Wintemute, V. A. Pear, J. P. Schleimer, et al. *Extreme Risk Protection Orders Intended to Prevent Mass Shootings: A Case Series*. Annals of Internal Medicine: 5 November 2019. Available at <https://doi.org/10.7326/M19-2162>

Beyond extreme risk laws, laws that promote safe firearm storage are effective at reducing “family fire,” which is a shooting involving an improperly stored or misused gun found in the home that results in death or injury, including suicides, unintentional shootings, and intentional shootings. 4.6 million children live in a home with an unlocked, loaded firearm,³¹ and every day, eight children and teens are injured or killed by family fire.³² Because suicide is often an impulsive act, safe storage saves lives.³³ More than 70% of the guns used in pediatric suicide attempts were stored in the child’s own residence, or the resident of a relative or friend.³⁴ By contrast, firearm owners who keep their firearms locked or unloaded were at least 60% less likely to die from firearm-related suicide than those who store their firearms unlocked and/or loaded.³⁵

Keeping guns locked and unloaded has also been found to have a protective effect against unintentional shootings and suicide among youth, reducing the odds of death by 73%; storing ammunition separately from a firearm reduces the risk of an unintentional shooting among youth by 61%.³⁶ Over 70% of kids know where the guns in their homes are stored, and 1 in 5 parents who said their child never handled guns without supervision were contradicted by their children.³⁷ More than 75% of school shootings are facilitated by kids having access to unsecured and/or unsupervised guns at home.³⁸

A modest intervention that motivates households to safely store guns could reduce youth firearm deaths by up to 32%.³⁹ Safe storage can also prevent guns from entering the illegal market. Gun thefts from cars, homes, and gun dealers are a large source of black-market guns.⁴⁰ Between 2010 and 2016, police recovered more than 23,000 stolen firearms, most of which were connected to kidnappings, armed robberies, sexual assaults, murders, and other violent crimes.⁴¹

³¹ D. Azrael, J. Cohen, C. Salhi, M. Miller. *Firearm Storage in Gun-Ownning Households with Children: Results of a 2015 National Survey*. Journal of Urban Health: 10 May 2018. Available at 10.1007/s11524-018-0261-7

³² End Family Fire. 2022. Available at <https://www.endfamilyfire.org/>

³³ E. Baca-García *et al.* *A prospective study*. July 2021.

³⁴ D.C. Grossman, D.T. Reay, S.A. Baker. *Self-inflicted and unintentional firearm injuries among children and adolescents: the source of the firearm*. Archives of Pediatrics and Adolescent Medicine: August 1999. Available at 10.1001/archpedi.153.8.875

³⁵ E.D. Shenassa, M.L. Rogers, K.L. Spalding, M.B. Roberts. *Safer storage of firearms at home and risk of suicide: a study of protective factors in a nationally representative sample*. Journal of Epidemiology & Community Health: 13 September 2004. Available at <https://jech.bmj.com/content/58/10/841>

³⁶ D.C. Grossman, B.A. Mueller, C. Riedy. *Gun Storage Practices and Risk of Youth Suicide and Unintentional Firearm Injuries*. JAMA: 9 February 2005. Available at <https://jamanetwork.com/journals/jama/fullarticle/200330>

³⁷ F. Baxley, M. Miller. *Parental misperceptions about children and firearms*. Archives of Pediatrics and Adolescent Medicine: May 2006. Available at <https://pubmed.ncbi.nlm.nih.gov/16651499/>

³⁸ T.D. Hobbs. *Most Guns Used in School Shootings Come From Home*. Wall Street Journal: 5 April 2018. Available at <https://www.wsj.com/articles/in-school-shootings-most-guns-come-from-home-1522920600>

³⁹ M. C. Monuteaux, D. Azrael, M. Miller. *Association of Increased Safe Household Firearm Storage With Firearm Suicide and Unintentional Death Among US Youths*. JAMA Pediatrics: 13 May 2019. Available at <https://jamanetwork.com/journals/jamapediatrics/fullarticle/2733158>

⁴⁰ Los Angeles Times. *Gun storage laws save lives, so why don't we have more of them?* 16 May 2019. Available at <https://www.latimes.com/opinion/editorials/la-ed-guns-children-suicides-accidental-shootings-gun-storage-20190516-story.html>

⁴¹ B. Freskos. *Missing Pieces*. The Trace: 20 November 2017. Available at <https://www.thetrace.org/features/stolen-guns-violent-crime-america/>

The House has already taken steps to address this issue by passing H.R.2377 (the Federal Extreme Risk Protection Order Act of 2021), which included H.R.3480 (the Extreme Risk Protection Order Act of 2021), as well as H.R.130 (Kimberly Vaughan Firearm Safe Storage Act, H.R.748 (Ethan's Law), and H.R.6370 (the Safe Guns, Safe Kids Act), which were included in H.R.7910 (the Protecting our Kids Act). All of these bills passed with bipartisan support.

Guns and Domestic Violence

In a country where one-third of women and one-quarter of men are victims of physical violence at the hands of an intimate partner in their lifetime, the issue of domestic violence cuts across racial, gender, economic, sexual, generational, and religious divides.⁴² On the whole, the number of individuals who experience this type of violence, and are killed in its course, is shocking. Between 2015 and 2019, an average of 556 women were killed by a husband or male dating partner with a gun each year, meaning a woman was killed by an intimate partner with a gun *every 16 hours*.⁴³ Black women are disproportionately the victims of fatal domestic violence with firearms, accounting for 58% of women shot and killed by a husband or intimate acquaintance in 2019.⁴⁴ The mere presence of a firearm is a key factor which can turn abusive partners into killers. A male abuser's direct access to a gun dramatically increases — by more than 1,100% — the likelihood that intimate partner violence he commits will become fatal.⁴⁵ Firearms also are used to intimidate, silence, threaten, or harass intimate partners as well.⁴⁶ In 2016, about 4.5 million American women reported that an intimate partner had threatened them with a gun.⁴⁷

Prior to enactment of the Bipartisan Safer Communities Act of 2022 (BSA), individuals had to be married to, live with, or have a child in common with a domestic violence victim in order to be prohibited from possessing firearms because of a misdemeanor crime of domestic violence conviction (commonly known as the “Boyfriend Loophole”). The BSA updated this language to include abusive dating partners, who will now be prohibited from possessing guns for five years — provided they are not convicted of a violent crime during that period. However, remaining legislative loopholes continue to put vulnerable populations in danger. Domestic violence records are much less likely to be detected by a background check due to inadequate reporting of domestic violence convictions by states.⁴⁸ Furthermore, abusers can currently access firearms through private sales, which are not subject to Brady Background Checks. The consequences of these loopholes extend beyond the home, affecting all of us:

⁴² M.C. Black et al. *The National Intimate Partner and Sexual Violence Survey: 2010 Summary Report*. National Center for Injury Prevention and Control, Centers for Disease Control and Prevention: November 2011. Available at https://www.cdc.gov/violenceprevention/pdf/misvs_report2010-a.pdf

⁴³ Violence Policy Center. *Female Homicide Victimization by Males*. Accessed 13 December 2022. Available at <https://vpc.org/revealing-the-impacts-of-gun-violence/female-homicide-victimization-by-males/>

⁴⁴ VPC. *Female Homicide Victimization*. 2022.

⁴⁵ C. M. Spencer, S. M. Stith. *Risk Factors for Male Perpetration and Female Victimization of Intimate Partner Homicide: A Meta-Analysis*. Trauma, Violence, & Abuse: 10 June 2018. <https://doi.org/10.1177/1524838018781101>

⁴⁶ M. Ewing. *An Estimated 4.5 Million Women Have Been Bullied with Guns by Abusive Partners*. The Trace: 3 October 2016. Available at <https://www.thetrace.org/2016/10/nonfatal-gun-use-domestic-violence/>

⁴⁷ S.B. Sorenson, R.A. Schut. *Nonfatal Gun Use in Intimate Partner Violence: A Systematic Review of the Literature*. Trauma, Violence & Abuse: October 2018. Available at <https://pubmed.ncbi.nlm.nih.gov/27630138/>

⁴⁸ D.W. Keck. *New BJS Report Tracks States' Reporting of Misdemeanor Convictions to NICS*. The National Resource Center on Domestic Violence and Firearms: 3 January 2017. Available at <https://www.preventdgunviolence.org/news/bjs-report-misdemeanors.html>

between 2014 and 2019, 60% of targeted mass shooting events were either domestic violence attacks/violence against women or perpetrated by someone with a history of such behavior.⁴⁹

Congress has already taken some bipartisan steps to address this issue by reauthorizing the Violence Against Women Act and by partially closing the dating partner loophole in the Bipartisan Safer Communities Act (S.2938).

Mass Shootings

Mass shootings are an ever-present threat to the safety of all Americans. Hundreds of incidents occur each year; at the time of writing, 2022 had seen 627 mass shootings,⁵⁰ a number that will undoubtedly and tragically become out of date within hours. Mass shootings account for a small proportion of shooting victims in the U.S. every year,⁵¹ but the profound psychological harm and loss of life, coupled with the broad, varied, long-lasting, and under-studied ripple effects of these events, make it abundantly clear that mass shootings not only have a devastating effect on survivors, their families and friends, and their communities, but have inherently changed the psyche of the country as a whole.⁵²

Weapons of war, including military-style assault weapons and large-capacity magazines (LCMs) known for their ability to exact maximum destruction and casualties, are often the guns of choice for mass shooters because they leave significantly less time for victims to escape or hide while a shooter stops to reload.⁵³ In May, the shooter at Robb Elementary in Uvalde used an AR-style weapon to murder 19 schoolchildren and two teachers.⁵⁴ Similar weapons were also used in Newtown, Orlando, Las Vegas, Sutherland Springs, El Paso, Buffalo, Highland Park, Colorado Springs, and many more. Easy access to these uniquely lethal weapons and LCMs is a consistent, and preventable, factor in mass casualty shootings.

The solutions to this issue are clear and proven: these weapons have no place on America's streets. During the decade that the 1994 Federal Assault Weapons Ban was in effect, gun massacres (defined as six or more people shot and killed) fell by 37%, and the number of people dying from gun massacres declined 43%.⁵⁵ In the decade after the ban expired, the U.S. experienced a 183% increase in such massacres and a 239% increase in fatalities.⁵⁶ Between 2009 and 2020, mass shootings involving assault

⁴⁹ J. Gu, *Deadliest Mass Shootings Are Often Preceded by Violence at Home*, Bloomberg: 30 June 2020. Available at <https://www.bloomberg.com/graphics/2020-mass-shootings-domestic-violence-connection/>

⁵⁰ Gun Violence Archive 2022. Accessed 13 December 2022. Available at <https://www.gunviolencearchive.org/>

⁵¹ B. Berkowitz and C. Alcantara, *The terrible numbers that grow with each mass shooting*, The Washington Post: 12 May 2021. Available at <https://www.washingtonpost.com/graphics/2018/national/mass-shootings-in-america/>

⁵² T. Best, *Trauma, anxiety and PTSD: How mass shootings affect mental health*, ABC News: 5 June 2019. Available at <https://abcnews.go.com/Health/trauma-anxiety-ptsd-mass-shootings-affect-mental-health/story?id=63491970>

⁵³ C. Canipe, L. Gamio, *What the deadliest mass shootings have in common*, Axios: 7 September 2019. Available at <https://www.axios.com/deadliest-mass-shootings-common-4211bafd-da85-41d4-b3b2-b51ff61e7c86.html>

⁵⁴ T. Langford, *Lawyers for 10-year-old victim zero in on marketing of gun used in Uvalde school shooting*, The Texas Tribune: 3 June 2022. Available at <https://www.texastribune.org/2022/06/03/uvalde-school-shooting-lawyers/>

⁵⁵ C. Ingraham, *It's time to bring back the assault weapons ban, gun violence experts say*, The Washington Post: 15 February 2018. Available at <https://www.washingtonpost.com/news/wnk/wp/2018/02/15/its-time-to-bring-back-the-assault-weapons-ban-gun-violence-experts-say/>

⁵⁶ *Ibid.*

weapons resulted in six times as many people shot as compared to incidents with no assault weapon. Shootings involving high-capacity magazines resulted in five times as many people getting shot.

The House has already taken steps to address this issue by passing H.R. 1808 (the Assault Weapons Ban of 2022) as well as H.R. 2510 (the Keep Americans Safe Act) and H.R. 3015 (the Raise the Age Act), both of which passed as part of H.R. 7910 (the Protecting our Kids Act). Each of these bills passed with bipartisan support.

Community Violence and the Disproportionate Impact on Communities of Color

While firearm suicide accounts for 3 out of 5 gun deaths in America, the opposite is true for the most disproportionately impacted communities of color; for Black and Hispanic Americans, most gun violence is interpersonal. The impact of gun violence on Black and Hispanic Americans is staggering. The gun homicide rate for Hispanics is more than double that for their white peers, and Black Americans are over 11 times more likely than white Americans to die by gun homicide.⁵⁷ Black men, who make up just 6% of the U.S. population,⁵⁸ account for 51% of all homicide victims,⁵⁹ and gun violence alone accounts for a four-year loss in life expectancy for Black men.⁶⁰ The largest share of these killings occur in urban communities – 80% of gun homicides occur in such areas.⁶¹ Gun violence is the leading cause of injury-related death for Black children and teens, who are 14 times more likely than white children and teens to die by gun homicide. Nearly 60% of Black adults know someone who has been shot, the highest rate of any demographic in the United States.⁶²

The repercussions in communities of color stretch well beyond the victims of gun violence themselves.⁶³ Communities burdened by fear and omnipresent shootings are not in a position to address quality of life issues, such as investment in collective spaces, that could actually address some of the root causes of gun violence. These impacted communities also bear numerous societal costs: depressed property values, lower rates of home ownership, fewer new retail and service businesses, diminished educational and economic opportunities, and lack of access to health care, healthy food, and social opportunities.⁶⁴ All of these effects then become root causes themselves, creating never-ending cycles of gun violence perpetuated by “solutions” that often rely on over-policing and over-incarceration. In order to address community violence, we must break these cycles.

Addressing community violence requires a two-pronged approach. We must address the root

⁵⁷ WISQARS Fatal Injury Data. CDC.

⁵⁸ The U.S. Census Bureau. *2021 Survey Data*. Available at <https://data.census.gov/>

⁵⁹ WISQARS Fatal Injury Data. CDC.

⁶⁰ B. Kalesan, M.A. Vyliparambil, Y. Zuo, J.J. Siracuse, J.A. Fagan, C.C. Branas, S. Galea. *Cross-sectional study of loss of life expectancy at different ages related to firearm deaths among black and white Americans*. BMJ Evidence-Based Medicine: 2019. Available at <https://ebm.bmj.com/content/24/2/55>

⁶¹ WISQARS Fatal Injury Data. CDC.

⁶² K. Parker, J.M. Horowitz, R. Igielnik, J.B. Oliphant, A. Brown. *America's Complex Relationship With Guns*. Pew Research Center: 22 June 2017. Available at <https://www.pewsocialtrends.org/2017/06/22/americas-complex-relationship-with-guns/>

⁶³ T. Abt, M. Martin. *Thomas Abt Talks New Book On Urban Violence, 'Bleeding Out'*. WAMU Author Interviews: 13 July 2019. Available at <https://www.npr.org/2019/07/13/741485111/thomas-abt-talks-new-book-on-urban-violence-bleeding-out>

⁶⁴ H.R. Waters, A.A. Hyder, Y. Rajkotia, S. Basu, A. Butchart. *The costs of interpersonal violence—an international review*. Health Policy: 6 January 2005. Available at <https://www.sciencedirect.com/science/article/abs/pii/S0168851004002805>

causes of interpersonal violence — the “demand side” — or the impetus of violence will remain uninterrupted. We must also address the unfettered flow of guns into impacted communities — the “supply side” — or efforts at violence intervention will be unable to overcome the readily-available means of violence.

Demand Side Approach - Community Violence Intervention

A “demand-side” approach involves addressing the root causes of interpersonal violence. Being shot, shot at, or witnessing a shooting doubles the probability that a young person will commit violence in the next two years, perpetuating this brutal cycle.⁶⁵ One of the most effective ways to interrupt this cycle is with the use of community violence intervention and interruption (CVI) programs, which approach violence reduction from a public health perspective, working to reduce violence — specifically gun violence — through measurable tactics. Communities have seen dramatic decreases in violence after funding community violence prevention and intervention programs, including hospital-based intervention programs.⁶⁶ In just one example, Richmond, California saw a 71% drop in gun homicides between 2007 and 2016 after investing millions of dollars into these types of programs.⁶⁷

A successful demand-side approach will recognize that many of gun homicide’s underlying root causes stem from systemic racism. As such, efforts to reduce racism in other spheres, including education, healthcare, and social mobility, can bolster community violence programs.

The House has already taken steps to address the “demand side” of community violence by passing H.R.4118 (the Break the Cycle of Violence Act) with bipartisan support.

Supply Side Approach - Gun Industry Oversight and Trafficking Prevention

Guns do not simply appear out of thin air into cities like Oakland, Baltimore, Chicago, and Washington, D.C. — all cities with strong gun laws and high gun violence homicide rates year over year. Instead, tens of thousands of guns are trafficked across state lines every year,⁶⁸ often from states with weak laws to states with much stronger laws.⁶⁹ Most cities impacted the greatest by gun violence have few, if any, federal firearms licensees (FFLs) within their city limits; rather, FFLs that are the sources of crime guns to these places typically sit outside the communities in less diverse and more affluent suburbs.

Crucially, though, just a small percentage of gun dealers are responsible for diverting guns to the criminal market. According to the latest available data, about 90% of crime guns can be traced back to

⁶⁵ J.B. Bingenheimer, R.T. Brennan, F.J. Earls, *Firearm Violence Exposure and Serious Violent Behavior*. Science: 27 May 2005. Available at <https://www.science.org/doi/10.1126/science.1110096>

⁶⁶ J. Purtle, R. Dicker, C. Cooper, T. Corbin, M. B. Greene, A. Marks, D. Creaser, D. Topp, D. Moreland, *Hospital-based violence intervention programs save lives and money*. Journal of Trauma and Acute Care Surgery: August 2013. Available at <https://journals.lww.com/10.1097/TA.0b013e318294f518>

⁶⁷ Richmond, California, Office of Neighborhood Safety. *2016 Annual Summary*. Accessed 13 December 2022. Available at <http://ci.richmond.ca.us/271/Office-of-Neighborhood-Safety>

⁶⁸ G. Aisch and J. Keller, *How Gun Traffickers Get Around State Gun Laws*, New York Times: 13 November 2015. Available at <https://www.nytimes.com/interactive/2015/11/12/us/gun-traffickers-smuggling-state-gun-laws.html>

⁶⁹ Department of Justice, *Data & Statistics: U.S. Firearms Trace Data by State*, Bureau of Alcohol, Tobacco, Firearms, and Explosives: Accessed 12 December 2022. Available at <https://www.atf.gov/resource-center/data-statistics>

roughly 5% of licensed gun dealers.⁷⁰ Gun tracing — the method for identifying a gun’s sequence of ownership from manufacture to first retail sale⁷¹ — is used to link a suspect with a firearm in a criminal investigation, to identify potential traffickers, and to detect in-state and interstate patterns in the sources and kinds of crime guns. Trace data used to be publicly accessible, pulling back the curtain on negligent and unlawful gun dealers, but the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has interpreted the Tiahrt Amendments as blocking it from releasing that data, shielding the industry from scrutiny.⁷²

Gun traffickers also obtain firearms through burglary and theft from FFLs that lack adequate physical security or recordkeeping. Nearly 175,000 firearms were reported “stolen or lost” by FFLs between 2004 and 2011.⁷³ and burglaries and robberies of FFLs increased 48% and 175%, respectively, between 2012 and 2016.⁷⁴ However, there are virtually no federal security requirements required of gun dealers to prevent theft. Furthermore, ATF, the only agency with oversight of the gun industry, is woefully under-resourced. Despite having a goal of inspecting all FFLs every five years, the agency has consistently fallen well short of that,⁷⁵ inspecting only 12% to 13% of all dealers, pawnshops, and manufacturers on average.⁷⁶ Less than 1% of the licenses of all FFLs inspected by the ATF in a given year are revoked,⁷⁷ despite widespread, documented noncompliance, and ATF supervisors also routinely downgrade penalties for dealers that break the law.⁷⁸

ATF consistently falls short enforcing the law against the gun industry, primarily because the gun lobby has tied the agency’s hands behind its back by denying it funding and hamstringing its leadership. Without a fully resourced ATF, the small portion of gun dealers who are diverting illegal weapons into communities will continue to go unchecked, driving up rates of violence and crime.

Congress has taken bipartisan steps to address the supply side of community violence through passage of S.2938 (the Bipartisan Safer Communities Act), which included anti-gun trafficking provisions from H.R.2280 (the Prevent Gun Trafficking Act) as well as redefinition of those required to obtain a federal firearms license to deal in firearms.

⁷⁰ Department of Treasury, *Commerce in Firearms in the United States*, Bureau of Alcohol, Tobacco, and Firearms: February 2000. Available at http://www.joebrower.com/RKBA/RKBA_FILES/GOV_DOCS/BATF_report_020400.pdf

⁷¹ Department of Justice, *National Tracing Center*, Bureau of Alcohol, Tobacco, Firearms, and Explosives. Accessed 12 December 2022. Available at <https://www.atf.gov/firearms/national-tracing-center>

⁷² W. Stachelberg, A. Gerney, and C. Parsons, *Blindfolded, and with One Hand Tied Behind the Back*, Center for American Progress: 19 March 2013. Available at <https://www.americanprogress.org/article/blindfolded-and-with-one-hand-tied-behind-the-back/>

⁷³ Department of Justice, *Review of ATF’s Federal Firearms Licensee Inspection Program*, Evaluation and Inspections Division, Office of the Inspector General: April 2013. Available at <https://oig.justice.gov/reports/2013/e1305.pdf>

⁷⁴ C. Parsons and E. Vargas, *Stolen Guns in America: A State by State Analysis*, Center for American Progress: 25 July 2017. Available at <https://www.americanprogress.org/article/stolen-guns-america/>

⁷⁵ DOJ, *Review of ATF’s Federal Firearms Licensee Inspection Program*

⁷⁶ Department of Justice, *Fact Sheet - Facts and Figures for Fiscal Year 2021*, Bureau of Alcohol, Tobacco, Firearms, and Explosives: August 2022. Available at <https://www.atf.gov/resource-center/fact-sheet/fact-sheet-facts-and-figures-fiscal-year-2021>

⁷⁷ *Id.*

⁷⁸ A. Watkins, *When Guns Are Sold Illegally, A.T.F. Is Lenient on Punishment*, New York Times: 3 June 2018. Available at <https://www.nytimes.com/2018/06/03/us/atf-gun-store-violations.html>

Gun Industry Accountability

A primary driver of gun violence in America is the irresponsible manner by which the gun industry conducts its business practices, supplying the criminal gun market and leading to communities becoming flooded with firearms. The unique and unprecedented protections granted to the gun industry in federal and state law present a major obstacle to gun violence prevention.

In 2003, the NRA worked with U.S. Representative Todd Tiahrt, R-Kan., to insert language into a government funding bill that restricted the ATF from publicly releasing firearms trace data, thereby hiding crucial information about the true origins of guns used in crimes from policymakers and the public.⁷⁹ In the two decades since, these “Tiahrt Amendments” have been interpreted to allow the ATF to shield the most negligent gun dealers from public scrutiny, such as the roughly 5% of licensed firearms dealers responsible for the sale of 90% of crime guns whose identities are blocked from disclosure.⁸⁰ Two years later, with the passage of the Protection of Lawful Commerce in Arms Act (PLCAA), the gun industry scored another major legislative victory at the expense of all Americans. PLCAA has been interpreted to provide firearms manufacturers and retailers protections from civil liability unheard of in any other industry in the country.

The unique protections afforded the gun industry shield it from the oversight to which every other American industry is subject, running counter to the fundamental principle that no one is above the law. They undermine victims of gun violence and remove key incentives for the gun industry to adopt life-saving business practices, a structure that has been present in, for example, the auto industry for decades.⁸¹ As the Superior Court of Pennsylvania recently recognized, PLCAA is unconstitutional because states have the authority not only to hold negligent gun dealers accountable in court, but to ensure that all victims have the right to seek civil justice against wrongdoers who cause them harm.⁸² The gun industry must be held accountable for its role in driving America’s gun violence epidemic; its special treatment must be revoked to ensure a level playing field by removing these undue protections and ensuring transparency.

Conclusion

American gun violence is a complex and multifaceted issue that will persist unless our elected leaders take action and embrace targeted solutions that address the root causes of gun violence and its various forms. Through legislative action there is an opportunity to change the trajectory of gun violence in the

⁷⁹ J. Eilperin, *Firearms Measure Surprises Some in GOP*, Washington Post: 21 July 2003. Available at <https://www.washingtonpost.com/archive/politics/2003/07/21/firearms-measure-surprises-some-in-gop/8d6d4334-2585-47c9-8485-5446334229df/>

⁸⁰ U.S. Department of Treasury, *Commerce in Firearms in the United States*, Bureau of Alcohol, Tobacco, and Firearms: February 2000. Available at http://www.joebrower.com/RKBA/RKBA_FILES/GOV_DOCS/BATF_report_020400.pdf

⁸¹ J. Vernick, L. Rutkow, and D. Salmon, *Availability of Litigation as a Public Health Tool for Firearm Injury Prevention: Comparison of Guns, Vaccines, and Motor Vehicles*, American Journal of Public Health: November 2007. Available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2040374/>

⁸² A. Frankel, *Federal gun liability shield law is unconstitutional - Pa. appeals court*, Reuters: 29 September 2020. Available at <https://www.reuters.com/article/legal-us-otc-plcaa/federal-gun-liability-shield-law-is-unconstitutional-pa-appeals-court-idUSKBN26K3K>

United States and lay the foundations for lasting positive change. And if we continue to do nothing, we can only expect to be here again ten years from now, asking the same questions yet again.

We are grateful that Congress was able to come together to pass the Bipartisan Safer Communities Act. This legislation will save lives, but we must recognize that it is a modest step forward and there is so much more that has proven to be effective in states across the country which could be implemented at the federal level.

I leave this committee with a final reminder that the decisions made here in Congress have tangible effects on all of our lives. Think of the more than 45,000 individuals who were killed by guns in 2020, and the two to three times as many individuals who have to live with the injuries from being shot. Think of the jarring fact that the leading cause of death of children in the U.S., for the first time in our history, is firearms. What I will think about is my wedding day, when on the most significant day of my life, there was an empty chair that my Mom should have been in. I'll think about all the times I've wanted to pick up the phone to tell her a story or hear her laugh. I'll think about how she has never held her grandchildren. I'll think about every milestone we have all been deprived of because of her absence on this earth. And, I'll think about the families this year that will have to live through Christmas without their child, and those from every year before it.

That is what the cost of inaction on this issue has looked like, looks like today, and will continue to look like until we work together to pass the things a majority of Americans agree on regardless of where they live, which party they vote with or whether or not they own a firearm. For those of us that have experienced gun violence, it is the ongoing wounds we live with every day that define our lives after those events, because we can never be the same. You have the collective power to prevent others from knowing that pain and trauma and future generations depend on your ability to do it. While I am grateful for the honor of this opportunity, it is traumatizing being here. It is traumatizing reliving these moments over and over. But we keep showing up so others don't have to know this reality.

I sincerely thank this committee for the opportunity to testify before you today and I am hopeful for a future where testimony like ours is not needed, and where the regularity of stories like ours are nothing more than a distant memory. Thank you again and I look forward to your questions.

Ms. JACKSON LEE. I'm angry. Legislators are not supposed to be enraged. We're supposed to simply just stand with stoic faces, let Witnesses pour their souls on the table.

First, let me thank all the Witnesses for your opening statements. The procedures ask me to say that we'll now proceed under the five-minute rule with questions. It's an impossible task, because none of you should be here. None of you should have to tell these stories. Most of all, the victims or the victims' family, or the survivors, or the Mata family, or Nicole.

Faith, could you tell me—and my time is only five minutes—more about those first days and weeks after you and your family lost your precious Tess?

Ms. MATA. Yes. So, after we lost my sister, we were flooded with family, friends, news media constantly coming and knocking on our door. My parents were not present the first two weeks, so I kind of took charge and was having to talk to family, friends, having to talk to news media, and having to ask for our own privacy.

You never think that you have to actually ask for your own privacy when you lose a loved one, but during a time like this we did. It was having to—we were basically having to navigate our own grief that was a public issue.

Ms. JACKSON LEE. How deep was the pain? How deep was the pain?

Ms. MATA. It hurts. I lost my other half. I lost my person. My parents lost their youngest kid. How do you not look at us or the other families of mass shootings and not feel for us?

Ms. JACKSON LEE. Do you think it was a kid that didn't behave that killed your sister, or was it an assault weapon that killed your sister?

Ms. MATA. I believe mental health played an issue. When we make it accessible for people with mental health problems to get these weapons, we're failing America. You failed my sister.

Ms. JACKSON LEE. Thank you.

Dr. Guerrero, a pediatrician has a happy job with happy faces from birth as you watch them grow up. I'm just going to have to ask, you have clinical experience, how bad were the wounds? I need you to describe how bad were the wounds that you saw?

I want everybody to see how many times this scene was repeated in Uvalde, how many times it occurred at Sandy Hook, children, and then we can go across the line from Pulse to El Paso. In this instance, caskets of children.

Could you explain that wound, please, from this type of weapon?

Dr. GUERRERO. Right. So, I think it's important for everyone to realize that there were two wounds that I saw, because there were only two kids that I saw at that point in time that made it to the hospital. Everyone else was dead in the classrooms.

The wounds I did see, as we saw from my previous testimony, a child that I wouldn't have recognized unless I saw pictures from before, from the award ceremony, because this child was headless, ripped apart. The other child had a chest wound so large you could probably put your hand through it.

So, it's very hard for me to understand when people try to say that these types of weapons cause the same kind of injury as a pistol or any other smaller caliber weapon does, because I think we

know that—or at least I know that’s possibly not even true. Again, I’d never seen a kid shot before, but these were devastating injuries that no one could have survived.

Ms. JACKSON LEE. Would you say the bodies were mutilated?

Dr. GUERRERO. Yes.

Ms. JACKSON LEE. Would you say that if someone had a pistol, that would have equaled what this weapon did to these bodies?

Dr. GUERRERO. No.

Ms. JACKSON LEE. Did you rush in as a first responder, really, to try and save lives?

Dr. GUERRERO. No. I was called in just to help in the aftermath because, like I said, there was no one being brought to the hospital that was savable whenever I got there, and I just happened to see these kids in the back that were already deceased.

The kids that survived, shrapnel injuries, injuries that were tolerable that they could get past. The kids that were directly shot were dead.

Ms. JACKSON LEE. Nicole, what are the fears, Ms. Melchionno, that you have even today? You’re a high school senior. Is that not correct?

Ms. MELCHIONNO. [Nonverbal response. Yes.]

Ms. JACKSON LEE. What are the fears you have today? What do you live with?

Ms. MELCHIONNO. When I was younger, I dealt with bad anxiety. I wasn’t really able to sleep very well for many years leading up to almost middle school.

I think to this day, the parallels between Sandy Hook and Uvalde just are a big eye-opener to America that we really haven’t done anything.

A lot of gun violence in our country is due to systemic racism. It’s due to poverty. It’s due to homelessness. We know a lot of that is very underrepresented in the media.

The fact that gun violence is the leading cause of death for children is unacceptable and leads everyone, the next generation, afraid to grow up in this country, to raise a family in this country.

Myself, my friends still deal with the trauma from that day. We’re all fighting, Newtown is still fighting 10 years later for change. It’s sad that it’s been 10 years and I have to sit here in front of you. Turning that trauma into action is not something that is easy to do, but we feel that it’s necessary to get anywhere.

Ms. JACKSON LEE. Thank you, Nicole.

I’ll finish very quickly.

Senator Gutierrez, you have reviewed the reports, watching body cam footage, speaking to the family members, when it comes to training our law enforcement officers respond to mass shootings. I just want to get past and get to the heart of it.

What the heck happened there, if you could, please?

Hon. GUTIERREZ. Chair, it was a system failure. It was communication failure. It was cowardice. It was, you name it, any number of things that happened on that day. As I’ve said before many times, this was the worst response to a mass shooting in our Nation’s history.

Ms. JACKSON LEE. What should the Federal Government do?

Hon. GUTIERREZ. One of the things that pervaded, Congresswoman, was a Federal agent went up to a DPS trooper. Nobody was in charge. Nobody took charge. One of the Federal agents said, "I'm waiting on my BORTAC team to get here. When they arrive," then he said, "I'm glad to help, whatever you need."

Then all of a sudden that became we're waiting on BORTAC. Prior to that, it was we're waiting on DPS. Prior to that, it was the sheriff. The sheriff says, "I wasn't in charge. DPS was in charge." DPS says the sheriff was in charge.

It all started with the story that this was all—the guy that was supposed to be in charge was the school cop. No one took charge.

The sad part about these types of events is they don't happen in a vacuum. Had this young man not had access to this type of weapon, all those failures wouldn't have made a difference, but he did. He waited until his 18th birthday to get them, because he had tried and failed prior to that. Unfortunately, in Texas, you can get this type of weapon at the age of 18.

Ms. JACKSON LEE. Let me thank you for your testimony as I yield to—

[Audio recording played.]

Ms. JACKSON LEE. That is from a child in the room.

Mr. Biggs, you are now recognized.

Mr. BIGGS. Mr. Owens is our first.

Ms. JACKSON LEE. You are now recognized.

Mr. OWENS. Thank you, Madam Chair.

I also want to thank the Witnesses here today.

The violence and senseless murders that occurred in Uvalde, Texas, were horrific. As a father of six and a grandfather of 16, my heart will always be heavy for those lost children that day.

Following the Uvalde tragedy, my hope was that Congress would examine both the root causes of this violence and ways to strengthen our communities to make our schools physically safe.

Unfortunately, my colleagues on the other side of the aisle put forth a hasty, partisan, and overreaching package of gun control bills that it developed without any Republican input.

Today's hearing seems to be more of the same for the Democrats, beating a drum of restricting constitutional rights of law-abiding citizens while ignoring other contributing factors, leading to the increase of violence, and ignoring commonsense solutions that should be bipartisan.

For example, in June, I introduced a Securing Our Students Act. This bill would have redirected billions of dollars of unused and already allocated funds from the American Rescue Plan to each district throughout our country. It would have provided safety, based on their customized needs, whether it be hard infrastructure, innovative software, or security personnel. If brought to the floor and passed, it would have guaranteed the conversation we're having today would never happen again.

I was disappointed but not surprised that the Securing Our Students Act wasn't even considered by my Democratic colleagues. The safety of our children should be, as adults and parents, our number one priority. In this case, the Democratic majority purposely ignored the solution, keeping our children today at risk, all to their religious zeal and priorities for gun control.

Another bill that should have had bipartisan support was the Luke and Alex School Safety Act introduced by Representative Mario Diaz-Balart in February of last year. This bill would have established a clearinghouse, a national database of school safety best practices, which would have been available to schools, law enforcement agencies, institutions of higher learning, and to the public.

Again, the Democrats declined to bring this bill to the floor for discussion or a vote.

There are root causes that my colleagues on the other side refuse to address, possibly because of the decades of anti-family policies that have gotten us here.

I am grateful to my friend Jack Brewer for joining us today and having the courage to tackle this topic. Jack and I have a lot in common, both proud conservative Black men, both former NFL players, and most importantly, both passionate about shining a light on the plague that has infected our country of sorry, self-centered, and cowardly men who, with no shame, abandon their children and families.

I am proud to work with Mr. Brewer on H.R. 1180, a fatherhood initiative that simply states fatherhood is essential to the development of all children and that the increased involvement of fathers in the home will lead to economic prosperity, educational excellence, and improve social mobility for children across all racial and ethnic groups.

With the remainder of my time, I'd like to give Mr. Brewer the opportunity to respond to the following questions. How does the absence of fathers in the home contribute to the violent behavior in adolescent males? What are some of the other contributing factors?

Mr. BREWER. Thank you, Congressman Owens.

I serve a number of fatherless kids every day, particularly in the State of Florida, and I also serve in prisons across the country. So, looking in the eye of men who have actually pulled the trigger, firing illegal guns, shooting at each other, killing people, and asking them, not asking myself what I feel and what policies and what changes can be made, but actually asking them: Why and how? How can we actually solve these issues versus being partisan?

Fatherhood is essential. We see it. If we don't do something about this epidemic—if this was anything else, we would have already addressed it as Americans.

When you look across and see 18.6 million fatherless kids in our Nation, it should make our stomachs hurt. The fact that every time we look up and see someone do a mass shooting, they never have a strong-handed daddy in their life.

At what point are we going to be brave enough to address those root causes?

I go to prisons every week. I'll be in another one next week. So, I'm crying out for those guys in the prisons, because at the end of the day they're growing up in poverty. They're growing up without parents. These kids are hurting. These are Americans.

So, if we continue to put billions of dollars into our criminal justice system without putting any money into rehabilitation programs, without putting any money into programs that are going to make sure that our fatherless population have strong men who can

mentor them, who can help them academically in school, who can run sports programs.

We have a Nation in crisis. We're confusing our kids with all these policies that are anti-family and anti-God.

So, Mr. Owens, I'll yield back, but I just want to thank you for your bravery. There's a lot of young boys that look up to the Super Bowl champion that sits in these Halls of Congress. You continue to fight for the real solutions.

They're not popular. Trust me. I get bashed. I'll get bashed today for just being here. I'm okay with that, because the God I serve is much bigger.

Congressman Owens, thank you so much for this opportunity.

Mr. OWENS. Thank you. Thank you, Mr. Brewer, for your leadership, your vision, and for being a voice in the wilderness. Thank you, my friend.

I yield back.

Ms. JACKSON LEE. Thank you both very much.

As I yield to the Chair of the Full Committee, we have just passed a One Stop Shop that deals with a lot of those issues. Thank you.

I yield to the Chair of the Full Committee, the distinguished gentleman from New York, Mr. Nadler.

Chair NADLER. Thank you, Madam Chair.

Chief Holt, we've just heard testimony from Mr. Brewer that the causes of our gun violence problem are a lack of fathers and from Professor Lott that there's no effective difference between an AR-15 and a single-shot gun.

Could you comment on this testimony, please?

Chief HOLT. In my experience of law enforcement, I think there's a huge difference between an AR-15 assault weapon and a nine-millimeter, a .38 revolver.

I think the key is my officer was killed with an assault weapon recently as two months ago while responding to a Detroit police assist where a high-power pistol with an extended magazine shot an officer and killed him from the balcony of an apartment building. He was lured into this trap.

I think there's something to be said for a strong family background. I don't think that is the solution to what we're facing right now with gun violence in the United States, and particularly in my city.

Chair NADLER. Thank you very much.

In other words, this testimony is, with respect to the prevention of gun violence, idiotic, and I agree with you on that.

Mr. Heyne, this year we were able to make some progress on gun violence with the passage of the Bipartisan Safer Communities Act, yet there's still much more to be done to prevent gun violence.

If this legislation gets implemented, how will it make our communities safer? What will happen if we don't take additional actions to build on the Bipartisan Safer Communities Act, such as the legislation that passed in this House but not in the Senate?

Mr. HEYNE. Yeah, thank you so much, Chair Nadler, for the question.

The Bipartisan Safer Communities Act is a really important step, I would say a number of policies and a package that undoubtedly is going to save lives. It's not going to solve gun violence overnight.

I would actually mention the fact that the universal background check, something that 90 percent of Americans support, what would serve as a foundation for all gun laws to function, was off the table during that negotiation.

So, while we were incredibly excited about things like addressing the dating partner loophole, the historic funding for extreme risk law implementation, funding for community violence intervention programs, which addresses a lot of the root causes that we're talking about, community investments to address the cycles of gun violence, all that stuff is going to have tangible impacts in communities, but we do have a lot more to do to address gun violence in all its forms. This Committee has done an incredible job of putting some of those solutions forward.

Chair NADLER. Thank you.

Chief Holt, unarmed bystanders disarmed the shooter at Club Q in Colorado Springs and law enforcement was on the scene within minutes, yet five lives were still lost.

What does this say about the limitations of law enforcement when we allow assault weapons in our communities?

Chief HOLT. I think the issue to respond to that question, and I'm going to respond to it as how we train and how we respond to something like that.

Proper training, preparation, resources, you can prevent these incidents or allow you to respond to these sorts of incidents.

The incident that happened in Uvalde has been discussed, examined, dissected, and results given. I think what we do, when you have an active shooter like that with an assault weapon, we don't stand by. We go in, with our training and with the proper resources, to neutralize that threat and prevent any more collateral injuries such as took place there.

Chair NADLER. Thank you.

Ms. Melchionno, when you went through this experience, you were seven-years old. As you've grown older, there have been other school shootings, Parkland, Santa Fe, Oxford High School, and Uvalde. Each of these was a mass shooting on a school campus, two of them with assault rifles and high fatalities, just as you experienced.

What was it like to hear about these events?

Ms. MELCHIONNO. It was definitely retraumatizing. The parallels between Uvalde really uncovered a lot of trauma that I had experienced in the past.

Growing older with these memories that I experienced on December 14, 2012, they're always in my mind. As I grow older, processing it over and over again is hard, because you think of it in different ways and you understand it in different ways, and it makes you question why we keep allowing this in our country and we don't take any action.

Parkland was one of the first times when I really questioned why we choose to live like this in our country. We know that a lot of these shooters are obtaining these AR-15s and their guns legally, and we need to implement change to make it harder.

Chair NADLER. Thank you, and I yield back.

Ms. JACKSON LEE. The gentleman yields back.

As I yield to Mr. Steube for his time, I want to thank all the Members that have come to this hearing and recognize the gravity of this issue. Thank you.

Mr. Steube, you are recognized.

Mr. STEUBE. Thank you, Madam Chair.

Chief Holt, isn't it true that the functionality of a semiautomatic handgun is exactly identical to the functionality of a semiautomatic rifle?

Chief HOLT. That is true.

Mr. STEUBE. So, you would actually agree with Mr. Lott's statement that was earlier mischaracterized by the Chair that a semiautomatic handgun, regardless of the caliber—.9 mill—we don't have to get—we could do that argument for hours—regardless of the caliber, a semiautomatic handgun operates, every time you depress the trigger a round comes out, functions exactly identical to a semiautomatic rifle.

Chief HOLT. Well, I don't agree with part. What I don't agree with—

Mr. STEUBE. All I'm asking is, is a semiautomatic rifle, every time you pull the trigger a round comes out, correct?

Chief HOLT. The same as a revolver, yes.

Mr. STEUBE. Thank you. So, you agree with the way that Mr. Lott characterized that. I've been in elected—

Chief HOLT. No, I don't—

Mr. STEUBE. I'm sorry?

Chief HOLT. No, I do not agree with it. I think what he was characterizing—

Mr. STEUBE. No, a semiautomatic rifle and a semiautomatic handgun function exactly the same. Every time you depress the trigger, a round comes out of the chamber. Is that correct?

Chief HOLT. As well as a revolver and a single-shot gun.

Mr. STEUBE. Thank you.

So, I've been in elected leadership for 12 years. When I first got elected in 2010 to the State House, Sandy Hook happens shortly after I was in the State House. Being a former military guy who served in a deployed environment and wanted to find solutions to problems, I started doing research, like a good lawyer does.

I saw that in Florida at the time, all these shootings that were occurring nationwide were happening in gun-free zones, especially in schools, where you have those perpetrators who want to go in and kill as many defenseless children as possible are going to go to a place where they know that people aren't armed. At the time in Florida, we didn't have school resource officers in every single one of our elementary schools.

So, I filed a bill that would do away with gun-free zones specifically in our schools and develop a policy and a program—I actually worked with Sheriff Demings, Val Demings' husband, on this with the Sheriffs' Association—where we would have certified law enforcement officers with concealed carry permits that would go through a specific gun safety, school safety course, just like the SROs go through, and put those individuals in our school. Former, current military, former, current law enforcement, they would go

through a training course that would be able to respond to these types of incidents.

Because what Mr. Lott's research has shown—and this is from his—this is today—94 percent of mass shootings between 1950–2019 occurred in gun-free zones. That is a fact. Sandy Hook was a gun-free zone. Pulse Nightclub was a gun-free zone. Parkland was a gun-free zone. The FSU shooting that we had in Florida was a gun-free zone. Uvalde was a gun-free zone.

Regardless, we will never get evil people out of this world, and regardless of what tool they're using to accomplish the evil they intend on accomplishing, by not having somebody there who is properly trained, who is armed to be able to respond to these types of atrocities, is what is putting all our children in these horrible situations.

I fought hard to get that change in Florida. I believe if that bill would have been passed before Parkland, those kids in Parkland would have been saved because that shooter would know that if he was going to that school there's going to be armed, trained people on the other side that could respond to that.

So, I want to thank—and I'll yield the remainder of time to Mr. Lott to comment specifically on the gun-free zones and through acts of Congress of what we've done to make gun-free zones a target for these perpetrators, who know that when they walk into a school grounds there's not going to be anybody there that's going to be able to respond in a timely manner.

In Florida and in my district, the average response time is 2–4 minutes, depending on where law enforcement is. We all know how quickly the travesties of this evil can occur in such a short period of time by not having somebody armed and trained and able to respond.

Mr. Lott, I will yield the remainder of my time to you.

Mr. LOTT. Thank you.

Look, you can just read the diaries and manifestos that these killers leave behind. They make it very clear. They're not stupid. Their goal is to go and kill as many people as possible. They know if they go to a place where victims can't defend themselves, they're going to be able to go and kill more people.

We looked at all school shootings of every type, from an accidental discharge all the way up to a mass public school shooting, from 2000 on. There are 20 States that have armed teachers. It varies, the percentage of schools in different States, but you're talking about literally thousands of schools.

Yet in that entire time, there has never been one single attack where anybody has been killed or injured during any school hours where teachers and staff are able to carry. Every single one of the attacks where anybody has been injured or killed have occurred in schools where guns are banned.

Would you rather have a sign in front of the school that says "this school is a gun-free zone" or would you rather have a sign in front of the school that warns potential attackers that someone, someone that they can't identify beforehand, is going to be able to possibly stop them?

You know, having one officer at a school in uniform, they have an almost impossible job. It's like putting somebody there with a

neon sign that says “shoot me first” if there’s going to be an attack, because they know if they take out the one person in uniform, they’re going to have free rein to go after other people that are there.

Just read the manifestos. Read the diaries. These guys go in extreme detail into explaining why they pick the targets that they do. They’re not stupid. Their goal is to get media attention, and they know the more people they kill the more attention they’re going to get.

Mr. STEUBE. Thank you for being here.

Ms. JACKSON LEE. The gentleman yields back.

Noted for the record that since the killings in Sandy Hook, 25,000 children have died by gun violence, which evidence that wherever we are they’re making schools a combat zone. Armed persons will do that.

Let me yield five minutes to the gentlelady from Pennsylvania, Congresswoman Dean. Thank you.

Ms. DEAN. I thank you, Madam Chair. Thank you to you and to our Chair of the Full Committee for always focusing on the issue of gun violence and for wanting to make a difference and finally this year making a very small difference.

I thank more the testifiers in front of us. For those who have lost so much, families from Uvalde, Sandy Hook, and neighborhoods around this country, I thank you so much.

Ms. DEAN. I always start with the notion of what John Dunn said so many centuries ago.

Don’t ask for whom the bell tolls. It tolls for thee.

It tolls for every single one of us, every time a family member is struck down by violence. Why I so value what you have said to us, I’m actually going to ask you to reflect back to me what you’re hearing here today.

In the face of such loss, in the face of something that is man-made and, therefore, could be man-solved, you are hearing that the root cause of massacres across this country like no other industrialized country suffers is evil. It’s mental illness. We need more paddles and prayers. There are too many single moms raising children.

Really? Do we have greater evil here? Do we have greater mental illness here? Do we struggle with families and holding families together and proud mothers and fathers who raise children sometimes as single parents? Really?

We heard testimony of a headless child. We’re going to talk about paddles and prayers might solve this problem? Where have we lost our humanity?

Early on in this testimony, you heard from the Ranking Member. His focus, his worry is that we are trying to emasculate the Second Amendment. My, oh my, to deprive a man of his male role or identity. May not anyone’s masculinity be connected to slaughter of children in our country.

So, I ask you respectfully, please. Please know I respect all of you. When you hear this set of arguments, can you reflect back to me how we bridge the divide, how we really want to work this Congress and next Congress with Members across the aisle to find the love and the humanity, to find solutions to this manmade problem?

So, Faith, may I begin with you? When you hear this set of arguments, what do you think?

Ms. MATA. I think it just upsets me because it shouldn't be between two parties. It should be the fact that Americans are dying every day. Children in America are dying. You're arguing over the fact of, well, if we take away this gun, we're taking away our Second Amendment laws. That's not the issue. The issue is, is your people are dying, you are the leaders, and you aren't doing anything about it.

Ms. DEAN. Thank you.

Dr. Guerrero, what do you think?

Dr. GUERRERO. I think it's disturbing on my end because as a pediatrician, you also see the parenting side of these kids in your clinic every day. I have plenty of kids that suffer from mental illness that end up being in institutions, end up as bad kids, that had great parents, both mom and dad, day in and day out. The parents are at wit's end, saying, I don't know what the hell to do with this kid. It's not that I did anything wrong or didn't raise them correctly. What is just it. Right?

As I mentioned earlier, with the shootings at Pulse and at Club Q and El Paso, I want to focus on that on this side. I'm a proud gay man. I'm a proud Mexican American. I'm also a proud Uvaldian. So, all three of these tragedies angle in at me at some root.

So, don't sit here and tell me it's because this kid wasn't raised right or because, they were suicidal, went through depression, didn't have a therapist. Yeah, maybe that all has a part of it. Every single one of these people, every single one of these monsters had access to this type of weapon.

Ms. DEAN. In the remaining time, I thank you.

Senator Gutierrez, I'm joined here today by my friend, Representative Matt Bradford from the Pennsylvania House of Representatives. He's our Democratic leader in the House. I served with him there. We formed the PA SAFE Caucus after Sandy Hook 10-years ago.

What's your reaction when you hear this ridiculous clash of arguments?

Hon. GUTIERREZ. Congresswoman, it's outrageous.

At the end of the day, an 18-year-old accessed a militarized weapon on his 18th birthday and again, the next day, and then again, the next day. The fact is 18 States have age limits.

You passed a bill in the House with an age limit to 21. In the Senate, compromised by a bipartisan bill, stripped that out. The fact is, if America saw how this young man accessed these weapons, you would be disturbed and disgusted about an 18-year-old going in to buy these types of weapons. Seventy-five percent of Republicans want age-limit increase. Your constituents want an age-limit increase to 21.

Jesus Christ, he was a fixer. He wasn't a prayer. There's only one time in the Bible he said he needed to pray, and that was the day before he was arrested. He said let's pray. The fact is he fixed things. He did things. He said let's do something. Let's be kind to immigrants. Let's save kids. Let's protect kids. He was a doer.

You're doers. You're fixers. That's what people elected to you do, and now it's time to do something, not to do something for the moneyed interest. We all know about the money in this room, and we know all about the gun lobby in this room.

That's the truth.

Ms. DEAN. I pray that in this upcoming Congress we will find the power to work together to solve this problem because 97 percent of gun owners want us to solve this problem.

I yield back.

Ms. JACKSON LEE. I thank the gentlelady.

That is the cause and reason of this hearing, and I look forward to that work.

I yield to Judge Gohmert.

Mr. GOHMERT. Thank you.

I do have great sympathy for the victims, victims' families represented here. As a former felony judge, I've seen the worst of the worst. Anyway, my heart goes out to you. The issue here is what to do about it.

Mr. Lott, do you have any statistics on what percentage of Americans want to see limitations on gun rights?

Mr. LOTT. Yes. Thank you very much.

A lot of the surveys that have been mentioned so far, I think are pretty misleading.

So, earlier it was mentioned about support for red flag laws, for example. If you look at surveys, they'll go and say by two to one, Americans support red flag laws. The problem is the way the questions are asked in all these things makes a huge difference.

So, for example, for red flag laws, they'll say: Do you support judges being able to temporarily take away a person's guns who is a danger to themselves or others? Most people think that's reasonable. The problem is—

Mr. GOHMERT. Well, actually, most places that's the law.

Mr. LOTT. Right. Yeah, I understand. It's already the law even without red flag laws because you have involuntary commitment and other types of laws.

Mr. GOHMERT. That's right.

Mr. LOTT. The point is that if you merely tell them two things about red flag laws, one, that there's no hearing that occurs before the judge takes away the weapons and that there are no mental healthcare professionals involved in the process, unlike involuntary commitment, you end up going from two to one support to almost two to one opposition.

Take something like—

Mr. GOHMERT. Thank you. I just wanted to touch on that, but—

Mr. LOTT. Sure.

Mr. GOHMERT. This is such a critical issue.

Reverend Brewer, I appreciate your work. I've seen it over and over in our prisons in Texas. The least recidivist rates occur where there has been Christian mentoring and follow up, and it's been amazing. Unfortunately, a lot of places ban that.

You mentioned about the high percentage of fatherless children that are involved in these kinds of violent attacks. It goes deeper than that, and I know you agree with me, going back to John Adams who said:

We have no government armed with power capable of contending with human passions unbridled by morality and religion. Avarice, ambition, revenge or gallantry would break the strongest cords of our Constitution as a whale goes through a net. Our Constitution is designed only for a moral and religious people. It is wholly inadequate for any other.

That's what it comes down to. More than just fatherlessness, we have started teaching children that there's no absolute right and wrong. What feels good is probably okay. We've got schools that are grooming children to be what our current laws say is sexual assault of a child, and it's going on publicly.

Our morality as biblical Judeo-Christian morality has gone out the window. So, that is the common thread that I have seen.

I agree with the people here, but to this extent. If we're not going to get back to teaching morality, Judeo-Christian principles on which we were founded, as Alexis de Tocqueville said, wow, this is amazing. He said in Europe, religion, Christianity and freedom, go two different directions. In the United States, they're inextricably woven together.

We've got to get back to teaching there is a right or wrong, or I agree with everybody here. We're going have to get rid of the Second Amendment. We're going have to get rid of freedom of speech. We're going have to get rid of freedom of assembly. This Constitution won't work the way we are teaching children.

I give you the rest of my time to elaborate on that.

Mr. BREWER. Thank you, Mr. Gohmert.

I mean, I have been working on these issues with my hands for a long time. My question is: How many of the folks behind that—in Congress, have actually been in the prison actively and going to the inner cities actively?

So, for me to be called, my ideas to be called idiocy and to be made a mockery in front of the Nation, I know that I'm taking that persecution in the name of Jesus because I hear a lot of flesh talk. I don't hear any spirit talk.

Spirit talk says that we cannot solve things of the flesh with the flesh. These things of the spirit must come in. When you pull a trigger and mass shoot somebody, you are spiritually weak. For us to sit here, as we look and see that 82 percent of people that commit mass shootings are fatherless, to not look at that as a root cause to me is idiocy.

So, when we start talking about our kids, look at what's happening in our public schools. A lot of our public schools' kids are reading three and four grade levels below their proficiency. They don't have dads at home to hold them accountable.

So, to say that this doesn't play in to why we have so much gun violence in our streets makes no sense. Go into the prisons and talk to the people who are pulling the trigger. I am here, speaking for them because I serve them every day. The reason, the only way that they rehab is through the Word of God. We don't teach God in our schools anymore. We don't even teach the Ten Commandments. Most kids don't even know the Ten Commandments.

So, they don't have a fear of God. If you don't have a fear of God, there is no way that you are going to be able to go into a society and promote any type of righteousness. We are morally weak as a Nation right now, and I think we put that front and center for the American people to see that we have certain people in our govern-

ment that do not want to stand up for the Word of God. That is called the Antichrist.

I yield back, Mr. Gohmert.

Mr. GOHMERT. Thank you.

My time has expired.

Ms. JACKSON LEE. Ladies and gentlemen, we have votes ton floor of the House. I know the gentlelady from Pennsylvania was poised, but we are at a point now where we think that we will start the gentlelady at the opening back after votes.

Ms. SCANLON. Okay. Whatever you need.

Ms. JACKSON LEE. We would appreciate your graciousness.

So, at this point in time to the Ranking Member, the Committee now stands in recess.

The Witnesses will return at the call of the Chair, and they will be notified by respective staff.

Again, I thank the Witnesses very much. The hearing is now only in recess.

[Recess.]

Ms. JACKSON LEE. The hearing dealing with Uvalde, the search for a bipartisan solution to gun violence, has now come to order.

I will yield at this time to the gentlelady from Florida, Ms. Demings.

The gentlelady is recognized.

Out of the friendship and collaboration, I will yield to the gentlelady from Pennsylvania, Ms. Scanlon, for her time.

Thank you so very much.

Ms. SCANLON. Thank you, Chair Jackson Lee.

Thank you for calling this hearing and to all our Witnesses for testifying here today.

Yesterday we marked the 10th anniversary of the devastating shooting at Sandy Hook Elementary School, and today we reflect on the tragedy earlier this year at Robb Elementary School in Uvalde that took 21 lives and wounded many others.

Our children deserve bright futures, not the traumatization of active shooter drills or actual active shooters, while learning their ABC's. Far too many lives have been cut short by senseless gun violence.

Faith Mata, I, too, am tired of hearing the stories of victims, although I'm incredibly grateful to you and your parents, to Nicole and her colleagues from Sandy Hook, and all the families impacted by school shootings in Uvalde, Parkland, Sandy Hook, and Columbine and beyond, in communities of faith, in Charleston, Texas, Minnesota, and more, the families of shoppers in grocery stores from buffalo to Boulder, and relatives of victims of shootings at places of entertainment in Orlando, and Colorado, and Peoria, as well as to the advocates in my district and communities across America who've experienced gun violence, but turned that experience into action and advocacy for their communities.

Today's hearing has been called to explore whether there are bipartisan solutions to gun violence. I would welcome actionable, real suggestions from our colleagues across the aisle based upon actual data and facts. If they don't have real solutions, then I think it's important that all Americans know that.

One of the issues we have been devising bipartisan solutions is we have to work from a shared set of facts. I appreciate the perspective of several of our Witnesses who have shared recommendations based upon verifiable data and evidence.

We know what the problem is, as Dr. Guerrero notes. Guns are now a leading cause of death among children in our country, not any other country. More and more Americans of all ages have become victims of gun violence, including myself. It shouldn't surprise anyone that in the country that has more untraceable guns and unregulated gun users per capita than any other industrialized country in the world also has the highest rate of gun violence per capita.

Now, at the outset we need to confront the myth that the Second Amendment bars any restrictions on the possession or use of any guns by any person, a myth perpetuated by the gun industry while reaping billions in profits. In fact, the Second Amendment is not a suicide packet and, like every other part of the Constitution, is subject to qualification in certain circumstances.

What we don't need is pseudoscience or deeply flawed research that's been repeatedly debunked over several decades as is unfortunately the case with Mr. Lott's research.

Senator Gutierrez asked: How many children have to be murdered before we're willing to ban the chosen weapon of school shooters? How many people have to be killed before we take reasonable steps to end murder? I would add, prevent suicide.

In the 116th and 117th Congress, my colleagues and I have proposed legislation to implement evidence-based solutions to prevent gun violence, which are both constitutional and broadly popular with Americans including universal background checks, a ban on assault-style weapons, extreme risk protection laws and safe storage laws. We need to enact those laws.

One area where I am in agreement with our colleagues is that it's important that we enforce the laws that are already on the books to the fullest extent possible, although that alone is insufficient. Unfortunately, decades of underfunding and legislative roadblocks have made it impossible for the critical Bureau of Alcohol, Tobacco, and Firearms to fulfill its duties when it comes to keeping guns out of the wrong hands.

Mr. Heyne, earlier this year, your organization published a report entitled, "Uncovering the Truth about Pennsylvania Crime Guns," that tracks guns recovered in crimes traced to gun dealers in the Commonwealth of Pennsylvania. One of the most striking things in the report is that 90 percent of these guns can be traced to a handful of Pennsylvania's gun dealers.

Can you elaborate a little bit on the findings around these numbers and tell us what the problem here is?

Mr. HEYNE. Yeah, absolutely.

Thanks so much for the question, Congresswoman.

I couldn't agree with you more. We talk a lot about gun violence and solving for gun violence in terms of who's pulled the trigger, and what we don't ask enough at the time is: Where did the gun come from?

That Pennsylvania report made it really clear. A more jarring statistic is that 50 percent of the guns that were recovered in Penn-

sylvania, of the near 100,000, 50 percent of them came from only one percent of Pennsylvania dealers.

This is a very solvable problem. If we make tactical law enforcement investments to go after these individuals, these negative and irresponsible dealers, we can have a tangible impact on the flow of illegal guns. There are too many communities where it's easier to find a firearm than it is to find fresh produce, and these are not things that grow on trees.

So, we have got to enable ATF to do their job and to go after these irresponsible and negligent dealers.

Ms. SCANLON. Thank you.

Madam Chair, I see that my time has expired.

I would like to request unanimous consent to insert into the record the report we were just discussing, "Uncovering the Truth about Pennsylvania Crime Guns."

Is that for unanimous consent?

Ms. JACKSON LEE. Without objection, so ordered.

Ms. SCANLON. I'd also like to submit for the record a November 3, 2022, article from *The New Yorker* entitled, "The Shoddy Conclusions of the Man Shaping the Gun-Rights Debate. John Lott is the most influential pro-gun researcher in the country. But his methods and findings have been repeatedly debunked."

Ms. JACKSON LEE. Without objection, so ordered.

[The information follows:]

MS. SCANLON FOR THE RECORD

***UNCOVERING THE
TRUTH ABOUT
PENNSYLVANIA
CRIME GUNS***





Brady's analysis in this Report is based on publicly available information posted on the Pennsylvania Office of Attorney General's Pennsylvania Gun Tracing Analytics Platform. Brady assumes the data set is accurate as of August 2021 for purposes of publishing this report. A copy of the data set as downloaded is available on file with the author.

ABOUT BRADY

Founded in 1974, Brady works across Congress, courts, and communities, uniting gun owners and non-gun owners alike, to take action, not sides, and end America's gun violence epidemic. Our organization today carries the name of Jim Brady, who was shot and severely injured in the assassination attempt on President Ronald Reagan. Jim and his wife Sarah led the fight to pass federal legislation requiring background checks for gun sales. Brady continues to uphold Jim and Sarah's legacy by uniting Americans from coast to coast — red and blue, young and old, liberal and conservative — against the epidemic of gun violence.

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INTRODUCTION

Every gun on our streets starts somewhere, and the overwhelming majority have their origins in the legal marketplace. Understanding how guns — particularly those that have been diverted from legal commerce to the underground market — make their way to crime scenes is essential to crafting evidence-based and life-saving solutions to the American gun violence epidemic. There is — or should be — nothing controversial about this tracing approach. Epidemiologists and other scientists routinely study the origins of public health challenges in order to develop effective solutions, treatments, and preventative measures. It is a key component of the scientific method.

Unfortunately, the best national data on the sources and paths of crime guns has been hidden from researchers, journalists, and the general public for nearly two decades. The gun industry successfully pushed the federal government to restrict public access to this critical gun trace data, and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has aided the industry's efforts by adopting an overly broad interpretation of those regulatory restrictions. Although some state and local law enforcement agencies have released gun

trace data in the last 20 years, the amount has been insufficient to develop the comprehensive, life-saving solutions that we need.

In this report you will find an analysis of the most important gun trace dataset to be publicly available in decades. Attorney General Josh Shapiro of Pennsylvania has released trace data for 186,000 crime guns from over 150 law enforcement agencies in his state, allowing the public to identify, for the first time in decades, which gun dealers appear to supply the most guns to the illegal market. This data is publicly available on the [Pennsylvania Gun Tracing Analytics Platform](#).

It is very important to note that the gun tracing dataset, while extensive, is not comprehensive. It does not include crime guns recovered by local Pennsylvania law enforcement agencies that have opted against sharing trace data. For that reason, the findings in this report are not the definitive picture of crime guns in the state.

However, this dataset should nonetheless enable the public, policymakers, and law enforcement to hold the gun industry accountable for its role in

UNDERSTANDING HOW GUNS — PARTICULARLY THOSE THAT HAVE BEEN DIVERTED FROM LEGAL COMMERCE TO THE UNDERGROUND MARKET — MAKE THEIR WAY TO CRIME SCENES IS ESSENTIAL TO CRAFTING EVIDENCE-BASED AND LIFE-SAVING SOLUTIONS TO THE AMERICAN GUN VIOLENCE EPIDEMIC.

supplying crime guns — and, in doing so, ultimately save lives. By focusing on the small number of gun dealers now known to be contributing to the problem, Pennsylvanians and their leaders will be able to put political, legal, and economic pressure on the irresponsible actors of the gun industry and bring about needed reforms to ensure that firearms are transferred responsibly and safely.

Like all data, gun trace data has its limits; its insights, while key to understanding gun trafficking, are just one part of that process. Earlier this year, Brady unveiled an extensive — and ever-growing — database containing another piece to the puzzle: ATF compliance inspection reports detailing federal firearms licensees (FFLs) who have been issued a warning letter or more severe remedy for cited violations of gun laws. We encourage readers to also view that resource, the Gun Store Transparency Project, at www.gunstoretransparency.org.

As you read through these findings, keep in mind that many of the 186,000 crime guns in the database are likely associated with one or more crime victim(s) and their families. If this were not staggering enough, the devastating ripple effects gun violence inflicts on families, neighborhoods, and communities are not captured in these numbers.

Brady invites you to join us in advocating for solutions that address the supply side of gun violence. We invite researchers to study this data and build on our analysis; we implore journalists to report on not just the tragic results of gun violence incidents, but how crime guns end up in our communities; we urge lawmakers and law enforcement to adopt life-saving, supply-side solutions to gun violence; and we call on federal,

state, and local authorities to be more transparent by releasing more trace data to the public. It is long past time for the gun industry as a whole to adopt meaningful supply-side solutions ensuring firearms are transferred safely and responsibly, as it is neither fair nor just to ask the communities suffering the immense harms of gun violence to also bear the burden of providing all the solutions.

KEY TERMS

WHAT ARE “CRIME GUNS” AND WHERE DO THEY COME FROM?

A crime gun is a gun that has been recovered by law enforcement after being used — or suspected of having been used — in a crime, or whose possession may in itself have been a crime. A crime gun might be a stolen firearm, a firearm found at a scene of a crime, or a firearm used in a crime. Almost every crime gun has one factor in common: It originated from a firearm manufacturer. A 2019 Department of Justice report estimated that 43% of all crime guns come from the “illegal firearm market.”¹¹ However, firearms obtained via such illicit commerce originate from somewhere, most often starting with their manufacture, then distribution, and eventual sale by a licensed dealer. Determining how legally purchased or manufactured firearms make their way to crime scenes is vital for law enforcement and policymakers aiming to identify and address the origins of the illegal gun market.

WHAT IS “TRACE DATA” AND WHY IS IT IMPORTANT?

When a firearm is found at or associated with a crime scene, law enforcement agencies have the ability to trace it through the federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). Local law enforcement agencies can enter the make, model, caliber, and serial number of a specific firearm into the ATF’s eTrace system, allowing them to follow the flow of that firearm from its legal construction or importation by a manufacturer/importer, wholesaler, or distributor, to a federally licensed firearms dealer, and finally to the firearm’s original purchaser. However, at any point in this commercial flow from manufacturer/importer to sale, firearms can be diverted toward the illegal market.

It is vital that law enforcement not only trace crime guns via the eTrace system to determine the origins of these weapons, but investigate patterns of diversion to the illegal market so these patterns can be disrupted and the flow of crime guns stemmed. However, limitations upon local law enforcement agencies can be a barrier to such investigations; most have limited resources and are either prohibited or discouraged from conducting investigations outside their jurisdiction. Since many crime guns come from outside the jurisdiction where they are recovered, crime gun investigations often fall outside the local law enforcement agency’s jurisdiction, requiring cross-jurisdictional collaboration. Pennsylvania’s gun tracing database fosters this kind of cooperation between local law enforcement agencies, encouraging them to share critical, life-saving information.

The majority of federally licensed firearm dealers

(FFLs) in the United States are responsible business owners who sell firearms in compliance with federal, state, and local law. Only a small minority supply the criminal market with guns; about 5% of firearm dealers are responsible for about 90% of recovered crime guns.² Because “sales volume alone does not account for the disproportionately large number of traces associated with these firearms dealers,”³ there is clear evidence that certain dealers behave in a way that contributes to our nation’s crime gun problem.

WHAT IS THE TIAHRT AMENDMENT?

Prior to 2003, ATF conducted and made public an annual nationwide analysis on the origins of crime guns. Unfortunately, in October 2003, due to the lobbying efforts of the gun industry, the Tiahrt Amendment was added to the 2003 federal appropriations bill. Among other ill-advised policies, the Tiahrt Amendment restricted the ATF from spending funds to make raw trace data available to the public. In response, the agency has adopted such an overly broad interpretation of the amendment that very little information related to trace data ever makes its way to the public.

Instead, the results of ATF firearm traces are reported only to the law enforcement agency that originally recovered the crime gun and entered it into the eTrace system, and that agency must affirmatively opt into data sharing before any other agencies can see or make use of its tracing information. As a result, there is often no coordinated analysis of firearm trace data by local, county, or state agencies — and while the ATF produces an annual report listing the type, calibers, and state of origin of traced crime guns, analysis and public availability of the data stops there.

WHAT CAN TRACE DATA TELL US? WHAT TRACING DETAILS INDICATE POTENTIAL TRAFFICKING?

Making trace data public, as the Pennsylvania Gun Tracing Analytics database does, allows local communities and law enforcement agencies to identify the gun dealers transferring the largest number of crime guns. The last time national trace data was available, it showed that only about 5% of dealers transferred 90% of crime guns, and only 1.2% of gun dealers were responsible for 57% of crime guns. Approximately 86% of gun dealers did not have a single firearm traced back to them in a given year.⁴ A high number of traces paired with a short average “time-to-crime” rate — the period of time between a firearm’s first retail sale and law enforcement’s recovery of the firearm in connection with a crime — is a strong indicator that a gun dealer is supplying firearms to illegal gun traffickers. Indeed, the ATF’s Crime Gun Analysis Branch (CGAB), in cooperation with Northeastern University, has developed a series of trafficking indicators which include a “short time-to-crime (under 3 years) for crime guns traced to an FFL or first retail purchaser.”¹⁵ According to the ATF, recovery of a gun that was first sold less than three years prior “signals direct diversion, by illegal firearms trafficking — for instance through straw purchases or off the books sales by corrupt FFLs.”¹⁶

Straw purchasers are those who illegally buy guns on behalf of others, concealing the identity of the actual purchaser. Some straw buyers are purchasing for a specific person, but others are operating as gun traffickers, buying quantities of guns to sell to numerous users or move through trafficking supply chains — usually to individuals who cannot obtain a gun from the legal market.

Trace data also reveals which types of guns are most frequently used in crime. In the past, this information has resulted in stronger regulations for specific types of firearms. Revealing which guns are disproportionately used in crime and have a special appeal to gun traffickers exposes the gun manufacturers who design and sell such products to exploit the highly profitable illegal market.

In short, trace data is an essential tool for identifying and holding accountable the minority of irresponsible gun dealers and manufacturers who cater to the illegal gun trafficking market. Families of the injured and killed deserve to know how their loved ones were harmed; communities deserve to know where the illegal guns that flood their streets are coming from. It is only with this knowledge that they can take action to prevent further tragedy.

PENNSYLVANIA GUN TRACING DATABASE

WHAT IS IN THE DATASET?

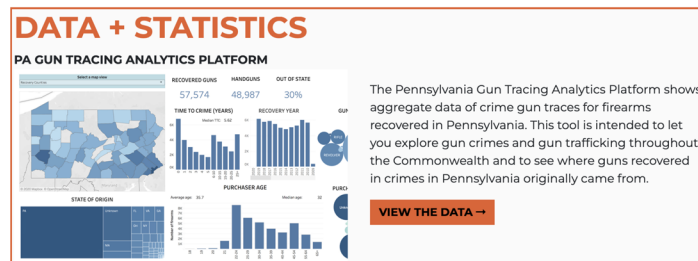
In 2019, Pennsylvania Attorney General Josh Shapiro launched an Initiative for "[investigating how prohibited purchasers obtain firearms and strategically shutting down those pipelines.](#)" As part of the initiative, trace data from participating law enforcement agencies is shared on an interactive website, the Pennsylvania Gun Tracing Analytics Platform, which shows aggregate data of crime gun traces for firearms recovered in the state. [According to the website](#), "[the] tool is intended to let you explore gun crimes and gun trafficking throughout the Commonwealth and to see where guns recovered in crimes in Pennsylvania originally came from."

Any visitor to the website can download the raw

data used to create its maps and charts. The raw data includes a row for every individual trace and 95 columns reflecting the variables that are known about that trace, as listed in the Appendix. These variables include:

- information about the gun,
- the crime to which its recovery is related,
- the law enforcement agency conducting the trace,
- the possessor of the gun at the time it was recovered,
- the county in which it was purchased,
- and dates of purchase and recovery.

Traces in the database date back to 1977. The most current trace at the time we downloaded the data in August 2021, was from 2020. The dataset includes 186,000 individual traces.



WHICH AGENCIES CONTRIBUTED TO THE DATASET?

The gun tracing database includes traces only from participating Pennsylvania law enforcement agencies. In order to participate, an agency must not only use ATF's eTrace system to conduct traces, but also opt in to data sharing. Over the years, the number of agencies participating has varied. Some agencies may use eTrace but not opt to share data, while others may trace too few guns to feel participation is warranted.

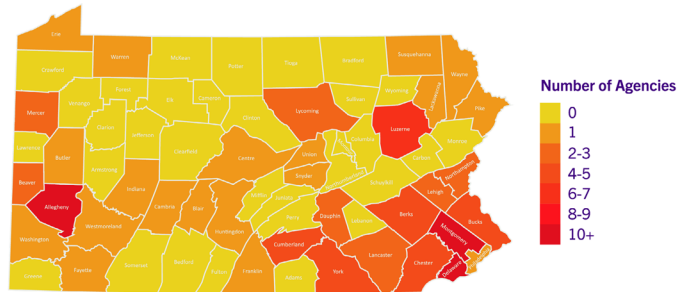
Since the 2019 launch, the number of Pennsylvania law enforcement agencies using eTrace has increased five percentage points, to 45% of the state's police agencies. These 501 agencies are scattered across the state; however, just 117 opt to share their data and allow other agencies to see their eTrace results. As shown in **Map A**, the agencies that have opted to share data are clustered in the southeast, around the Philadelphia metro area, and the far western counties of the

Pittsburgh metro area. Currently, 30 counties have no participating law enforcement agencies, including 11 counties that border neighboring states and which may be more at risk of cross-border gun trafficking.

HOW BRADY MATCHED PENNSYLVANIA CRIME GUN DATA TO FFLS

The raw trace dataset that Brady downloaded from the Gun Tracing Analytics Platform on August 24, 2021, included a column named DEALER PHONE. We were able to cross-reference those phone numbers with the ATF's published lists of FFLs in Pennsylvania, which also include phone numbers. The ATF publishes a list of FFLs monthly; we used the January list for each year available between 2014 and 2020. Guns traced prior to 2014 will return a dealer name only if the dealer appears in the 2014-2020 ATF lists with the same phone number. For phone numbers that did not return a match, we used reverse directory, internet, and other searches to find the associated dealer

MAP A: LAW ENFORCEMENT AGENCIES IN PA OPTING TO SHARE ETRACE DATA



business name, if possible. A portion of the older phone numbers could not be matched to a dealer name.

NOTE: In all tables, when phone numbers returned a match in the ATF's lists of Pennsylvania FFLs from 2014-2020, the name of the dealer is in ALL CAPS. When a reverse directory was used to find the name of the dealer, the name is in normal case.

DATA LIMITATIONS

For several reasons, the gun tracing database is not a comprehensive picture of gun crime in Pennsylvania: Not all guns recovered by law enforcement are traced, and many guns that are used in crimes are never recovered by law enforcement. In addition, because over half of all Pennsylvania police agencies do not participate in eTrace — and even fewer share their trace data — the gun tracing database is not a complete count of either all crime guns or all traced crime guns recovered in Pennsylvania. In addition, not all agencies include all variables about the crime or recovery in the data they share. Finally, in many cases a trace cannot return complete information about a gun or its first purchase.

Because phone numbers are used to identify gun dealers in this analysis, not every gun can be matched to the original retail dealer, as some numbers in the database cannot be connected to a dealer. For example, a dealer's phone number may have changed and no longer matches the number in the database. In addition, older guns may have been purchased at dealers that are now closed. Because older traces are more difficult to match to dealers, some tables and charts in this analysis focus on more recent recoveries and “short time-

to-crime” firearms, as these matches are more likely to be accurate. Importantly, guns with a short time-to-crime are also more likely to be associated with gun trafficking, as explained in the introduction.

Despite these limitations, the Gun Tracing Analytics Platform paints the clearest picture of Pennsylvania crime guns and crime gun sources since the late 1990s/early 2000s.

TRACE DATA AND SUPPLY-SIDE SOLUTIONS TO GUN VIOLENCE

Most efforts to prevent gun violence injuries and deaths focus on the perpetrators of violence. These demand-side efforts — whether public policy, criminal justice reform, local interventions, or social service programs — are necessary to save lives. Alone, however, they are insufficient to end America's epidemic of gun violence.

A supply-side approach to gun violence prevention focuses on the supply of crime guns, encouraging elected officials, community members, and law enforcement to address not just the shooter, but also the supply chain and source of the gun.

By holding gun dealers, manufacturers, and distributors accountable when they act irresponsibly, local communities could reduce homicide and shooting rates in even the most impacted neighborhoods. In other words, a supply-side strategy is a critical aspect of a comprehensive public health approach to reducing gun violence.

WHAT HAVE WE LEARNED FROM THIS DATA? WHICH SUPPLY-SIDE SOLUTIONS CAN BE IMPLEMENTED?

1. A small number of Pennsylvania dealers account for a majority of Pennsylvania crime guns. This is consistent with the findings of prior national studies and indicates that the crime gun problem can be reduced significantly by

focusing on a small subset of specific dealers. As most dealers sell few or no crime guns, zeroing in on the dealers contributing to the crime gun problem allows for efficient and effective enforcement. Federal, state, and local authorities should give these specific dealers greater attention. Importantly, gun manufacturers must be pressured against supplying large crime gun dealers with firearms to transfer to the public.

2. Philadelphia has a home-grown crime gun problem; to a lesser extent, so does Pittsburgh. Each of these cities grapples with crime guns that mostly originate from dealers in that city. Local police and elected officials should be aware of these local crime gun sources and hold them accountable for contributing to their city's gun crime problem. For example, law enforcement agencies in Philadelphia and Pittsburgh can partner with the ATF and other federal agencies to ensure firearms regulations and laws are enforced in their jurisdictions.

3. Dealers with the most traces tend to be independent businesses, but aggregate traces to chain stores show that their sales practices also need improvement. Dealers with large numbers of traces should implement stronger business practices to prevent sales to straw purchasers and/or gun traffickers. When dealers are part of large corporate chains, this implementation should be wide-scale across all locations. Doing so will have a measurable impact and benefit all areas of the state. These changes should be made proactively by the industry, without the prompting of government action — although legislatures can and should

codify such requirements if the industry fails to act voluntarily. For more information about safe gun industry business practices, see [Brady's Gun Dealer Code of Conduct](#).

4. Crime guns circulate long after their dealers go out of business. While improving and strengthening dealer business practices will eventually reduce the number of guns on the streets, the impact will take time to be felt, as guns are durable goods which can be used for many years. In the short term, focusing on the dealers making the largest contributions to the flow of crime guns is an effective strategy, but consistently enforcing state, local, and federal laws and regulations is imperative to ensuring more firearms are not added endlessly to the number of crime guns in circulation.

HOW WILL THESE SOLUTIONS LEAD TO FEWER GUN DEATHS AND INJURIES?

Significant progress against gun trafficking and gun crime will be made if elected officials and law enforcement require better training of gun shop employees and ensure dealers are following

all laws and regulations. Because the federal government has failed to hold these dealers accountable (see case study on page 13), state and local governments must step in. Doing so is likely to change gun supplier behavior and business practices, which will result in fewer gun sales to gun traffickers and straw purchasers.

The evidence shows that changing dealer behavior will reduce the flow of guns into the illegal market. We know from criminal indictments, for example, that gun traffickers identify and choose stores where they can most easily conduct a straw purchase, then return to those stores again and again. We also know that the type of firearms a dealer sells can attract gun traffickers — and that if the most desirable guns are no longer sold, fewer of those guns will be recovered in crime.⁷ Finally, we know that holding dealers accountable, either through greater enforcement⁸ or legislation,⁹ results in fewer crime gun traces to those dealers.

If fewer guns are available in the illegal market in a given city, the result is likely to be lower gun crime.¹⁰

A SUPPLY-SIDE STRATEGY IS A CRITICAL ASPECT OF A COMPREHENSIVE PUBLIC HEALTH APPROACH TO REDUCING GUN VIOLENCE.

CASE STUDY:

LACK OF COMPLIANCE WITH FEDERAL REGULATIONS

Firing Line, Inc., a Philadelphia business that specializes in police armaments, tactical equipment, firearms, and accessories, has had **1,803 crime guns** traced back to it, according to the gun tracing database. In business since 1984, this dealer was **inspected by the ATF** in 1992, 1993, 2000, 2004, 2012, 2014, and 2017. Except for the 2014 inspection, ATF investigators found similar violations in each of these years, including missing firearms and failure to submit required reports.

In addition to the high number of traces and violations, there are several other red flags that indicate Firing Line may have been — and might still be — supplying gun traffickers:

- Some firearms were discovered missing only due to the ATF's inventory audit, indicating either a lack of inventory control or illegal off-the-books sales.
- The dealer was found to have “demonstrated willfulness in regards to facilitating the straw purchase of firearms,” meaning the dealer failed to prevent illegal sales to straw purchasers — and may have even purposefully enabled them.
- Firing Line was issued a “demand letter” for failing to respond to ATF trace requests within 24 hours, delaying criminal investigations.

The ATF investigator's notes contain other alarming details. One of the background check forms inspected in 2017 had an “attached sheet of paper

containing hand-written notes describing the vehicle and driver of the car the female purchaser used to travel to and from the premise.” When asked about this, the dealer explained that the paper was a documentation of a sale they deemed suspicious. Inspection reports from 2005 and 2012 also included similar notes. When questioned about the practice in 2012, the dealer explained that “when a transaction seems suspicious, and involves a purchaser accompanied by another person who appears to be the actual buyer of the firearm, a store employee documents detailed information concerning the transaction.” At the time, the dealer also admitted that he “did not contact law enforcement concerning the sales before, or after, completing the transaction, and disclosed that documenting the suspicious transaction was sufficient enough on their part as an FFL.” These failures have likely contributed to Firing Line being the source of at least 1,477 traced crime guns from 2005 to 2020, the period in which these dangerous business practices were revealed in the ATF inspection reports.

After the 2017 inspection, the dealer was warned: “The records you are required to maintain and the business operations you conduct are important to law enforcement in our continuing efforts to reduce violent crime and protect the public. You failed to maintain accurate information in the Acquisition & Disposition record and account for [REDACTED] firearms, which were reported missing. You also failed to timely prepare and submit the ATF Form 5300.5, Report of Transactions, which is critical in tracing used firearms recovered in crimes. Furthermore, both violations were repetitive from past inspections and impact public safety.”

Although ATF considered revoking the dealer's

license after the 2017 inspection, instead a warning conference was held in which the dealer was required to present a compliance plan. Because the inspection found signs of straw purchases — including one which resulted in a referral to law enforcement for further investigation — as well as evidence of knowingly facilitating straw purchases, during this meeting the ATF Special Agent in Charge “stressed the importance of being vigilant concerning any suspicious firearms sales,” and the dealer was given an ATF contact to consult specifically about any troubling potential purchases.

Since the 2017 inspection, another 399 guns have been traced to Firing Line, which ranks 7th among Pennsylvania dealers in terms of frequency of traced crime guns in the Gun Tracing Analytics Platform. Clearly, the dealer’s business practices have not changed enough as a result of the numerous ATF warning letters and warning conferences over the years, and public safety continues to be at risk as a result.

FINDINGS: CRIME GUNS IN PENNSYLVANIA

The full Gun Tracing Analytics database includes 186,000 gun trace records, with the oldest record dating back to 1977 and the most recent occurring in 2020.

For each trace record, the database includes at least some data about:

- the gun, such as make and model;
- the crime, including date and location;
- the recovery, including date and location;
- the law enforcement agency requesting the trace; and
- the gun’s possessor at the time of recovery.

This report focuses primarily on the three most recent years of gun recoveries, as these years have the most robust and complete data for each trace, as well as the most participating law enforcement agencies. **Table 1** shows several descriptive features of the records in the database for these three years.

TABLE 1: GUN TRACE RECORDS IN PENNSYLVANIA GUN TRACING DATABASE

	2020	2019	2018
Total traces	10,133	10,451	9,625
Total law enforcement agencies (by FBI Originating Agency Identifier number)	153	135	134
Average number of traces per agency	66	79	73
Maximum traces from one agency	3,323 (PA State Police)	3,484 (PA State Police)	3,282 (PA State Police)
Minimum traces from one agency	1 (20 agencies)	1 (12 agencies)	1 (22 agencies)
Most common number of traces per agency	1	2	1
Median number of traces per agency	6	8	7
Traces to in-state dealers	5,940 (2,910 out-of-state)	6,322 (3,079 out-of-state)	5,865 (2,768 out-of-state)
Traces to active dealers	5,721	3,978	3,534
Traces with Time to Crime of 3 years or less	3,392	3,163	2,943
Traces with Time to Crime of less than 1 year	1,880	1,328	1,254
Traces of Handguns	8,088 (1,991 Long guns)	8,122 (2,221 Long guns)	7,464 (2,073 Long guns)
Traces of firearms used in violent crime	1,322	1,328	1,293
Used in homicide	321	269	216
Used in assault	848	843	854
Used in robbery	137	173	200
Traces of firearms possessed illegally	2,357	2,270	1,911
Traces of firearms recovered due to suspicion of being trafficked	377	397	397

Despite the varying number of law enforcement agencies reflected in the database each year, there is remarkable consistency across the most recent three years, likely because nearly one-third of the records result from traces conducted by one agency: the Pennsylvania State Police. For example, in each year the majority of guns are traced to in-state dealers. In addition, the number of guns that may have been trafficked is similar in each year, as measured by short time-to-crime of three years or less. The types of crimes that resulted in the guns' recovery are fairly consistent

across years, as well. This consistency means that the data is likely to be more reliable and accurate than if there were greater variation across years.

WHAT TYPES OF GUNS ARE RECOVERED AND TRACED?

Looking at traces from 2018 to 2020, the most “typical” gun recovered in Pennsylvania is a 9mm pistol made by Smith & Wesson.

Chart A shows the frequency of each type of gun recovered by year. Handguns (pistols, revolvers, and derringers) make up just under 80% of all traced guns. Handguns are likely to be popular among gun traffickers due to their smaller size and easy concealability, yet many handguns, particularly semi-automatic handguns, have just as much firepower — and can shoot just as many rounds — as larger guns.

CHART A: TRACED GUNS IN PENNSYLVANIA BY FIREARM TYPE (2018-2020)

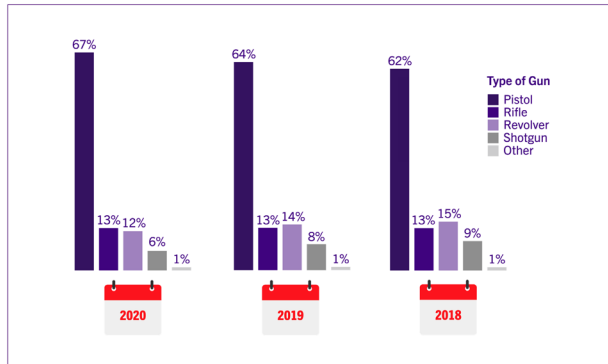
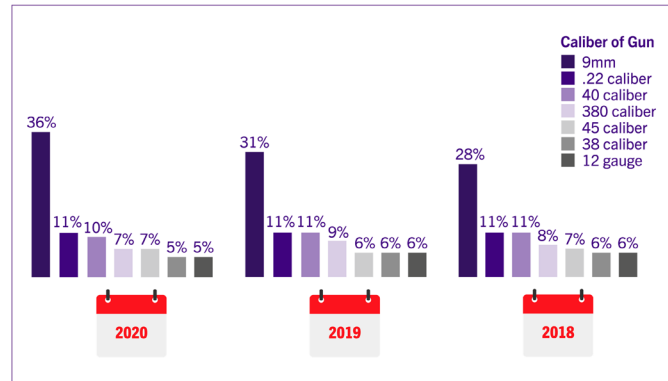


Chart B shows the most frequent calibers of traced guns each year, with 9mm being the most common in all years, significantly more than the second most frequently traced firearms (.22 caliber). Caliber is used to describe the size of a rifle or handgun bore (the internal barrel measurement) and the size of cartridges (bullets) designed for different bores. Most easily described as the size

of bullets, caliber is often a delineation of potential lethality or destructive capabilities. For example, a 9mm caliber bullet hits with more impact and is considered both more lethal and destructive than a .22 caliber bullet (although both are lethal). Caliber differentiation can also indicate whether a specific firearm is a rifle or a handgun.

CHART B: TRACED GUNS IN PENNSYLVANIA BY FIREARM CALIBER (2018-2020)

Finally, the data reveals the make and manufacturer of guns recovered and traced by law enforcement. Not surprisingly, popular handgun manufacturers are at the top of the frequency chart, but the database includes firearms from 63 different gunmakers.

Table 2 lists the 2018-2020 top 20 most frequently recovered and traced firearms by manufacturer. Guns made by Smith & Wesson, Glock, Taurus, and Ruger are recovered and traced at rates substantially higher than the next most common makes of firearms.

Most of the top manufacturers of recovered and traced firearms in the database are based in the U.S., except Glock, HS Produkt, and Walther, which are European companies. In addition, Beretta Pietro (Italy) and Beretta USA both appear in the database, but only Beretta USA appears among the top 19.

TABLE 2: MANUFACTURERS OF MOST FREQUENTLY TRACED FIREARMS

MANUFACTURER	2020	2019	2018
Smith & Wesson	1,396	1,459	1,522
Glock	1,311	1,203	1,000
Taurus	1,120	1,137	1,011
Ruger	879	998	906
HS Produkt	327	290	265
Remington	275	341	289
SIG Sauer	265	206	198
Unknown	197	285	178
Savage	182	206	206
Marlin	181	206	183
Mossberg	167	203	229
SCCY Industries	150	120	136
Walther	150	124	125
Beretta USA	144	147	127
Hi-Point	144	184	184
Harrington and Richardson (ceased production in 2015)	143	180	231
Colt	141	171	178
Winchester	131	145	172
Keltec	127	142	155

Knowing the makes, models, and calibers of the most frequently recovered crime guns provides insight into the preferred firearms of the criminal market. This information is important to share with gun dealers so that they can exercise especial diligence in transferring such firearms. It is also important information for manufacturers, who should make every effort to avoid designing, pricing, and/or marketing firearms in ways that appeal to the criminal market.

One case in point includes a set of manufacturers that produced popular low-quality, cheap (less than \$150¹¹), short-barrel handguns in the 1990s, commonly called “Saturday Night Specials” or

“junk” guns. Trace data from the time showed that these guns were used in a disproportionate amount of gun crime.

While the lowest-priced handguns from the top makers now retail around \$400 (although Keltec has a current model with a list price of \$199), some cheap handguns from the Saturday Night Specials era are unfortunately still on the streets and being used in crime, as shown in **Table 3**, which lists guns in the gun tracing database made by the most notorious “junk” firearm firms. Even in the most recent three years, between 300 and 500 of these inexpensive firearms have been recovered and traced.

While these manufacturers were held accountable — and mostly driven out of business — by legislatures and the courts for the damage caused by their firearms, the guns themselves have not yet fallen completely out of circulation.

TABLE 3: TRACED “SATURDAY NIGHT SPECIALS” BY YEAR

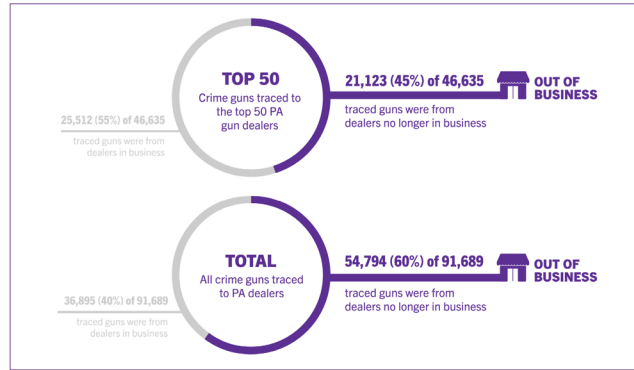
MANUFACTURER	2020	2019	2018
Bryco Arms (ceased production in 2003)	41	86	68
Raven Arms (destroyed by fire 1991)	41	63	57
Jimenez Arms (ceased production in 2006)	38	59	49
Lorcin Engineering (ceased production in 1998)	0	33	48
Davis Industries (closed in 1992)	38	53	45
Phoenix Arms (still in business)	34	60	45
Jennings Firearms (closed in 1991)	25	27	0
Hi-Point Firearms (still in business)	144	184	184
Sundance Industries (closed in 2002)	1	3	0

Brady filed a lawsuit against manufacturer Hi-Point Firearms in 2005, representing Daniel Williams. Williams was shot and injured with a trafficked handgun in a drive-by shooting in Buffalo, NY, at age 16 while he played basketball near his home. The lawsuit won critical precedent-setting victories: the first New York appellate decision holding that a gun manufacturer, distributor, and dealer can be held liable for a criminal shooting; one of the first decisions in the nation holding that the federal gun industry protection law, the Protection of Lawful Commerce in Arms Act (PLCAA), does not provide gun companies with the sweeping immunity they claim; and a landmark summary judgment ruling that the gun distributor violated federal law in the sale.

Because guns are durable goods, they can have a longer life than the store from which they were purchased. In fact, of the 91,689 crime guns in the database traced to Pennsylvania dealers, 60% were traced to an original sale by a dealer that is no longer in business, as shown in **Chart C**. Yet of the 46,635 guns traced to the top 50 Pennsylvania dealers that appear most frequently in the

database, only 45% were traced to dealers that are now closed, indicating that today's dealers are still contributing significantly to the flow of crime guns.

CHART C: TOTAL GUNS TRACED TO DEALERS NO LONGER IN BUSINESS V.S. IN BUSINESS



GHOST GUNS

GHOST GUNS ARE RISING IN POPULARITY

Ghost guns are unserialized and untraceable firearms that can be bought online and assembled at home. They consist of an “80% lower receiver” — which refers to a part of a gun that has not yet reached the stage of manufacture to be legally considered a firearm by the government — plus the remaining gun components. They are often sold as “ghost gun kits,” which include all of the parts, and sometimes the equipment, necessary to build a fully functioning firearm at home. These kits are widely available and can be purchased by anyone, including prohibited purchasers, domestic abusers, and gun traffickers — without a background check. Because they are made to be untraceable, such firearms are not found in this database of traced guns. However, by searching across several variables, we found evidence of their growing proliferation.

The database includes 5,181 guns for which the manufacturer is listed as “unknown.” Just 82 of these guns were traced to a dealer; most appear to be foreign-made, antiques, in poor condition, or otherwise unable to be traced, based on comments in the “notes” field. However, six were noted to be “handmade,” one was noted as a “ghost gun,” and four were noted as “80% receivers.” Additionally, 13 guns were noted to be “Polymer80.”

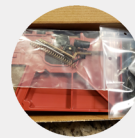
Polymer80 is a ghost gun kit manufacturer whose kits are sold online across the country. The database also includes 126 guns with Polymer80 listed as the manufacturer. In total, the 139 Polymer80 guns listed illustrate their exponential growth of popularity, as none appeared prior to 2018, and only one was recovered in 2018. In 2019,

18 were recovered; in 2020, the number shot up to 120.

In the field for Firearm Type Description, 68 guns are listed as “receiver/frame.” Eight of these receivers have unknown manufacturers; five were made by Polymer80. The others were all products of firearm manufacturers. The pattern of recoveries for these receivers also indicates growing popularity, with five or fewer recovered in any given year prior to 2017. Since then, nine were recovered in 2017 and in 2018, ten in 2019, and 21 in 2020.

Ghost Guns

Top: Ghost gun kit purchased for \$400 cash at a gun show, without a background check or a bill of sale; Middle: Polymer80 ghost gun kit; Bottom: Glock 17 (9 mm) ghost gun clone shown mostly assembled at a gun show



FINDINGS: FIREARMS DEALERS AND INDICATORS OF GUN TRAFFICKING

This report focuses only on the dealers in the Gun Tracing Analytics database that are located in Pennsylvania. These 4,318 dealers account for 91,689 traces, or about half of the total traces in the database. The rest are traced to unknown or out-of-state dealers and are not reflected in our analysis.

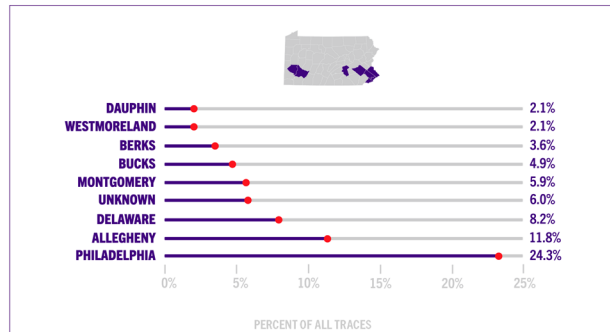
The largest number of traces attributable to a single dealer is 3,652, while 1,682 dealers appear in the database with only one traced gun attributed to them. The average number of traces per dealer in the database is 21; the median is two. These

numbers do not include the many Pennsylvania dealers with zero crime gun traces, because those dealers do not appear in the database.

Because past trace data on the national level has indicated that very few dealers are the source of the majority of crime guns, we were interested in testing whether that trend holds true today. Indeed, 50% of the crime guns in the database traced to in-state dealers were sold by just 1% of the dealers, while 90% of the crime guns were sold by 20% of the dealers. Thus, there is a small concentration of dealers contributing to the crime gun problem.

Furthermore, these dealers are concentrated geographically. **Chart D** depicts the Pennsylvania counties to which 70% of crime guns can be traced. While the counties in which Philadelphia and Pittsburgh are located have the greatest frequency of traces, most of the rest are in the southeast around the Philadelphia metro area.

CHART D: DISTRIBUTION OF DEALERS WITH TRACES BY COUNTY



PITTSBURGH AND PHILADELPHIA AS SOURCES OF CRIME GUNS

Because the Philadelphia and Pittsburgh metro areas are where the majority of crime gun suppliers are concentrated, we looked more closely into the supply of guns to those two cities. Both sit near the state border, so we expanded our analysis to include all traces, even those that were traced to dealers out-of-state.

To capture the most complete picture of crime guns in Philadelphia, we counted all guns recovered in zip codes belonging to the city of Philadelphia, which resulted in a total of 66,104 guns represented in the database. These weapons were recovered by several different law enforcement agencies, including the Pennsylvania Attorney General and the Pennsylvania State Police; however, the Philadelphia Police Department recovered 99% of these guns.

Table 4 on the next page lists the source dealers responsible for at least 200 guns recovered in Philadelphia over all years captured in the database.

While Philadelphia-area dealers tend to be the highest-volume dealers represented in the database, when all guns recovered in the city are analyzed, 49% come from out-of-state or unknown dealers, as seen in **Chart E**.

CHART E: ORIGIN OF CRIME GUNS RECOVERED IN THE CITY OF PHILADELPHIA

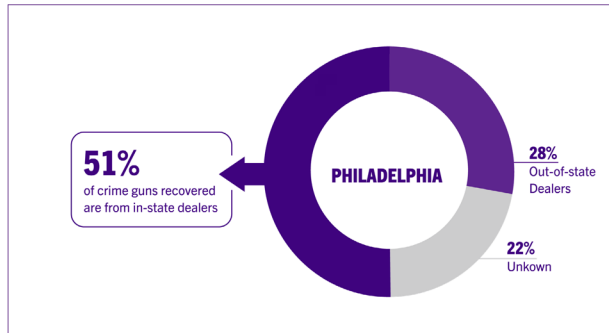


TABLE 4: ALL DEALERS APPEARING AT LEAST 200 TIMES IN TRACES OF GUNS RECOVERED IN THE CITY OF PHILADELPHIA

# OF TRACES	DEALER NAME	IN BUSINESS?	YEAR CLOSED	CITY
2842	Colosimo's	N	2009	PHILADELPHIA
2356	PHILADELPHIA TRAINING ACADEMY INC	Y		PHILADELPHIA
1808	LOCKS PHILADELPHIA GUN EXCHANGE	Y		PHILADELPHIA
1653	DELIAS GUN SHOP	Y		PHILADELPHIA
1601	Lou's Jewelry & Pawn	Y but no FFL	2006	UPPER DARBY
1359	Shooter Shop	N	?	PHILADELPHIA
1286	FIRING LINE INC	Y		PHILADELPHIA
1006	MIKE & KATES SPORT SHOPPE	Y		PHILADELPHIA
976	C & C Sports Center	N	?	PHILADELPHIA
816	Unidentifiable dealer	N	?	
664	SUBURBAN ARMORY, THE	Y		COLLINGDALE
581	Fishtown Lock & Gun	N	?	PHILADELPHIA
557	Britt's Security Programs	N	2009	PHILADELPHIA
553	Abington Gun Sports	N	2013	ABINGTON
497	Unidentifiable dealer	N	?	
442	TARGETMASTER	Y		CHADDS FORD
359	Archery Gun & Outfitters	N	?	MONTGOMERYVILLE
323	TANNERS SPORTS CENTER INC	Y		JAMISON
320	CLASSIC PISTOL	Y		SOUTHAMPTON
290	Donn's Gun Room	N	2004	MONTGOMERYVILLE
281	CLAYTONS RANGE	Y		HORSHAM
277	S C GUNS, INC	Y		FEASTERVILLE
233	Unidentifiable dealer	N	?	
224	DELAWARE VALLEY SPORTS CTR INC	Y		PHILADELPHIA
221	FRENCH CREEK OUTFITTERS INC	N	2020	PHOENIXVILLE

Note: Traces to manufacturers or law enforcement agencies are not included in this table.

For Pittsburgh, the database contains 21,661 crime guns recovered in zip codes fully or partially within the Steel City. Of these, 94% were traced by the Pittsburgh Bureau of Police. Other law enforcement agencies with traces of guns recovered in Pittsburgh include the Allegheny County Police Department, the Allegheny County District Attorney, and the Pennsylvania State Police.

As seen in **Table 5**, through all the years captured in the database there are fewer gun dealers with 200 or more crime guns recovered in Pittsburgh than in Philadelphia, but the cities are alike in that many of their high-volume dealers are located in the metro area.

Guns recovered in Pittsburgh are traced to in-state dealers at a rate of 65%, as seen in **Chart F**.

TABLE 5: ALL DEALERS APPEARING AT LEAST 200 TIMES IN TRACES OF GUNS RECOVERED IN THE CITY OF PITTSBURGH

# OF TRACES	DEALER NAME	IN BUSINESS?	YEAR CLOSED	CITY
1455	ANTHONY ARMS & ACCESSORIES	N	2020	WEST MIFFLIN
1409	BRAVERMAN ARMS CO INC	N	2017	WILKINSBURG
459	NORTH EASTERN UNIFORMS & EQUIP INC	Y		PITTSBURGH
416	ACE SPORTING GOODS	Y		WASHINGTON
341	SPORTSMANS SUPPLY CO	Y		BUTLER
300	POWELL GUNS LLC	Y		PITTSBURGH
250	GANDER MOUNTAIN #206	N	2017	WEST MIFFLIN
225	Bale's Sales	N	?	PITTSBURGH
219	ISLAND FIREARMS INC	Y		PITTSBURGH
216	MARKL SUPPLY COMPANY INC	Y		PITTSBURGH
208	ALLEGHENY RIVER ARSENAL INC	N	2011	VERONA

Note: Traces to manufacturers or law enforcement agencies are not included in this table.

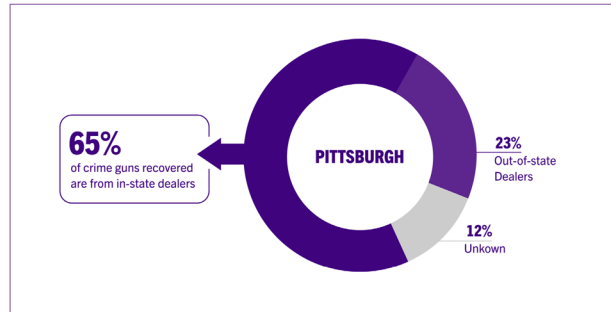
CHART F: ORIGIN OF CRIME GUNS RECOVERED IN THE CITY OF PITTSBURGH**DEALERS RESPONSIBLE FOR THE MOST TRACES**

Table 6 lists the 31 Pennsylvania gun stores that appear most often in the full dataset of 91,689 guns traced to in-state dealers. Nearly half of these stores are closed or no longer selling firearms. Most

are located in the southeastern region of the state. The majority are independent stores, but two are part of the large national Cabela's/Bass Pro Shops chain.

TABLE 6: TOP PENNSYLVANIA GUN STORES SELLING RECOVERED CRIME GUNS

RANK	TRACES	DEALER NAME	IN BUSINESS?	YEAR CLOSED	LICENSE NAME IF DIFFERENT THAN DEALER NAME	DEALER CITY
1	3652	Colosimo's	N	2009		PHILADELPHIA
2	3376	PHILADELPHIA TRAINING ACADEMY INC	Y		PHILADELPHIA TRAINING ACADEMY INC	PHILADELPHIA
3	2644	DELIAS GUN SHOP	Y		MAD MINUTE ENTERPRISES LLC	PHILADELPHIA
4	2573	LOCKS PHILADELPHIA GUN EXCHANGE	Y		LOCK, VIRGINIA T	PHILADELPHIA
5	2012	Lou's Jewelry & Pawn	Y but no FFL	2006		UPPER DARBY

6	1849	ANTHONY ARMS & ACCESSORIES	N	2020	RAY ANTHONY SHOOTING SPORTS INC	WEST MIFFLIN
7	1803	FIRING LINE INC	Y		FIRING LINE INC	PHILADELPHIA
8	1751	BRAVERMAN ARMS CO INC	N	2017	BRAVERMAN ARMS CO INC	WILKINSBURG
9	1690	Shooter Shop	N	?		PHILADELPHIA
10	1450	MIKE & KATES SPORT SHOPPE	Y		PANAMARENKO, MICHAEL P	PHILADELPHIA
11	1371	CABELA'S 409	Y		CABELA'S WHOLESALE, LLC	HAMBURG
12	1189	C & C Sports Center	N	?		PHILADELPHIA
13	1149	TARGETMASTER	Y		TOMMY GUN INC	CHADDS FORD
14	1131	UNKNOWN	N	?		
15	1104	SUBURBAN ARMORY, THE	Y		GALIAN INC	COLLINGDALE
16	812	ARMY & NAVY STORE	Y		KAYTON CO	WHITEHALL
17	772	ACE SPORTING GOODS	Y		ACE SPORTING GOODS INC	WASHINGTON
18	716	Fishtown Lock & Gun	N	?		PHILADELPHIA
19	704	Abington Gun Sports	N	2013		ABINGTON
20	696	GRICE WHOLESALE	Y		GRICE GUN SHOP INC	CLEARFIELD
21	694	Britt's Security Programs	N	2009		PHILADELPHIA
22	677	TANNERS SPORTS CENTER INC	Y		TANNERS SPORTS CENTER INC	JAMISON
23	646	UNKNOWN	N	?		
24	586	SPORTSMANS SUPPLY CO INC	Y		SPORTSMENS SUPPLY CORP	BUTLER
25	509	CLAYTON'S HUNTING & FISHING INC	Y		CLAYTONS RANGE INC	HORSHAM
25	509	KOSTARAS INC	Y		JLN RANGES LLC	SOUTHAMPTON
26	505	FRENCH CREEK OUTFITTERS INC	N	2020	FRENCH CREEK OUTFITTERS INC	PHOENIXVILLE
27	502	BASS PRO OUTDOOR WORLD LLC	Y		BASS PRO OUTDOOR WORLD LLC	HARRISBURG
28	486	Pitt Loan	N	2008		PITTSBURGH
29	478	DELAWARE VALLEY SPORTS CTR INC	Y		DELAWARE VALLEY SPORTS CTR INC	PHILADELPHIA
30	464	Archery Gun & Outfitters	N	?		MONTGOMERYVILLE

CASE STUDY:

LEADING SUPPLIER OF PHILADELPHIA CRIME GUNS LOSES LICENSE¹²

The story of Lou's Jewelry and Loan (now Lou's Jewelry and Pawn) shows the impact of taking legal action against a reckless gun dealer.

Once ranked with the most crime gun traces in Pennsylvania,¹³ Lou's was able to operate for 20 years despite repeatedly selling multiple guns to gun traffickers and felons, flooding the streets of Philadelphia with crime guns, and profiting from every deadly sale. Lou's supplied straw purchasers and traffickers, including Saad Abdul Salaam, who in turn supplied a co-conspirator in the 1993 World Trade Center bombing. Guns from Lou's were used by criminals and juveniles in all manner of violent acts, from the killing of police officer Lauretha Vaird by a bank robber to the killing of 14-year-old Anthony Oliver, Jr. In 2004, Anthony was killed with a gun that Lou's sold to a trafficker. Anthony's parents had enough; they brought a civil lawsuit against Lou's. Brady represented Anthony's

parents, a settlement was reached, and the ATF revoked Lou's license on July 31, 2006.

It's clear why Lou's was popular with gun traffickers. According to one convicted trafficker, Lou's, unlike other gun stores, asked no questions about his gun purchases: "The salesman didn't ask me anything. He didn't ask like, 'What type of sport you go after?' or 'Is you a hunter?'" He said nothing, it was like no interest." At other gun stores, this trafficker experienced a barrage of questions when attempting to buy a gun: "They asked you, 'What's it for?' And, 'What game you're going for?' Questions like that."

Did revoking Lou's license improve public safety? According to the Pennsylvania gun trace data, it appears likely. From 2000 through 2006, the year of revocation, Lou's was associated with 1,188 traced guns — an average of 170 crime guns each year. Between 2007 and 2013, however, the number of guns traced to Lou's dropped to 548 — an average of 78 crime guns per year.

Table 7 presents aggregate traces from chain stores. Nearly all of these chains include stores in other states as well, but the trace count includes only their Pennsylvania locations. The chain with the most traces in the database, Gander Mountain (now Gander Outdoors), currently has only one store in the state and does not sell firearms, meaning the traces are all due to a prior license. Cabela's and Bass Pro Shops have merged, but are treated separately here because most of these sales occurred prior to that event.

TABLE 7: TOP CHAIN STORES IN PENNSYLVANIA SELLING RECOVERED CRIME GUNS

TOTAL TRACES	CHAIN	IN BUSINESS?	RANK IF COUNTED AS SINGLE STORE
2244	CW/GANDER MOUNTAIN COMPANY	Y but no FFL	5
1371	CABELA'S WHOLESALE INC	Y	11
1148	DICK'S SPORTING GOODS INC	Y	14
917	WAL-MART STORES	Y	16
792	DUNHAM'S ATHLEISURE CORP	Y	17
759	Kmart	N	18
503	BASS PRO OUTDOOR WORLD LLC	Y	27
444	DUNKELBERGER'S SPORTS OUTFITTER	Y	36
200	OFFICER STORE/PENNSYLVANIA POLICE SUPPLY	Y	70
194	ATLANTIC TACTICAL INC	Y	72
170	RURAL KING HOLDINGS LLP	Y	80

CASE STUDY:

LIMITATIONS OF THE DATABASE

In 2020, Montgomery County officials arrested Daniel Lucas after he had purchased 36 firearms from 16 Pennsylvania gun dealers across eight counties over 77 days that summer and fall. His prolific gun purchasing from across the state had come to the county's attention during a routine investigation of paperwork submitted by local gun dealers regarding sales of multiple guns to single purchasers. As none of the guns were in his possession at the time of his arrest, he was charged with various state crimes related to gun trafficking and straw purchasing.

Table 8 below shows the dealers from which he made his purchases and the total number of traces to each in the database. Of the 16 dealers, seven are among the top 50 crime gun dealers in the state. However, only one of the guns purchased by Mr. Lucas was recovered and would subsequently appear in the gun tracing database. That gun was found by Philadelphia police in the possession of two underaged people during a traffic stop. All of the other 35 guns remain unaccounted for and are not reflected in any dealer's total tally in the gun tracing database.

In addition, four of the dealers Lucas patronized, as listed in the criminal complaint, do not appear

in the database at all. That could be because they have not previously sold any guns used in crime — or because any crime guns they may have sold were traced by law enforcement agencies that do not participate in the data-sharing.

Thus, this case highlights some of the limitations of the Gun Tracing Analytics dataset. While certainly telling us much about the behavior of many gun dealers, the types of crime guns in Pennsylvania, and other important information, it is not a complete picture of the total number of crime guns or dealers.

The case also illustrates another important point: Many of the dealers Daniel Lucas visited had an opportunity to prevent harm. In fact, five of his attempted purchases were denied by dealers, yet it does not appear that any informed law enforcement at the time. Mr. Lucas' first purchase was nine days after he turned 21 (and legally able to possess a handgun). He bought four of the exact same make and model handguns from Trop Gun Shop. Had that dealer denied the sale and immediately notified local law enforcement of this highly suspicious attempted purchase, perhaps the buying spree could have been stopped before it started.

TABLE 8: GUN DEALERS VISITED BY DANIEL LUCAS IN 2020

COUNTY	PURCHASES	DEALERS	DEALER TOTAL CRIME GUNS
Lancaster	13	Trop Gun Shop	432
		Lanco Tactical	23
		Kinsey's Archery Products	unknown
Montgomery	4	In-Site Firearms	243
		Treeline Sports, Inc.	245
		King's Shooters Supply	92
Chester	5	Target Shooting Solutions	unknown
		Tri-State Tactical	7
Delaware	2	Targetmaster	1149
Philadelphia	1	Philadelphia Training Academy	3376
Bucks	9	Tanner's Sports Center	677
		Johnston's Sporting Goods	298
		Surplus City (SC Guns, Inc)	412
		Auger Precision Firearms	unknown
Berks	1	Cabela's	1371
Schuykill	1	Scott's Guns & Ammo	unknown

DEALERS CURRENTLY CONTRIBUTING TO THE CRIME GUN PROBLEM

Of the 91,689 guns traced to Pennsylvania dealers in the database, 40,783, or 44%, were recovered three years or less after they were first transferred. As explained in the introduction, these short “time-to-crime” (TTC) guns are more likely to have been bought in a straw purchase or for the purposes of gun trafficking than guns with longer TTC. Half of the short TTC guns in the database were recovered in Philadelphia; 15% were recovered in Pittsburgh. Both Reading and Harrisburg recovered roughly 1,100 (2.7%) short TTC guns.

The dealers who have the highest volumes of short TTC guns tend to be the same dealers who sell large quantities of crime guns in general — and, like crime guns overall, it is a small percentage of

dealers who account for the majority of short TTC guns. Of the 1,675 dealers with at least one short TTC gun traced, just 26 account for half of all crime guns recovered in three years or less — 20,197 guns. Many of these merchants are in the Philadelphia and Pittsburgh metro areas

Table 9 focuses on dealers who are currently at the greatest risk of contributing to gun trafficking — in other words, those with the most short TTC guns recovered in 2020. The 3,067 crime guns recovered in 2020 with a TTC of 3 years or less were sold by 507 dealers (12% of the dealers in the database), and the 1,646 crime guns recovered in 2020 with a TTC of under a year were sold by 330 dealers — which means that just 8% of the dealers in the database were the source of all the database’s 2020 crime guns recovered less than 12 months after the original sale.

TABLE 9: TOP DEALERS WITH RECOVERIES IN 2020 OF SHORT TIME-TO-CRIME GUNS

DEALER NAME	TOTAL 2020 TRACES TTC 3 YRS OR LESS	RANK	TOTAL 2020 TRACES TTC <1 YR	RANK	CITY
DELIAS GUN SHOP	197	1	130	1	PHILADELPHIA
PHILADELPHIA TRAINING ACADEMY	115	2	84	2	PHILADELPHIA
LOCKS PHILADELPHIA GUN EXCHANGE	94	3	41	5	PHILADELPHIA
FRANKS GUN SHOP	83	4	48	3	PHILADELPHIA
MIKE & KATES SPORT SHOPPE	79	5	44	4	PHILADELPHIA
CABELA'S	74	6	30	9	HAMBURG
TARGETMASTER	61	7	37	7	CHADDS FORD
DELAWARE VALLEY SPORTS CTR INC	59	8	40	6	PHILADELPHIA
TANNERS SPORTS CENTER INC	58	9	35	8	JAMISON

FIRING LINE INC	57	10	30	9	PHILADELPHIA
ANTHONY ARMS & ACCESSORIES	56	11	22	13	WEST MIFFLIN
SUBURBAN ARMORY, THE	52	12	22	13	COLLINGDALE
TREELINE SPORTS INC	48	13	30	9	NORRISTOWN
BASS PRO SHOPS #026	44	14	25	11	HARRISBURG
DUNHAM'S SPORTS #9079	43	15	20	15	DU BOIS
TROP GUN SHOP LTD	37	16	23	12	ELIZABETHTOWN
GUNS PRICED RIGHT	37	16	21	14	DRAVOSBURG
THE BUNKER GUN SHOP	35	17	29	10	WARMINSTER
CLAYTON'S HUNTING & FISHING INC	29	18	15	18	HORSHAM
DUNHAMS DISCOUNT SPORTS #9029	27	19	21	14	PITTSBURGH
GRICE GUN SHOP INC	26	20	7	26	CLEARFIELD
DOUBLE ACTION INC	25	21	2	31	YEADON
CONNELLSVILLE RURAL KING SUPPLY	23	22	13	20	CONNELLSVILLE
PIESTRAKS GUN SHOP	22	23	6	27	NANTICOKE
INSITE FIREARMS AND LAW ENFORCEMENT SUPPLIES	22	23	16	17	JEFFERSONVILLE
S P A R FIREARMS	22	23	14	19	MECHANICSBURG
ALLEGHENY GUN WORKS	21	24	16	17	BETHEL PARK
PITTSBURGH FFL	20	25	16	17	MCKEESPORT
CLASSIC PISTOL	19	26	14	19	SOUTHAMPTON
DUSTY RHOADS	17	28	17	16	NORWOOD
JOHNSTON'S SPORTING GOODS LLC	17	28	16	17	CROYDON

Some portion of these short time-to-crime guns were likely obtained in individual sales of multiple guns, which is also an indicator of potential gun trafficking. In 2020, 330 of the recovered crime guns with a TTC of three years or less were purchased in a multiple-gun buy. The database indicates that Piestraks Gun Shop, for example, sold 22 guns with a short TTC, 13 of which were sold in multiple-gun buys. More research on the multiple-gun purchases in the Gun Tracing Analytics database is needed.

CASE STUDY:

IN SITE FIREARMS AND LAW ENFORCEMENT SUPPLIES

Since 1999, a total of 266 guns in the dataset have been traced to In Site Firearms in Jeffersonville. In 2014, Brady filed a lawsuit against In Site on behalf of the estate and wife of police officer Bradley Fox, who was shot and killed by a person who was legally prohibited from possessing a firearm due to a felony conviction. The gun used in the shooting had been acquired via straw purchaser at In Site just three and a half months before Officer Fox was killed. The purchaser had acted as a straw buyer for the gunman to buy at least nine guns, including six purchased at In Site over a period of four months.

Brady's suit alleged that In Site should have known the sales were straw purchases and not completed the sales. As stated in the complaint, "Plaintiff's suit is about the criminal use of guns and a gun dealer that, by its wrongful acts and omissions, supplied the criminal market with an illegally purchased gun that was used for criminal means, resulting in the tragic loss of Officer Fox's life."

After defeating several of the defendant's attempts to have the case dismissed, Brady struck a major settlement with In Site in 2019. In Site agreed to institute significant business reforms in order to prevent future straw sales. These reforms include utilizing a new sales system with greater emphasis on monitoring and regulating transactions, revising the employee handbook, requiring annual employee training, and improving practices to screen for potential straw buyers and other prohibited purchasers. In Site put forth a powerful public statement in their store and on their website not only committing the business to measures designed to prevent tragedies like Officer Fox's death from happening again, but encouraging all gun dealers to go beyond the minimum statutory requirements and implement safe business practices to prevent firearms from being obtained by prohibited purchasers, straw purchasers, and other persons who pose a danger to themselves or others when in possession of a firearm.

The lawsuit and the resulting settlement agreement are an example of how Brady holds gun dealers accountable for business practices that allow or enable firearms to be diverted to the illegal market.

CURRENT SOURCE DEALERS OF GUNS USED IN HOMICIDES

As noted in **Table 1**, most of the crime guns in the database are not associated with violent crime. Of the 91,689 traces to dealers in Pennsylvania, 19,673 were recovered in an investigation into a violent crime. Of these, 3,136 are associated with a homicide. While the number of homicides is low compared to the total number of traces, it is

important to remember that each homicide is a life lost and a family left behind.

To focus again on current dealers' contributions to the problem, in **Table 10** we show the dealers who account for three or more of the 185 homicide guns recovered in 2020. For each dealer, the table presents the number of traces related to homicide in 2020, the average TTC of those traced guns, and, if known, whether at least two of that dealer's guns were traced to the same possessor. This is relevant

because law enforcement will often seize and trace all guns in the possession of a suspect, not just the guns used in the crime or found at the crime scene. For example, three of the four homicide-related guns traced to Miller Sporting Goods less than a month after they were sold were found in the possession of one person. These guns may have been bought in a multiple-gun purchase.

Remember, to have multiple crime guns traced to a dealer in one year is rare. To have multiple homicide guns traced to a dealer in one year is a strong indicator that the dealer is not doing nearly enough to prevent the store from contributing to gun crime.

TABLE 10: DEALERS WITH MORE THAN THREE HOMICIDE-RELATED GUN TRACES IN 2020

DEALER	2020 HOMICIDE TRACES	AVG. TTC (YEARS)	AT LEAST 2 GUNS WITH SAME POSSESSOR?
ACE SPORTING GOODS	9	4.41	
FIRING LINE INC	7	3.66	
ANTHONY ARMS & ACCESSORIES	7	4.58	X
GUNS PRICED RIGHT	6	1.22	
TARGETMASTER	6	5.18	
PHILADELPHIA TRAINING ACADEMY INC	5	5.42	
FRANKS GUN SHOP & SHOOTING RANGE LLC	5	1.39	
DELAWARE VALLEY SPORTS CTR INC	5	3.94	X
CONNELLSVILLE RURAL KING SUPPLY INC	5	1.99	X
LOCKS PHILADELPHIA GUN EXCHANGE	4	4.50	
DELIAS GUN SHOP	4	1.18	
TANNERS SPORTS CENTER INC	4	3.09	
MILLERS SPORTING GOODS	4	0.05	X
CLASSIC PISTOL	3	5.00	
SUBURBAN ARMORY, THE	3	4.62	

CASE STUDY:

SALES PRACTICES OF INDIVIDUAL DEALERS HAVE IMPACT

On October 27, 2020, 31-year-old Kenny Mister was shot in the parking lot of the Days Inn in Chester, Pennsylvania. Another victim, 31-year-old Najee Walker, was found in his car nearby a short time later. Both victims were rushed to the hospital, but Kenny died from his injuries. After the suspected shooter, a 23-year-old man, was identified from security videos, he turned himself in to the police.

A .32 caliber Beretta handgun was recovered on the street near the motel, and ballistics analysis matched the gun to the bullets and casings from the shootings. The gun appears in the gun tracing database as likely having been sold by Guns Priced Right of Pittsburgh in July 2020, just 94 days prior to the weapon's recovery at the crime scene. The purchaser was a 22-year-old woman who bought the gun as part of a multiple-gun purchase. Note that because of the very short time-to-crime, the purchase of multiple guns, and the fact that the purchaser was not the shooter, there is a high likelihood of the gun having been sold to a straw buyer.

If this purchase was indeed a straw sale, Guns Priced Right should have been prepared to identify any red flags presented by the buyer. In 2016, due to a high volume of annual traces with short time-to-crime, an ATF inspector identified the store as a "Top 100 Trace Inspection" and conducted an inspection "with a disposition emphasis to identify potential patterns of suspicious activity."

The inspection found more than one occasion when Guns Priced Right completed a sale despite the buyer indicating on the paperwork that they were

not buying the gun for themselves. The inspector also looked into the circumstances regarding firearms traced to Guns Priced Right and referred nine purchasers to law enforcement for further investigation into possible straw purchasing and/or gun trafficking. Overall, the inspector found nine violations of federal regulations and made 11 referrals to law enforcement.

With this history of large volumes of traced guns, referrals to law enforcement for illegal purchases, and ATF instruction on how to spot suspicious purchases, Guns Priced Right was on notice that would-be straw buyers were among their clientele. The store should have been prepared to prevent a sale like the one that resulted in Kenny Mister's death.

Indeed, the dealer was already aware that certain sales carry higher risk. Based on the findings of the ATF inspector, Guns Priced Right "made the immediate decision to cease selling Hi-Point Pistols, one of their most traced firearms." And, in fact, of the 1,910 Hi-Point pistols in the database traced to Pennsylvania dealers, just five were traced to Guns Priced Right, and all were sold prior to the 2016 inspection. Thus, the impacts of the decisions and sales practices of Guns Priced Right can be seen in the data.

RECOMMENDATIONS

Other jurisdictions should follow Pennsylvania's decision to be more transparent with trace data.

We applaud Attorney General Shapiro for creating and publishing the Gun Tracing Analytics Platform. Transparent trace data can and must be used by the public, elected officials, and law enforcement to hold the gun industry accountable and save lives. More states and jurisdictions should consider publishing their own gun trace data.

Researchers and journalists should build upon this analysis.

With open gun tracing information, the public has a better understanding of the supply side of the gun violence equation. Journalists should use this data and expand their coverage of gun crime to include not only information about perpetrators, but also the sources and circumstances of how they acquire their firearm(s). Researchers should use the data in the platform to study the sources and paths of crime guns, providing a broader base of evidence from which lawmakers, law enforcement, and communities can develop effective solutions to gun violence.

Federal, state, and local law enforcement should use trace data to inform enforcement and oversight strategies against upstream sources of crime guns.

Law enforcement agencies must work collaboratively and across jurisdictions to ensure that licensed gun dealers are responsibly selling firearms to the public. Focusing on the largest dealers of crime guns with short TTCs is an efficient and effective approach to preventing future gun injuries and deaths. Law enforcement must use all the tools at its disposal to ensure compliance with the law and disincentivize irresponsible firearm sales.

State and local elected officials in Pennsylvania should use these findings as motivation to consider ways in which they can better regulate problematic gun dealers.

Local governments must be careful not to run afoul of Pennsylvania's preemption law, which prohibits local regulations from being more strict than state regulations, but many municipalities may already have ordinances or regulations on the books that offer ways to hold gun dealers accountable. At a minimum, the state government and all local governments should ensure their procurement rules incentivize better business practices for gun dealers; dealers who supply crime guns should not be eligible for taxpayer-funded purchases. Importantly, state lawmakers should adopt policies that promote the safe transfer of firearms and allow for better oversight of — and more effective enforcement against — gun industry businesses that supply the criminal market.

State elected officials should consider implementing a permit-to-purchase requirement.

Requiring purchasers to present an obtained permit to a licensed dealer in advance of a firearm transfer helps deter individuals who are attempting to assist in firearm trafficking by purchasing a gun for another person in a straw sale.¹⁴

Gun dealers should adopt Brady's Gun Dealer Code of Conduct to avoid supplying the criminal market or making other risky sales. The [Brady Gun Dealer Code of Conduct](#) contains best practices for the safe transfer of firearms to the public. Many responsible gun dealers already follow a number of the policies included in the Code of Conduct.

Gun manufacturers should stop supplying guns to dealers that sell a large number of crime guns with short TTCs. As we first noted in 2006 in our [“Without a Trace”](#) report, trace data provides “powerful evidence of the gun industry’s complicity in fueling the illegal market. It is now clear that a relatively small number of readily identifiable licensed gun dealers are the source of most guns used in crime. This raises the obvious question: Why are gun manufacturers and distributors continuing to use these high-risk dealers to sell their guns? The answer appears obvious. Every gun sold to a gun trafficker is as profitable as a gun sold to a law-abiding sportsman. The industry has a vested financial interest in the continued flow of guns from its licensed dealers into the criminal market.” It is past time for gun manufacturers to change this mentality and take real, concrete steps to ensure that their products do not end up in the illegal market.

ENDNOTES

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APPENDIX

Column Heading	Description of data
Crime category	Broad description of the crime associated with the firearm, such as Property, Violent, Fraud, etc.
Crime code	National Crime Information Center code for the crime associated with the firearm
Crime code description1	Further information about some crimes, such as Carrying Concealed
Crime description	More specific description of the crime associated with the firearm, such as Burglary, Homicide, Possession of Weapon, etc.
Crime type	Provides more information for some crimes, such as Illegal Weapon Possession or Weapon Trafficking
Dealer out of state	Returns "Y" if the FFL that sold the gun originally is located out-of-state and "N" if in-state
Dealer out of state %	Returns "100" if the FFL that sold the gun originally is out-of-state and "0" if in-state
Dealer>Dealer Country	Country in which the FFL that sold the firearm originally is located
Dealer>Dealer County	County in which the FFL that sold the gun originally is located
Dealer>Dealer Out Of Business	Returns "Y" if FFL that sold the gun originally is no longer business at the time of the trace and "N" if in business
Dealer>Dealer Seq	"unknown"
Dealer>Dealer Ship Date	Date the FFL originally received the firearm from the manufacturer or distributor
Dealer>Dealer State	State in which the FFL that sold the gun originally is located
DEALER>DEALER_PHONE	Phone number of the FFL that originally sold the firearm
Display map	"unknown"
F1	"unknown"
Firearm Timetocrime Years	Time-to-crime of the firearm in fractional years
Firearm Timetocrime Years (bin)	Time-to-crime for the firearm in whole years
Firearm TTC (capped)	Time-to-crime of the firearm in fractional years if less than 25 years
Firearm TTC (capped) (bin)	Time-to-crime for the firearm in whole years, less than 1 year, or more than 25 years
Firearm TTC (days)	Time-to-crime of the firearm in days
Firearm TTC filter bins	Time-to-crime for the firearm within a range of years
Firearm>Caliber	The caliber of ammunition the firearm will shoot
FIREARM>IDENTIFYING_MARKS	Notes about the firearm's appearance, if unique
FIREARM>IMPORTER_NAME	Name of the importer if the firearm is of foreign manufacture
Firearm>Manufacturer	Name of the manufacturer of the firearm as a two- or three-letter code
Firearm>Manufacturer Name	Full name of the manufacturer of the firearm
Firearm>Model	Model number or model name of the firearm
Firearm>Obliterated Indicator	Notation indicating whether the firearm's serial number has been obliterated or is not present

Column Heading	Description of data
Firearm>Origin	Country of origin of the firearm as a two-letter code
Firearm>Origin Country Name	Country of origin of the firearm
Firearm>Type	Same as Firearm>Type Desc, as a one- or two-letter code
Firearm>Type Desc	Describes type of firearm (pistol, revolver, rifle, shotgun, Derringer, other)
General crime group (table filter)	Same as Crime Category column
Handgun count	"unknown"
In-state vs out-of-state	Whether the FFL that sold the gun originally is located in Pennsylvania or out-of-state
Number of Records	"unknown"
Possessor>Indiv Dob	Date of birth of the individual who possessed the firearm at the time of recovery
Possessor>Indiv Pob City	City of birth of the individual who possessed the firearm at the time of recovery
Possessor>Indiv Pob Country	Country of birth of the individual who possessed the firearm at the time of recovery
Possessor>Indiv Pob County	County of birth of the individual who possessed the firearm at the time of recovery
Possessor>Indiv Pob State	State of birth of the individual who possessed the firearm at the time of recovery
Possessor>Indiv Role	Code for possessor = S
Possessor>Indiv Seq	"unknown"
Purchaser age at purchase	Age of purchaser at the time of purchase
Purchaser age bins	Age of purchaser within a range of years
Purchaser>Indiv City	City of residence of firearm's original purchaser at time of purchase
Purchaser>Indiv Country	Country of residence of firearm's original purchaser at time of purchase
Purchaser>Indiv County	County of residence of firearm's original purchaser at time of purchase
Purchaser>Indiv Dob	Date of birth of firearm's original purchaser
Purchaser>Indiv Involve Date	Date of purchaser's purchase of firearm
Purchaser>Indiv Pob Country	Country of birth of firearm's original purchaser
Purchaser>Indiv Pob County	County of birth of firearm's original purchaser
Purchaser>Indiv Pob State	State of birth of firearm's original purchaser
Purchaser>Indiv Race	Race of the firearm's original purchaser
Purchaser>Indiv Race (group)	Race of the firearm's original purchaser, including "unknown"
Purchaser>Indiv Role	Code for purchaser = P
Purchaser>Indiv Seq	"unknown"
Purchaser>Indiv Sex	Sex of the firearm's original purchaser
Purchaser>Indiv Sex (group)	Sex of the firearm's original purchaser, including "unknown"
Purchaser>Indiv State	State of residence of firearm's original purchaser at time of purchase
PURCHASER>INDIV_HEIGHT	Height of purchaser in inches
PURCHASER>INDIV_POB_CITY	City of birth of firearm's original purchaser
PURCHASER>INDIV_WEIGHT	Weight of purchaser in pounds

Column Heading	Description of data
PURCHASER>INDIV_ZIP	Zip code of residence of firearm's original purchaser at time of purchase
Recovery year	Year in which the firearm was recovered by law enforcement
Recovery year (group)	Year in which the firearm was recovered by law enforcement
Recovery>Rec City	City in which the firearm was recovered
Recovery>Rec Country	Country in which the firearm was recovered
Recovery>Rec County	County in which the firearm was recovered
Recovery>Rec Date	Date the firearm was recovered
Recovery>Rec State	State in which the firearm was recovered by law enforcement
Recovery>Rec Time To Crime	Time-to-crime of the firearm in days
RECOVERY>REC_ZIP	Zip code in which the firearm was recovered by law enforcement
Summary>Completion Code	Two-digit alphanumeric code for Completion Text column
Summary>Completion Text	Summarizes the results of the trace
Trace Heading>Comp Date	Date the trace was completed
Trace Heading>Crime Cd	National Crime Information Center code for the crime associated with the firearm
Trace Heading>Fts Id	Identifying number of the trace in the Firearms Tracing System
Trace Heading>Gang Name	"unknown"
Trace Heading>Police Dept>Ori City	The city of the law enforcement agency and unit that requested the trace (ORI is the Originating Agency Identifier number, as assigned by the US Department of Justice)
Trace Heading>Police Dept>Ori Country	The country of the law enforcement agency and unit that requested the trace (ORI is the Originating Agency Identifier number, as assigned by the US Department of Justice)
Trace Heading>Police Dept>Ori Inv Number	"unknown"
Trace Heading>Police Dept>Ori Name	The name of the law enforcement agency and unit that requested the trace (ORI is the Originating Agency Identifier number, as assigned by the US Department of Justice)
Trace Heading>Police Dept>Ori Number	The ORI number of the law enforcement agency and unit that requested the trace (ORI is the Originating Agency Identifier number, as assigned by the US Department of Justice)
Trace Heading>Police Dept>Ori State	The state of the law enforcement agency and unit that requested the trace (ORI is the Originating Agency Identifier number, as assigned by the US Department of Justice)
Trace Heading>Police Dept>Ori Street	The street address of the law enforcement agency and unit that requested the trace (ORI is the Originating Agency Identifier number, as assigned by the US Department of Justice)
Trace Heading>Police Dept>Ori Zip	The zip code of the law enforcement agency and unit that requested the trace (ORI is the Originating Agency Identifier number, as assigned by the US Department of Justice)
Trace Heading>Priority	"unknown"
Trace Heading>Request Date	Date the trace request was made
TRACE_HEADING>ENTERED_USER	"unknown"
# of firearms	"unknown"



A REPORTER AT LARGE

THE SHODDY CONCLUSIONS OF THE MAN SHAPING THE GUN-RIGHTS DEBATE

John Lott is the most influential pro-gun researcher in the country. But his methods and findings have been repeatedly debunked.

By Mike Spies

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The Shoddy Conclusions of the Man Shaping the Gun-Rights Debate | The New Yorker

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Illustration by Lia Liao

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In 1957, the small-arms manufacturer Armalite created the AR-15—short for Armalite Rifle—at the invitation of the U.S. Army, which was seeking an effective lightweight combat weapon. When the Department of Defense reviewed a version of the rifle in 1962, during the early stages of the Vietnam War, its report stated that the gun’s “lethality” and “reliability” were “particularly impressive.” From forty-nine feet away, it noted, an Army Ranger fired a round into a Vietcong soldier’s head and “took it completely off.”

In recent years, gun companies have aggressively marketed semi-automatic AR-style rifles to civilians. Manufacturers now produce as many as two and a half million such firearms per year, and they routinely show up in the country’s deadliest and most horrifying acts of mass violence, such as the rampages that occurred, less than two weeks apart, in Buffalo, New York, and Uvalde, Texas, in May.

Last year, a federal court addressed the question of whether California could ban such guns. The state was one of eight, along with the District of Columbia, that had a prohibition in place. Multiple plaintiffs, including a handful of gun-rights groups, argued that the California statute was useless, relying on the statistical expertise of an economist named John R. Lott, Jr. Lott, who is sixty-four, with wispy gray hair, authoritatively delivers blizzards of empirical conclusions in an unthreatening Midwestern monotone. In a sworn statement to the court, Lott summarized his research on assault-weapon bans, writing that there is “no credible evidence” that such laws “have any meaningful effect of reducing gun homicides and no discernable crime-reduction impact.”

After a brief bench trial, the judge reached his decision in June, 2021. He overturned California's ban, and quoted Lott's assessment verbatim. Afterward, Lott published an op-ed in *The Hill*. The ruling "primarily concentrated on public safety," he wrote, and "the judge relied on my research."

For almost thirty years, Lott, who has a doctorate in economics from U.C.L.A., has provided the empirical backbone for the gun-rights movement. Virtually every statistical argument against regulation—made by lobbyists, Republican lawmakers, and National Rifle Association members alike—is based on his research, which reaches two conclusions: guns make Americans safer, and gun restrictions place them in danger. He stands against droves of distinguished academics who have determined that the opposite is true. But, in the scientific debate over firearms, no one has had greater influence.

Lott's first and most famous book, "More Guns, Less Crime," was published in 1998 by the University of Chicago Press, one of the country's most prestigious academic publishers. The book has been republished multiple times, and offers one seemingly irrefutable statistic after another. It specifies that when states relaxed laws restricting the concealed carrying of handguns, counties saw a roughly eight-per-cent drop in murders, a five-per-cent reduction in rapes, and a seven-per-cent decrease in aggravated assaults. The text is the basis for arguments blaming "gun-free zones" for mass shootings, and the notion, popularized by the N.R.A., that only a good guy with a gun can stop a bad guy with a gun. "Overall," Lott writes, "my conclusion is that criminals as a group tend to behave rationally—when crime becomes more difficult, less crime is committed."

Eight books have followed "More Guns, Less Crime," including "The War on Guns: Arming Yourself Against Gun Control Lies," and "Gun Control Myths: How Politicians, the Media, and Botched 'Studies' Have Twisted the Facts on Gun Control." Lott has also produced a steady stream of scholarly articles published in academic periodicals, along with op-eds that appear in regional newspapers and the *Times* and the *Wall Street Journal*. He has had appointments

at Ivy League schools, and his work is touted by leading Republican politicians, including Donald Trump and Senator Ted Cruz, of Texas. “What makes him so invaluable,” Cruz has written of Lott, “is his ability to go beyond philosophical arguments and to engage opponents of gun ownership on the facts.”

Lott’s findings and methods have generated scathing criticism from prominent academics, who have questioned his veracity and exposed flaws in his work. But the critiques have not diminished his stature. Instead, they have fed the conspiracy-oriented mentality of the gun-rights movement. In the eyes of its adherents, and in the messaging of the gun lobby and trade groups, attempts to discredit Lott are really attempts to suppress the truth.

In 2013, Lott founded the Crime Prevention Research Center, a nonprofit to support his research. He takes pains to stress his and the organization’s independence. In his statement in the California case, Lott wrote that the C.P.R.C. “does not accept donations from gun ammunition makers or organizations such as the National Rifle Association (NRA) or any other organizations involved in the gun control debate on either side of the issue.” The same language also appears in his books, on his Web site, and in other legal filings.

Yet Lott is a mainstay at the N.R.A.’s annual meeting, where he typically conducts multiple seminars on his research and hosts a table on the tradeshow floor. In 2015, during the group’s convention in Nashville, Tennessee, he held one of the C.P.R.C.’s first fund-raisers at a hotel around the corner. One of the speakers, a conservative celebrity author and radio host named Dana Loesch, would soon be a face of the N.R.A., alongside its leader, Wayne LaPierre. At the C.P.R.C. fund-raiser, she said, of Lott, “We don’t have anybody else on our side that does what he does.”

Lott did not grow up in a family with a fondness for guns. “I know my grandparents and stuff would be shocked to see how my research has

changed my views over time,” he said in a deposition taken during the California case. Lott was born in Detroit, and his family later moved to Florida, where he attended a Catholic high school. His mother and father were churchgoers, and he was close to his maternal grandparents, who were Democrats. Lott now owns two shotguns, a semi-automatic rifle, and two semi-automatic handguns—a Smith & Wesson M&P .40-calibre, and a Ruger 9-millimetre. He has a concealed-handgun permit because, he has said, “I didn’t think that it was proper for me to go and be telling people about these benefits if I didn’t actually kind of walk the walk myself on it.”

Lott received his bachelor’s degree in economics from U.C.L.A. in 1980, and then spent another four years at the school earning his master’s and Ph.D. in the same subject. According to a former classmate, Jon Karpoff, Lott did not stand out in “unusual or unique ways” at U.C.L.A.

Starting in 1988, Lott served for eighteen months as the chief economist on the U.S. Sentencing Commission, which helped inform his views on firearms restrictions. During his deposition, he claimed that the “very people that supply illegal drugs are the same ones that sell illegal guns,” and if the U.S. can’t stop the flow of drugs, then prohibiting firearms would be useless, too. When asked if he had an empirical basis for his assessment, he said that, at the commission, he read through “hundreds of cases,” and was “convinced” that “these guys not only have weapons but they’re entrepreneurs.”

“Would you present yourself as an expert in criminology?” Lott was asked at one point.

“I don’t think so,” he said.

Lott—who has never been granted tenure at a university—returned to U.C.L.A. for another temporary teaching appointment before being hired, in 1991, at the University of Pennsylvania’s Wharton business school. He kept in touch with

Karpoff, who was at the University of Washington, and in 1993 the two co-authored a paper on corporate fraud. “He really was one of the best economists that I knew,” Karpoff said. “He was very thorough, creative in how to test—genuinely test—rather than just seek to confirm ideas.”

Lott says that he was teaching a class on white-collar crime at Wharton when his students asked him if he might turn his attention to gun policy. He agreed, and began to “read through a number of papers,” Lott said in his deposition. “And I would have to say I was pretty shocked how poorly done the existing research was.”

In 1994, Lott arrived at the University of Chicago, where he eventually became a fellow at the law school. The country was in the early stages of a significant shift. Historically, local and state authorities decided whether to issue permits to people who wanted to carry concealed handguns. But between 1987 and 1991, eight states had enacted “shall-issue” laws that allowed applicants who could legally purchase a firearm to automatically receive a concealed-carry license, as long as they paid a fee and completed a rudimentary training course. Lott and a doctoral student named David Mustard, who is now an economics professor at the University of Georgia, collected and analyzed fifteen years of data from some three thousand counties. In January, 1997, they published their findings in the *Journal of Legal Studies*, concluding that the new laws had caused violent crime to drop precipitously in the states that adopted them. The study provided the empirical support for the “shall-issue” statute—and justified its continued expansion to other states.

The study was extensively covered in the media, and featured in a congressional hearing on guns. Within a year, multiple statehouses held debates on concealed-carry permits, with Lott serving as the lead witness in four of them. But scientists soon challenged his conclusions. One paper, published in the *American Journal of Public Health*, warned that “the flaws” in Lott’s article were “so substantial, and the findings so at odds with criminological theory and research, that any conclusions

about the effects of “shall-issue” laws based on this study are dubious at best.”

David Hemenway, an economist and a professor of health policy at Harvard University, said that Lott’s paper “created a cottage industry of scholars analyzing the same data sources and largely refuting” its results.

The next year, Lott published “More Guns, Less Crime.” The *Wall Street Journal* called the book “compelling,” and said it was filled “with enough hard evidence that even politicians may have to stop and pay attention.”

In the beginning of 1999, Otis Dudley Duncan, who is regarded as one of history’s most important quantitative sociologists, wrote the first of a number of letters to Lott. He was especially skeptical of a sentence in Lott’s book that stated, “If national surveys are correct, 98 percent of the time that people use guns defensively, they merely have to brandish a weapon to break off an attack.” Lott had not specified which surveys, but, in a *Wall Street Journal* op-ed published around the time of the book, he attributed the figure to polls by the Los Angeles *Times*, Gallup, and Peter Hart Research Associates. The number, he wrote, was a percentage of the “at least 760,000, and possibly as many as 3.6 million, defensive uses of guns per year.”

Duncan determined that Lott’s assertion was simply wrong. In May, Duncan informed Lott he was writing an article about what he would call the “rogue number,” and later that month sent him a draft. One sentence summarized his assessment: “The ‘98 percent’ is either a figment of Lott’s imagination or an artifact of careless computation or proofreading.”

Tallies of defensive gun use are inherently problematic. They depend on surveys that rely on a respondent’s memory and perception of threat, as well as one’s willingness to tell the truth, all of which can be influenced by politics, world view, and other biases. The Department of Justice attempts to track defensive gun uses through a twice-yearly survey that tries to mitigate some of the issues. For instance, participants only answer questions about self-defense if they first state

that they were a victim of a certain crime, such as burglary or larceny. As a result, the government finds that there are around seventy thousand defensive gun uses per year, making them much rarer events.

The government's figures seemed to undermine Lott's argument. If Americans were rarely using a firearm to protect themselves from criminal acts, how could more guns equal less crime? And if Lott's surveys really did present a more accurate picture, why were such incidents so seldom documented? Lott said that "brandishing" addressed both questions. "The media understandably play up graphic gun attacks by outlaws," he explained in *The American Enterprise*. "They can't easily show us the vastly more common cases—numbering in the hundreds of thousands to millions each year—where law-abiding citizens brandish a gun and cause criminals to flee."

After Lott received a draft of Duncan's article, he sent him a letter. He now said that the brandishing number was based not on the polling data but "upon survey evidence that I have put together involving a large nationwide telephone survey conducted over a three month period during 1997."

In the second edition of his book, published in 2000, Lott attributed the brandishing claim to this three-month study. That year, in a piece for *The Criminologist*, Duncan had laid out his concerns. Lott, who was now in a temporary research position at Yale, responded in the same journal, providing some new specifics and an explanation for the confusion. "The survey that I oversaw interviewed 2,424 people from across the United States," he said. "I had planned on including a discussion of it in my book, but did not do so because an unfortunate computer crash lost my hard disk right before the final draft of the book had to be turned in."

In September, 2002, James Lindgren, a law professor at Northwestern University who has a Ph.D. in quantitative sociology, offered to examine the matter. Lott told Lindgren that the calls for the survey were made by University of Chicago

undergraduates, who volunteered for the work and used their own phones. Lott did not have phone records, but the students could confirm whether the survey was conducted in the first place. When Lindgren asked for the students' names, however, Lott said that he did not remember. Later, he explained that he was "horrible at names." Lindgren told me, "After all these years, no one has come forward to say they worked on the survey." Two people, however, claim that they were respondents; one of these, David Gross, is a former N.R.A. board member.

Lindgren also harbored grave doubts about the math. Lott's figures, Lindgren noted in a report, implied that twenty-five or twenty-six survey respondents had reported defensive gun uses. Lott had said that of the two per cent of respondents who had fired their weapons, three-quarters dispatched warning shots, while only a quarter attempted to hit another person. "If these figures were accurate," Lindgren explained, "only 1/2 of a person (2% of 25 people) reported firing a gun—and that 1/2 of a person breaks down further into 3/8 of a person firing warning shots and 1/8 of a person firing at someone." Lott said that he had "always acknowledged" that the samples were small.

In September, 2001, Lott became a scholar at the American Enterprise Institute, a conservative think tank in Washington, D.C, where he worked on a new book, titled "The Bias Against Guns: Why Almost Everything You've Heard About Gun Control Is Wrong." When it came out, in 2003, it included details of a follow-up survey on defensive gun use, with results that more or less aligned with his earlier conclusions. This time around, the numbers indicated that "brandishing a gun stops crimes 95 percent of the time."

To prove that the survey was real, Lott made his data publicly available. But the figures showed that there were only a thousand and fifteen respondents, and reported thirteen incidents of self-defense gun use, only one of which involved firing a weapon. David Hemenway, the Harvard economist, wrote at the time that the survey was "not nearly large enough to provide precise estimates of the percentage of self-defense gun users who merely brandish a firearm." For another

thing, the thirteen defensive episodes were confined to just seven people; four of these said that they used their firearm twice, and a fifth person claimed to have used it three times. In his own surveys on defensive gun use, Hemenway had asked participants to tell the story of what transpired when they used a firearm for self-protection. The respondents often described using their guns in an aggressive manner. “It turned out they were actually using their guns illegally,” Hemenway told me.

Lott’s emphasis on brandishing has not diminished. In a recent interview, he said, “People have the perception” that guns are not used in self-defense. Lott suggested that the media ignore such stories. “So you’re missing almost all the cases that are out there.”

On February 1, 2003, the day “The Bias Against Guns” was published, the Washington *Post* ran a story headlined “Scholar Invents Fan to Answer His Critics.” A staffer at the Cato Institute, a libertarian think tank, had become suspicious of Mary Rosh, a woman who regularly showed up on Web sites to defend Lott from his critics. In one post, she described herself as one of his former Ph.D. students at Wharton, and said he was “the best professor that I ever had.” She added, “There were a group of us students who would try to take any class that he taught.” Rosh even explained why it made sense for her to carry a gun. “If a woman is being attacked by a 200 pound man, is she just supposed to wait until the police arrive?” she asked. “I am 114 lbs. and 5’6”. What should I do in that situation?”

The Cato staffer tracked Rosh’s I.P. address to Lott, who admitted that he was behind it. “I probably shouldn’t have done it—I know I shouldn’t have done it—but it’s hard to think of any big advantage I got except to be able to comment fictitiously,” he told the *Post*.

In the California deposition, Lott said the purpose of the pseudonym was to “keep people from being obnoxious and threatening.” Lott also contended that he was not the sole author of Rosh’s comments. One relative had “begged” him to “protect them from the firestorm that was occurring at the time.”

The episode damaged Lott’s reputation, which was further harmed in 2005, when the National Research Council, an arm of the National Academy of Sciences, released a book-length report called “Firearms and Violence.” One chapter assessed Lott’s finding that relaxing concealed-carry laws had caused a decrease in crime. The N.R.C. had tried to replicate Lott’s model, concluding that “it is not possible to determine that there is a causal link” between the two events.

By that point, Lott’s research had been influencing legislation for nearly a decade; a majority of states now had “shall-issue” laws, a number that would grow to nearly forty by the following year.

For half a decade, Lott was confined to the margins. He briefly held a teaching position at Binghamton University, and then spent two years as a researcher at the University of Maryland, his last stint at an academic institution. He wrote for the *Washington Times* and Fox News’ Web site.

In 2012, a national tragedy presented a new opportunity. George Zimmerman, a self-appointed watchman in a Florida neighborhood, stalked and then fatally shot an unarmed Black teen-ager named Trayvon Martin. Zimmerman was not arrested for weeks, a delay that drew attention to the state’s Stand Your Ground law, which allows citizens who fear for their lives to use deadly force anywhere they have a right to be. (In 2013, Zimmerman was acquitted of charges of second-degree murder.)

The following year, the U.S. Senate Judiciary Committee convened a hearing on Stand Your Ground laws. The model statute, created by an N.R.A. lobbyist, was

less than a decade old, and until Martin's death few Americans were familiar with it. Lott was called to serve as an expert witness. "These laws help allow individuals to defend themselves," Lott told the lawmakers. "This is particularly important in high-crime areas." He went on, "In the third edition of my book 'More Guns, Less Crime,' I provided the first published peer-reviewed study examining Stand Your Ground laws using national data. I found that they lowered murder rates by about nine per cent and that overall violent crime rates also declined."

Lott's prepared testimony was not subjected to deep scrutiny. It contained footnotes, and the one concerning Lott's study simply cited the third edition of "More Guns, Less Crime," without any page numbers. But the book does not mention Stand Your Ground.

When I questioned Lott about the discrepancy, he referred me to a section of his book that deals with Castle Doctrine laws, which, he said, "are a type of Stand Your Ground law." Lott told me that the section accounts "for the full spectrum of Stand Your Ground Laws," even though "those words are not used in the book." But the Castle Doctrine is different from Stand Your Ground. Lott correctly defined the former in his book. "This is the first study to look at the Castle Doctrine," the text reads, "which eliminates the requirement that people in their own home have to retreat as far as possible before defending themselves." Stand Your Ground, on the other hand, removed the duty to retreat in public.

The Castle study's sample period ends in 2005, the year Florida enacted the N.R.A.'s model Stand Your Ground statute. The law largely spread to states across the country from there. Those include Ohio, where in 2021 Mike DeWine, the state's Republican governor, initially indicated that he would veto the bill, urging the legislature to instead take up a package of gun-safety reforms. He then abruptly reversed course, with his press secretary stating that the decision relied on one of Lott's op-eds, which argued that such laws reduced murders. This year, a peer-reviewed study published in *JAMA Network Open* found that Stand Your

Ground was associated with up to an eleven-per-cent increase in monthly gun-homicide rates.

Almost a year after Trayvon Martin was killed, the mass shooting at Sandy Hook Elementary School, in Newtown, Connecticut, galvanized gun-control advocates. For the first time since the early nineties, tighter federal-gun regulations, including universal background checks, were in play.

The Sandy Hook-inspired proposals failed to get through Congress, but they served as an effective fund-raising tool. Lott launched his nonprofit, the Crime Prevention Research Center, which received its tax-exempt status in August, 2013. The C.P.R.C. has studied gun-free zones and rates of mass shootings across the world, and it publishes an annual report—extensively covered by conservative media—on the number of concealed-handgun-permit holders in America. According to Lott’s research, the number now exceeds twenty-one million. The C.P.R.C. never takes in more than a few hundred thousand dollars a year, and Lott has always drawn a salary of less than a hundred thousand dollars. He frequently emphasizes that his research is untainted by the gun industry or by special-interest money, and points to the C.P.R.C.’s policy of refusing donations from all manufacturers or groups that have a stake in the gun-control debate.

But, during Lott’s deposition, when asked if the C.P.R.C. receives contributions from individuals who may be affiliated with the gun industry, he admitted, “I’m sure we probably get some donations from people that are in those things. But I don’t go and screen them.” He went on, “I draw the line in terms of banning an individual with their own money.”

Lott said that the C.P.R.C.’s integrity was further guaranteed by the group’s academic advisory board. “I think we’re a relatively unique organization in terms of having people with strong views—or views on different sides of the issue about what’s right or not. The reason why we do that is, like with any good academic-

type organization, you need to have critical people who disagree with you to give you comments before you put out research.” He added, “You want to make sure it’s right.”

Lott named several of the C.P.R.C.’s advisers who hold either neutral or supportive views on gun control. One was Scott Masten, a business-economics professor at the University of Michigan, and another was Karpoff, his U.C.L.A. classmate. When I asked Masten about his role at the C.P.R.C., he said, “The sum total of everything I did with respect to the center was agree to be an adviser.” When I asked Karpoff what he did, he said, “Literally nothing.”

On April 10, 2015, Lott held the C.P.R.C.’s fund-raiser at a Hilton Hotel in Nashville, during the N.R.A.’s annual meeting there. In addition to Dana Loesch, who was on her way to becoming one of the N.R.A.’s most recognizable names, several other right-wing celebrities spoke, including the musician and gun activist Ted Nugent, who was both an N.R.A. and C.P.R.C. board member until 2018. Dressed in a camouflage shirt and a cowboy hat, he advocated for the extrajudicial killing of criminals and told the crowd that the C.P.R.C.’s work was just as important as the N.R.A.’s. “John works his ass off,” Nugent said, “and he needs to be paid more.” For the movement to succeed, he declared, Lott’s “almost Mr. Rogers-like delivery” was a necessity. He explained, “the juxtaposition between Ted Nugent the Second Amendment guy and John Lott the Second Amendment guy is dynamic. And we need both.”

As if to underscore the point, Lott delivered a fifteen-minute slide presentation with charts and graphs. Without the C.P.R.C., he said, the public would be exposed only to a “tidal wave” of research that was dishonest, overwhelmingly biased against firearms, and funded by President Barack Obama’s Administration and such insidious billionaire philanthropists as George Soros. Less than two weeks later, Lott pressed the same case on the conspiracy show Infowars, during a period when its founder and host, Alex Jones, was telling his listeners that the

mass shooting at Sandy Hook Elementary School was staged by the government in order to justify new gun regulations. “He didn’t raise the claim while I was on [the] show,” Lott told me, by e-mail. “If he had, I would have corrected him.”

Around this time, Donald Trump was launching his Presidential campaign. He spoke at the N.R.A.’s convention, and, as the election drew closer, Lott began to campaign for Trump in numerous op-eds and radio interviews.

A month after Trump took office, Lott began corresponding with a top official at the Department of Justice named Ryan Newman, who now serves as general counsel to Florida Governor Ron DeSantis. In an e-mail in February, 2017, Lott wrote, “There were a number of ideas that I hope can be dealt with by the D.O.J.” He brought up the D.O.J.’s National Crime Victimization Survey, which, he said, “gun control advocates use” to “claim that guns are rarely used for self defense.” He asserted that “it needs to be fixed by changing a couple survey questions,” such as the poll’s screener about being a crime victim, which, by reducing subjectivity, weeds out potentially millions of unreliable responses.

Eventually, Lott compiled his recommendations into a document titled “A Partial List of John R. Lott, Jr.’s Ideas on Empirical Work That Could Be Done by the Department of Justice.” He circulated the list on multiple occasions to Newman, and, under a slightly altered title, to another D.O.J. official named Gary Barnett. In an e-mail to Barnett, he wrote, “As we discussed, we need new research to advance the Trump agenda and pull indefensible studies done during the Obama administration.”

After Trump took office, one policy that was on the table in Congress was “reciprocity,” which would require states to recognize one another’s concealed-handgun-permit holders, allowing individuals to carry their weapons anywhere in the country. Lott wrote, “Everyone knows the types of claims that will be made during congressional debates about how dangerous permit holders are, so before the various reciprocity bills come up, it is extremely important that [the D.O.J.]

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do a study on this issue.” He clarified, “It is one thing for myself to do studies on how law-abiding concealed handgun permit holders are. It is something entirely different for the Department of Justice to do it.”

In cities around the country, police chiefs were critical of licensed gun carriers who were driving into metropolitan areas and leaving firearms in their parked cars. Thieves, the police said, were breaking into the vehicles, stealing the guns, and distributing them through the illegal market. Lott wanted this narrative put to rest. “There is one item that I could use your help quickly on [getting] some data before the reciprocity debate that is coming up in September,” he wrote to Newman. “The claim coming out from gun control advocates is that concealed handgun[s] are being stolen from permit holders and then being used in crime.” Lott then appears to ask Newman to do something illegal. “As I suspect you already know, there is a database for this information,” he said, “but unfortunately only law enforcement are allowed access to it.” Lott was referring to the National Criminal Information Center, which is strictly off limits to the public; a violation of the policy can be prosecuted as a federal crime. A week later, he followed up with Newman: “Just so you know, I believe that I was able to get a hold of the data that I had asked about.”

When I asked Lott about these e-mails, he wrote, “I have no memory of anyone ever mentioning anything to me about the data not being accessible to the public.” He went on, “In any case, while I was waiting to hear back from Newman, I talked to a Congressman about my interest in getting that data, and he offered to get the data for me. So that is how I got it.”

This summer, John Donohue, an empirical researcher and Stanford law professor who also testified in the California case, published a study in the National Bureau of Economic Research examining “shall-issue” laws in forty-seven U.S. cities over a forty-year period, from 1979 to 2019. The statutes, the study found, were linked to a twenty-nine-per-cent increase in violent gun crime. One of the driving factors: a thirty-five-per-cent jump in firearm theft.

In late 2019, John Dillon, the plaintiffs' attorney in the California assault-weapons case, asked Lott to join his team as an expert witness. During Lott's deposition, he said, "I have a rule that I won't take a case if I'm going to be paid by anybody who is involved in the gun industry or the N.R.A. or somebody else who has a dog in the fight."

It was a strange answer, given that multiple gun-rights organizations were listed as plaintiffs in the case. When asked if he was aware of their involvement, Lott said, "I have no doubt that that's true. I have no connection with them, and have had no contact with them about it." The attorney pressed him further. "Do you know which particular organizations are plaintiffs in this case?" he asked. "I haven't tried to look that up," Lott said. "It isn't relevant to me."

One of the plaintiffs was the Second Amendment Foundation, a group that focusses on litigation to expand gun rights. The month Lott joined the case, the organization held a conference in Phoenix. Dillon, the plaintiffs' attorney, was one of the speakers, and he discussed the case on a panel. Another speaker was Lott, who delivered a lecture at the event, and was named Scholar of the Year. He told me, "When the case was in process, I never talked to anyone at the Second Amendment Foundation about it. I didn't even know that they were involved."

I asked Lott if he was paid for his work on the California case. He replied, "I was not paid by the plaintiffs." During his deposition, he had disclosed that he was earning four hundred and fifty dollars an hour to serve as an expert. When I followed up, he wrote, "I was paid by a private individual who doesn't work in the firearms industry and does not run nor hold a position of any type in any self-defense oriented organization." He added, "I will not go into further detail out of respect for their privacy."

In June, 2020, under the direction of the Trump White House, the D.O.J. offered Lott a job, pending a background check. It was an exciting time for

him. Lott was moving to Missoula, Montana, after David Strom, a seventy-nine-year-old who had recently died, left him money and a two-bedroom house with a view of the mountains. Strom was a veteran, a police officer, a gun enthusiast, and a lifetime N.R.A. member; according to an obituary, he supported organizations that “defended the Constitution and the Bill of Rights.” Before his death, records show, Strom had made Lott a beneficiary of his trust, which held the home. It is unclear how Lott and Strom were connected. But Lott once told Karpoff, his former classmate, that he had received the house from a fan. Lott has never publicly acknowledged Strom, but, according to court documents, he sued the trustee for more cash. “There was ten thousand dollars in the trust,” Lott wrote me, “and as soon as the trustee disbursed the cash in accordance with the will, the lawsuit was dropped.”

It can take months to clear a government background check, and, by the time the D.O.J. was finished looking into Lott, the Trump Administration was near its end. Before taking his position as a senior adviser, ethics rules required him to relinquish his role at the C.P.R.C. On October 9, 2020, the organization put out a press release announcing Lott’s replacement, Robert F. Turner, a national-security specialist in his late seventies who was a law professor at the University of Virginia for more than thirty years.

Lott started at the D.O.J. on October 20, 2020. Two days later, one of the most prominent national-security think tanks in the country, the Center for Strategic and International Studies, released a report titled “The War Comes Home: The Evolution of Domestic Terrorism in the United States.” Its key finding was not surprising: “White supremacists and other like-minded extremists conducted two-thirds of the terrorist plots and attacks in the United States in 2020.” Turner said that “Dr. Lott was anxious to have me respond” to the study. “It was my understanding,” he told me, that the C.P.R.C. “wanted me to write something challenging or refuting” it. Turner did not know why, and declined to do so. “I did

not want my name associated with anything that might imply that I was other than outraged by such monstrous behavior,” he said.

In a matter of weeks, Turner, a cancer survivor who was struggling to write op-eds—one of his core responsibilities as president of the C.P.R.C.—left the organization. Lott does not dispute Turner’s recollection of the report, but said that Turner’s departure was not related to it, and instead pointed to his lack of productivity.

Lott’s three-month stint at the D.O.J. was unremarkable. He compiled data relating to the background-check system, and reviewed F.B.I. reports he found problematic. Lott left the day before Joe Biden was sworn into office.

In June, 2021, after the judge struck down California’s assault-weapon ban, Lott turned his attention to other matters. In the past few years, a flurry of states have passed laws abolishing their concealed-carry permit systems. Known among gun-rights advocates as Constitutional Carry, the new statutes allow anyone who can legally purchase a firearm to carry a concealed handgun in public, with no license required. It is the logical evolution of the “shall-issue” concept, and Lott has embraced it. In December, he co-wrote an op-ed for the Orlando *Sentinel* arguing in favor of the law with Anthony Sabatini, a Republican state representative in Florida who was sponsoring a Constitutional Carry bill there and had the first byline. A month later, Lott co-wrote an op-ed in the Omaha *World-Herald* with Tom Brewer, a Republican state senator in Nebraska who was sponsoring Constitutional Carry legislation in his state. The column’s language was virtually identical to that of Lott and Sabatini’s op-ed in the *Sentinel*. In February, the column was published again, in *Yellowhammer News*, an outlet in Alabama. Lott’s co-writer was Shane Stringer, a Republican representative who was sponsoring the Constitutional Carry bill there. Finally, Lott published the op-ed on his own in March, in the Atlanta *Journal-Constitution*, replacing the names of the other states with Georgia, which was considering similar legislation. The bills in Florida

and Nebraska stalled, but passed in Alabama and Georgia. Half of all states now have a Constitutional Carry law in place.

Brewer's office said that it had asked Lott for help with the senator's bill, and that Lott had suggested he could either co-author or ghostwrite an op-ed. After the office agreed to a shared byline, Lott e-mailed text, which Brewer's staff accepted without making any changes. Lott, the office said, did not disclose that he was publishing the same language with legislators in other states. None of the other lawmakers who supposedly co-authored those op-eds responded to requests for comment. "What I told any of the newspapers or others such as Brewer's office was that I wouldn't submit a similar piece to any other newspapers in that state," Lott wrote to me. "State newspapers only require exclusivity within their state."

Recently, in an interview after the Uvalde shooting, Senator Ted Cruz cited Lott's research to argue that such incidents are rare in the United States relative to the rest of the world. Adam Lankford, a criminologist at the University of Alabama, had closely inspected Lott's data, and discovered that Lott had inflated the world's figures by including "attacks by terrorist organizations, genocidal militias, armed rebel groups, and paramilitary fighters." The data even contained a slaughter directed by the President of Nigeria, in which soldiers killed as many as two hundred civilians. These were not comparable acts of violence to Uvalde, Buffalo, or, say, the 2017 music-festival shooting in Las Vegas. Lott disagrees. "We do not exclude incidents of public mass shooting just because we think we know the motivation of the shooter or shooters," he and a co-author wrote in *Econ Journal Watch*.

Without Lott, there would be no counter-narrative for those who have come to need one. Gun rights represent a way of life, an identity tied to ideas about individualism that, for many Americans, fill a void. Republicans like Cruz recognize the potency of the issue, and use it to mobilize voters, reinforcing the notion that they are protecting society by arming themselves—a noble calling. During the pandemic, Americans have bought more firearms than ever before,

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and, according to the Centers for Disease Control and Prevention, gun homicides have surpassed their previous all-time peak, reached in 1993. In Philadelphia, the number of permits issued rose from seventy-four hundred, in 2020, to fifty-two thousand, in 2021. Last year, there were five hundred and sixty-one murders in the city—the highest number ever recorded there. The violence has been normalized. In October, a fifteen-year-old boy shot to death four adults and a teen-ager in a middle-class neighborhood in Raleigh, North Carolina. The event hardly registered. ♦

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Ms. SCANLON. I yield back.

Ms. JACKSON LEE. I am pleased to recognize now the Ranking Member of the Full Committee, Mr. Jordan, from Ohio.

Mr. JORDAN. Thank you, Madam Chair.

I would yield my time to the gentleman from Kentucky.

Mr. MASSIE. I thank the gentleman from Ohio.

Ms. JACKSON LEE. The gentleman from Kentucky is recognized.

Mr. MASSIE. Thank you, Madam Chair.

Mr. Lott, I was looking in your written testimony, the part of it that you didn't get to elaborate on in your opening statement. I noticed something remarkable, a sentence here that says there was no drop in the number of mass public shootings with assault weapons during the 1994–2004 so-called assault weapons ban.

Can you elaborate on that? One other thing I want to point out, before I turn that over to you is one of the most horrific shootings in history was at Columbine, and it happened in 1999, five years into these so-called assault weapons ban.

Can you elaborate on whether mass public shootings went down or up? Because today, I've heard several times it's stated that the 1994–2004 assault weapons ban worked and is being proposed again. So, I think it's important that we get the data to the document that the Chair just introduced into the record. I want to say you are the only authority that we have here today on statistics and data.

So, if the other side would like to offer some facts or statistics and data, I would welcome them to bring a Witness that's as knowledgeable as Mr. Lott on this subject at some time.

I ask Mr. Lott to answer the question.

Mr. LOTT. Sure.

Mr. MASSIE. Microphone, please.

Mr. LOTT. Just one quick thing. You know, you look around the world. People seem to think that this only happens in the United States. If you just compare even Western Europe to the United States, does anybody know where the two worst mass public shootings were? They were in Europe. France in November 2015 had 130 people killed. Norway about a decade ago had 67 people killed.

France, it takes over a year to go through the licensing process. It costs thousands of dollars. You have to get two psychiatric evaluations to be able to go through. They have every law that every State in the United States has, plus more. Yet, they've had worse mass public shootings on both total and per capita rates.

Anyway, there are lots of different measures of mass public shootings. The only one that people look at who make this claim that the number of mass public shootings went down is by Louis Klarevas, who's at the Teachers College at Columbia. What he does, he has a different measure than anybody else. He looks at six or more people killed, rather than the typical four or more. Much more importantly, he inconsistently includes cases involving robberies or gang fights.

So, most of the measures, the FBI measure for active shooting or for mass public shootings, specifically measures public attacks that are not part of some other type of crime like a robbery or a gang fight. They're trying to get at those cases where the whole point of the attack was simply to go and kill or harm other people.

That's not saying that gang fights over truck turf aren't important, but the causes and solutions to going and stopping the types of mass public shootings that get people's attention in the news media are very different from the types of cases that you see that get the news coverage.

The other thing that he does is he—you think he'd be looking at attacks involving assault weapons, but he lumps them together with all things.

Even with his data, all the data shows that if it was a ban on assault weapons that was somehow causing a drop to occur, then the percentage of attacks involving assault weapons should have fallen when you have the ban and then should have gone up if it's assault weapons that are driving the drop and then driving the increase after the ban sunset.

In fact, even with his data, what you find, because he lumps both assault weapons and other weapons together, even with his data, the increase that he claims occurs during the 1994–2004 period is driven entirely by non-assault weapons being used more during that period of time.

Anyway, it's pretty clear, no matter how you measure this, you're going to—in fact, Klarevas was an expert in the California assault weapons ban case where I was an expert on the other side. The judge ruled that his evidence was contradictory and was not acceptable by the court.

Mr. MASSIE. One thing also that seems somewhat disingenuous about this claim from the other side of the aisle is the number of AR–15s, so-called assault weapons or military-style weapons, that were in circulation and ownership in the United States practically doubled during that period because the manufacturers quickly changed the cosmetics. The ban was based on cosmetic features of the gun, and so the number of the people kept selling.

I bought an AR–15 between 1994–2004 myself because, in fact, they weren't really banned by function, only by style. So, I think that deserves further investigation, whether that ban worked or not. It did not work.

I yield back.

Ms. JACKSON LEE. The gentleman from Kentucky is correct.

The legislation that we have is updated and modifies the distinction between one group versus another group, which is why we absolutely need, when I say group of assault weapons, why we absolutely need the law to be passed now. This hearing is about what the Federal Government can do to assist these grieving families who grieve year after year and decade after decade.

I'm pleased to yield now to the gentlelady from Florida, Ms. Demings.

Ms. DEMINGS. Thank you so much, Madam Chair.

To all our Witnesses, there are no words that can fully express how grateful we are to you for being here today to discuss this very important issue.

Here we are again, talking about gun violence in America. As Members of Congress, our primary responsibility is the safety of the American people. When we think about our own children, our own grandchildren, wouldn't we do anything, anything at all to protect them?

Well, our responsibility goes a little further here, because we have taken an oath to protect America's children. As I hear the discussion, I am just—certainly as a former law enforcement officer, I'm just disappointed that we are not fulfilling our oath or our promise to protect America's children.

I do have to recognize the presence of NOBLE's Executive Director, Dwayne Crawford. It's great to see you and NOBLE member, Chief Holt.

I've heard a lot of stuff. I've heard that we just want to take guns out of the hands of law-abiding citizens. That's nonsense. I carried one for 27 years. My father was a hunter. I grew up with guns.

This is about keeping guns out of the hands of dangerous people, people who walk into a classroom, Faith, and gun down innocent children, like your sister.

To her parents, it's about keeping guns out of the hands of dangerous people. If we aren't work doing to do that, as we sit here and talk about a lot of different things, if we aren't working to do that, we are not doing our job.

There's been a lot of talk about law enforcement, as there should be. I watched the failed response, and we need to get to the bottom of it. We do know that things went wrong long before the shooter, the 18-year-old, walked into Robb Elementary that day, like legislators who have the power to pass laws proactively to protect children failed to do that.

Seatbelt laws don't save everybody, do they? Doggone it, they have made a difference.

We have a responsibility to do better than just throw ridiculous rhetoric across the aisle every day. We have this moment with people who were there. There's been a lot of talk about assault weapons and military-style weapons.

Doctor, you gave a very vivid testimony about the victims and what the weapon did to the victims. I know you're not making that up. I served as a law enforcement officer. The chance of survival, I've had coworkers shot with the same weapons. The chance of survival is about zero, and so there seems to be, I hear, defending the weapons. What about the children?

Doctor, please, again, could you talk about what you experienced on the scene that day so the American people, those who really want to listen and do something about it, can fully understand the devastation caused by the weapon that was used?

Dr. GUERRERO. As I've mentioned before, devastating injuries to the point of shredding, decapitation, holes in chests.

I'll actually even tell you, since Uvalde's a small community, things travel quickly through our community. Medical people or other people that were there that happened to see what they saw when they walked in, I can explain to you what they've mentioned to me as well: Kids with part of their faces missing, limbs torn apart. There's a little girl alive today still who survived who's missing part of her extremities.

It's just devastating injuries that no one could possibly survive.

Ms. DEMINGS. Faith, and to Tess's parents, God bless you and thank you so much for your advocacy, not just on behalf your daughter, but for other children.

Chief Holt, if you could just talk a little bit about NOBLE's position as we talk about gun violence and how we can reduce it in the most powerful Nation in the world.

Mr. HOLT. Again, our position is not to eliminate a section of the Constitution. We are all for accountable, responsible gun ownership. What we're not responsible for are those who aren't responsible, who skim the way that you purchase weapons, and the use of how they use those weapons.

We would like to see this great divide come across and we unite. Really, the only goal is the safety and the safety of kids who are victims of this sort of incident.

Ms. DEMINGS. Again, thank you all so much very.

God bless you.

Madam Chair, I yield back.

Ms. JACKSON LEE. I thank the gentlelady.

I'd like to yield at this time to the gentleman from Kentucky for his time.

Mr. Massie, you're recognized.

Mr. MASSIE. I thank the Chair, and thank you for having this hearing.

I want to set one thing straight. It is true that President Biden has expressed his desire to ban all semiautomatic weapons, and most of the firearms sold today, and most of the firearms owned today are semiautomatic weapons.

So, I think it's disingenuous to say that you don't want to ban guns or take them from people who are law-abiding citizens. The President didn't make an exception for law-abiding citizens when he said he wanted to ban semiautomatic weapons.

Mr. Lott, you uttered something that's very disturbing to me in your oral testimony. You said that the NICS background check results in racially disparate outcomes, that if you're a Black male or a Hispanic male, that you would be more likely to be denied, a law-abiding male, more likely to be denied the purchase of a firearm when you go to purchase it legally from a gun store.

Why do you think that is? What can we do in the next Congress to get the data to confirm that or dispel that myth, if it is not true?

Mr. LOTT. Yeah, thank you, Congressman.

It's a very simple point. You'll constantly hear things like there are 3.8 million dangerous prohibited people that have been stopped from buying guns because of background checks. That's simply false. What they should say is that there are 3.8 million initial denials, and about 99 percent of those are mistakes.

It's one thing to stop a felon buying a gun. It's another thing to stop somebody simply because they have a roughly phonetically similar name and similar birth date from being able to go and buy a gun.

The problem is, is that people tend to have names similar to others in their racial groups. Hispanics tend to have names similar to other Hispanics. Blacks tend to have names similar to other Blacks. The problem is that 18 percent of Hispanic males have a felony background. Thirty-four percent of Black males have a felony background. The problem is for Whites, it's six percent. For Asians, it's three percent.

The problem that creates is that law-abiding, good, Black males or Hispanic males are more likely to have their names and birth dates confused with somebody who's prohibited because of this broad brush of using roughly phonetically similar names and birthdays. It causes errors.

Now you can appeal. The problem is that it's a complicated process to appeal those mistakes. It costs about \$3,000 on up. So, what you've essentially done is good, law-abiding people who want to go and protect themselves and their family, poor- and middle-income-class people are being prevented from buying guns through no fault of their own simply because they have a name similar to somebody who's prohibited.

There's a simple way of fixing this. If private companies did background checks in the same way that the Federal Government does, they'd be sued out of existence under Federal law if they had an error rate that was $\frac{1}{100}$ th the error rate that the Federal Government has.

Why not simply require that the Federal Government has to meet the same standards for doing backgrounds checks that private companies have to meet?

Now, when I was working in the Department of Justice, I tried to go and get the data on the error rates by race, but the FBI fought against us getting that at every step of the way that was there.

Mr. MASSIE. Isn't it true that the data is collected on every 4473 form that's filled out at a gun store?

Mr. LOTT. Exactly.

Mr. MASSIE. Race.

Mr. LOTT. You know the race. You know the sex of everybody there. We know who applied to get it to begin with. We know the rejection rate, even at the first stage when the national BATF office goes through it.

About 94 percent of the false-positive cases are dropped at the—there are five stages of review. About 94 percent are dropped at the first stage of review. There are no lawyers involved. They're simply double-checking the paperwork.

The problem is, they don't go back and tell people about the mistakes were there. They just go, "You're denied," and that's it. You have to then go and appeal to go and get a mistake fixed then at that point.

Mr. MASSIE. Can you tell us about the laws that are on the books in all 50 States that resemble red flag laws that actually help the person who may be a danger to themselves or others?

Mr. LOTT. So, they go by different names: Baker Act in California—I mean Florida, 5150 in California.

What happens is if you are concerned that somebody's a danger to themselves or others, you go to the police. The police will evaluate it. If they have reasonable suspicion, they'll take the person in to a psychiatric expert. The psychiatric experts can have 24–72 hours, depending on the State, to evaluate the person.

At that point if they think there's a reasonable suspicion, there can be an immediate hearing. If the person can't afford a lawyer, one is provided for them at that time. Evidence can be cross-examined at that point.

The thing is at that point judges have a broad range of options. They could say, look, I'm concerned. If you go and see a psychiatric expert, after a week or two weeks, we'll reevaluate. They can take away the person's guns. Or in the ultimate thing, because about 99 percent of these cases are used for suicide concerns with red flag laws, you could involuntarily commit the person.

The problem with red flag laws, there's no psychiatric experts, no mental healthcare experts are involved in the process. The only thing that the judge sees is a written complaint by maybe one person that's there.

If you really believe somebody's suicidal or you really believe somebody's a danger to themselves or others, just simply taking away their guns is not a serious solution to the problem there. If somebody's really suicidal, you're telling me they there are no other ways somebody can go and commit suicide? The way these laws are set up is they want you to think, if you only take away a person's gun, problem solved, there's no problem at that point.

People can drive a car into a crowded sidewalk that's there and go and kill people if they're really a danger to other people.

Mr. MASSIE. Before I yield back, just to clear that up, there are laws on the books in all 50 States that allow involuntarily commitment and the taking of guns, but the difference between those laws is there's due process—

Mr. LOTT. Right.

Mr. MASSIE. —and the person receives treatment, whereas red flag laws, you just take the person's gun and leave them without treatment and there's no due process.

I yield back.

Ms. JACKSON LEE. I could analyze this discourse.

I simply say 5150, red flag laws that I happen to support, but none counter the idea that the person is alive. When someone is shot with a gun, a child, an assault weapon, they're dead. They can't be brought back.

I'm happy to yield to the gentlelady from Georgia.

Ms. MCBATH. Thank you, Madam Chair.

I'm happy to reel us back into what is really important today.

I want to say thank you to every one of our Witnesses here, especially those that have been affected by the scourge of gun violence, our family members, our victims. Thank you. Thank you. Thank you.

For our expert Witnesses who have been doing this work for so long, I, too, am a gun violence survivor. That is the reason why I sit here today before you, because I know how important it is that we change the entire culture that every community in this country is suffering under with the extremism of gun violence in America.

Sadly today, we are here to address the tragedy in Uvalde. We are here to address the 19 children and two teachers murdered by an 18-year-old with two assault weapons and 2,000 rounds of ammunition.

Yesterday, we commemorated the 10th anniversary of the massacre at Sandy Hook, a decade to the day since 20 first graders and six teachers were murdered by a 20-year-old who fired over 150 bullets from his Bushmaster in under five minutes.

In Sandy Hook, 15 children in Lauren Rousseau's classroom were murdered. One, a six-year-old girl, she played dead among the other bodies. She was the only one to survive. Covered in blood, the first thing that she said to her mother was, "Mommy, I'm okay. But all my friends are dead."

In Uvalde, an 11-year-old, Miah Cerrillo, saw her friend shot next to her. She smeared the blood of her friends all over herself and played dead on the floor.

In that decade, the decade that passed between these two murders of our children, no substantial gun safety legislation was ever signed into law.

After first graders were murdered in Sandy Hook, it took a decade and the murder of fourth graders in Uvalde before we finally were able to pass substantial legislation that helps to protect our children and to keep our family safe.

I promise you. This is only the beginning. It's imperative that our efforts to build on these gun safety policies continue. We cannot afford to wait another decade, another five years, another two years. We cannot afford 10 more years. We cannot allow another Uvalde, another Parkland, nor another Sandy Hook. America is crying out, demanding that Congress Act and that we act now.

Dr. Guerrero, you are a pediatrician who treated many of the children in Uvalde. In the past, you've described both what you saw, what you heard, the damage those guns and bullets caused to children from just mere feet away.

Parents, you describe, screaming, crying, and begging for their children.

As someone who has retold the tragedy of losing my own son to gun violence, I recognize that this is not an easy thing to relive over and over again. Could you please share with the American public, as what I have expressed before, your words? They were refuted by my Republican colleagues. Can you please share with us, describe the scene inside the hospital during the aftermath of that terrible day?

Dr. GUERRERO. So, as I arrived at the hospital, there were multiple parents outside, some of which recognized me, and immediately started screaming their children's names, asking for me to find them.

As I walked into the hallway of the hospital, chaos ensued. There was blood on the floor, children that were bloody, sitting in chairs in the hallways—one of them was Miah Cerrillo, who spoke with us at the last Committee meeting—and just utter chaos and just pandemonium. It really seemed like a movie that didn't exist.

By this point, I was just trying to help the parents outside find their victim children, and this is when I was brought to see these two children that I spoke of earlier that were deceased.

As the day progressed, we just were told to wait, wait for 14, 15 more kids that were coming, of course, that never came. In our hearts we knew that they had passed and that they had been killed on this day.

To this day the community still suffers. We're in pain. We're not healed in anyway or any way or fashion, but we know that we'll continue to fight so this never happens to anyone ever again.

Ms. MCBATH. Thank you so very much for your courage, each and every one of you, the family members. My heart goes out to you because I understand exactly where you are and how you feel.

I promise you that I and my colleagues here on this Committee, Democrats, will do everything that we can to protect and serve you going forward.

I yield back.

Ms. JACKSON LEE. I thank the gentlelady.

Now, I'm privileged to yield to the Ranking Member of the Subcommittee, Mr. Biggs, of Arizona.

Mr. BIGGS. I thank the Chair.

One of the Witnesses today talked about—and this is kind of what the focus has been about is on who pulled the trigger, and then where did that gun come from.

If you're really going to get to the resolution of a societal problem that is tragic and horrific, it seems to me that you'd want to answer, at least try answering the question is: Why did that person undertake to pull the trigger in the first place?

Of course, my colleagues across the aisle refer to that question as and theories that might pertain to that as being, I think they used the worded idiotic and ridiculous.

Well, it makes it tough to have a bipartisan solution when ad hominem attacks are what you're hiding behind. I don't think that's really what any of us should be hiding behind.

Chief Holt mentioned in his written and oral testimony that we should be focusing on—and I can pull it out here. I want to say, because I thought it was pretty prescient—comprehensive, non-judgmental, pragmatic, and evidence-based approach. That is, if we're going have a bipartisan solution, it seems to me that's where you would go. You would do it that way.

That isn't what typically happens in Congress, unfortunately. For those of you who've not dealt with Congress before, you probably didn't realize that. That's really unfortunately the reality.

So, I want to go to Mr. Brewer. I want you to tell me if you've explored, and if you've tried to address the underlying causes of violence in society and even the root causes of violence of mass shooters.

Mr. BREWER. Every day. Every day.

Thank you, Mr. Biggs.

Every day I face this. We talk about violence; you talk about young kids in communities that have it a little bit rougher than others and are faced with these type of situations. I do it all the time. I go into the juveniles. I also go into the prisons.

So, to talk to a kid or man ask, "Why did you pull the trigger? Why did you do a drive-by shooting?" and you start to really uncover the things that were going on in their lives. In my programs, over 85 percent of those men happen not to have a father in their lives.

So, it could be idiocy, whatever you want to call it. That's not what the Word of God says. The Word of God says defend the fatherless and the widows. If we don't do that, then our land will be hit with a curse. We're experiencing that curse.

Mr. BREWER. My brother next to me touched my Bible and said that Jesus was a man of action and not prayer.

Jesus prayed. There are over 25 different verses in the Bible of Jesus praying. He was a praying man all the time.

So, to think that you can go into these communities and actually affect the individuals that are pulling the trigger without getting to the spiritual battle that we're facing in our Nation, that's idiocy, because that doesn't align with the Word of God.

None of us in here are smart enough to come up with any solutions, and if we think we are we need to reevaluate that.

Our solutions come from the Word of God. If we don't want to get back and humble ourselves before God and actually look at our kids in the eye and make sure that they are sound, with strong parents and mentors—every kid is not going to have a mom and dad, but the ones that don't, they still deserve mentors. They still deserve direction.

So, why are we not in this panel right now talking about real solutions to help the children that are suffering in our communities? We have the money. The programs are there.

When we look at Chicago, just this weekend 21 kids shot at each other. That wasn't with an AR-15 or any type of assault weapon.

Mr. BIGGS. Thank you. Thank you, Mr. Brewer.

I'm going to yield my last minute to Burgess Owens, the gentleman from Utah.

Mr. OWENS. We have two topics here, my friends. One is the Second Amendment rights, and that's going to be a discussion for years to come. The other one is, how do we take care of our kids today?

I want you guys to keep this in mind. I'm going to read this one more time, because if our goal is to make sure our kids are safe, then we can talk about all the other issues that adults could deal with.

How about this? Securing Our Students Act, using billions of dollars of unused and already allocated funds from the American Rescue Plan that each district, Uvalde, Draper, Leon, and Tallahassee, each district would have what they need, their customized need, hard infrastructure, innovative software, or security personnel.

Why would anyone vote against that? Take care of our kids. Let's get that done with first so every fall we take our kids to school, we know they're going to be okay.

Let's have this debate for years to come if we want to about Second Amendments. Our children should be first and not be used as hostages, my friends, and that's what's happening right now today. We could stop this if we put the right legislation, make sure they're safe, period.

I yield back.

Mr. BIGGS. Thank you.

Madam Chair, I'm not going to extend my time anymore, and I'll yield back to you.

Ms. JACKSON LEE. I thank the gentleman from Arizona for his questioning.

Now, I'm privileged to yield to the gentlelady from Texas, Ms. Escobar.

Thank you so very much. You are now recognized, Ms. Escobar.

Ms. ESCOBAR. Madam Chair, I want to express my deep gratitude to you for your leadership on this Subcommittee and for bring-

ing this issue forward and for making sure that we are doing everything possible to keep our communities and our children safe and that we address the horrible epidemic of gun violence in our country.

I want to thank our Witnesses and extend my heartfelt condolences to those who have, unfortunately, had to experience mass shootings, who have lost family members to gun violence, and who are deeply traumatized by what has happened.

I want you to know how much I admire your courage and your willingness to come forward. I imagine it must be very difficult to relive your trauma over and over again. So, thank you for doing this and speaking to the American people.

On August 3, 2019, my own community of El Paso, Texas, was targeted and was victim to a mass shooting. This one was a White supremacist who targeted my community because of his anti-immigrant, anti-Latino fervor. He drove to El Paso to slaughter Mexican people and those who looked like immigrants.

He used an AK-47 to slaughter 23 people. He injured dozens more. In my community, just as Dr. Guerrero just stated, we are still living with the pain and the trauma, with the scars, the emotional, physical, and financial scars.

This is so frustrating to me to hear my colleagues try to talk about other issues. I will work with anyone at any point in time on helping our families, on making schools safer. I'm all in. We cannot ignore the primary cause of this kind of slaughter, the tool that is used, which is the gun.

Trying to obfuscate and talk about anything other than the guns, especially these assault-style weapons, we're never going to solve this. We must solve this. We have to. We've got to stop this pain that so many communities are living with.

I will tell you, it was really I would say incredible to hear the Ranking Member earlier say that Democrats are trying to, quote, "emasculate the Second Amendment." I don't even know what that means. It seems like guns are somehow tied to male egos. Is that what this is about? Is this why people are dying? Is this why children are traumatized? Is this why America is such an outlier? This is really, again, deeply frustrating.

I want to get to our Witnesses, and I want to find out, I think it's important for the American people to hear about the consequences of this kind of inaction.

Dr. Guerrero, your testimony was powerful and painful, and I cannot imagine the trauma that you and other healthcare providers are living with.

Can you tell us how you all are coping together, the medical personnel that had to deal with these babies who were slaughtered by this madman?

Dr. GUERRERO. I think my fellow colleagues and fellow family practitioners in my community, who all see these children on a day-to-day basis in our community, are just now dealing with the after effects, which include full-blown PTSD in the siblings of these victims and the other kids at the school who don't want to go to school anymore, whose parents are terrified to send them to school, and who now have to face all these emotions moving into the holiday season, their first Christmas with their loved ones away.

So, overall, my community still bleeds with an open wound, and we continue to try to find our own ways to help each other to heal.

Ms. ESCOBAR. Thank you, Dr. Guerrero.

I have questions for everyone on the panel. I am out of time. I will just say this to Representative Gutierrez.

Representative Gutierrez, thank you for your courage and your voice as well. Your community is going to need a lot of resources. In El Paso, many of my constituents are still needing surgery. Many of them still need therapy and psychiatric help. The costs are not just emotional. The costs are not just physical. The costs are financial.

To all of you in Uvalde, my love to all of you. I keep you close in my thoughts and in my prayers.

Madam Chair, I yield back.

Ms. JACKSON LEE. We thank the gentlelady for her testimony.

We are about to recognize Mr. Tiffany, and we will give him the respect to access the technology that he has to access to prepared.

Again, as I do that, let me acknowledge and thank Ranking Member Biggs, Full Committee Ranking Member Jordan, Full Committee Chair Nadler, Mr. Owens, Mr. Massie, Mr. Gohmert, Mr. Steube, now Mr. Tiffany, who have joined us in this hearing. We're very grateful to you.

Let me acknowledge the Members who have joined us here, the Full Committee Chair, Mr. Nadler, Ms. Demings, Ms. McBath, Ms. Scanlon, Ms. Dean, and Ms. Escobar, who have joined us. Mr. Lieu was here as well. I want to acknowledge and make sure that we have our gratitude expressed on the record for this very important hearing.

We do want to acknowledge that Mr. Cicilline in the House led us on the assault weapons ban. I will have some closing remarks regarding this hearing to answer the questions of those who sacrificed to come here.

We'll be happy to now yield to the Ranking Member of the Subcommittee for unanimous consent.

Mr. BIGGS. Thank you, Madam Chair.

I referred to these two pieces earlier. One's from the *CBS Chicago*, dated December 5, 2022, "Chicago Man Shoots, Wounds Two of Three Suspects in Carjacking." Then November 24, 2022, *Newsweek.com*, "Woman Defends Herself With Concealed-Carry Gun."

I'd ask that they be entered into the record.

[The information follows.]

MR. BIGGS FOR THE RECORD

CHICAGO (CBS)

-- A 56-year-old Chicago man being robbed on the West Side, turned the tables and shot at the three robbers, wounding two of them.

Police said it happened in the 4700 block of West Arthington around 6:00 a.m. and ended when the suspects' car crashed as they tried to get away.

Here's how it started: Three teens pulled up to a man in his car, one of them pulled a gun on him and demanded his belongings. The victim got out, struggled with at least one of the teens, then pulled out a gun and shot at them.

One teen was hit in the head and is listed in critical condition at Mt. Sinai. Another teen who was hit in the shoulder is listed in serious condition at Stroger Hospital. The third who was in the backseat was taken to an area hospital after he broke his leg in the crash.

Police said the man was licensed to conceal carry and was not injured in the incident. Area Four detectives are investigating.

Woman Defends Herself With Concealed-Carry Gun, Shoots Would-Be Carjacker

BY [MEGHAN ROOS](#) ON 11/24/22 AT 11:17 AM EST

A woman has shot a man who was allegedly trying to break into her vehicle in Chicago early Wednesday morning.

The woman was also shot as she ran away from the would-be carjacker and three other men who were with him at the time the incident occurred, according to the Chicago [Police](#) Department. The 23-year-old woman, who has not been publicly identified, had a concealed-carry license and used her weapon to defend herself, police told *Newsweek*. The incident began shortly after 2 a.m. local time on Wednesday as the woman sat inside her vehicle, which at the time was parked along the 1300 block of East 89th Street in the Calumet Heights neighborhood.



A woman used her concealed-carry weapon to defend herself during an attempted carjacking in Chicago on Wednesday. Above, crime scene tape is stretched around the front of a home where a man was shot on May 28, 2017 in Chicago, Illinois. SCOTT OLSON/GETTY IMAGES

As the woman sat in her car, police said four men got out of another vehicle that was near the woman's parked automobile. Police described the second vehicle as a black sedan, but have not identified any of the men by name or age.

After getting out of the sedan, one of the men approached the woman's vehicle and showed her a gun as he tried to break inside. Police said the woman then used her concealed-carry weapon and shot the man in the head.

After the man was shot, the woman ran away from her vehicle and was shot in her left arm by another man from the group, police said. The woman was described by police as being in "fair condition" when she was transported to Trinity Hospital for treatment of her injuries. Police said the man was in "critical condition" when he was transported by the Chicago Fire Department to the University of Chicago Medical Center.

The three other individuals "fled and are not in custody," police said. Detectives are investigating the incident.

NEWSWEEK SUBSCRIPTION OFFERS >

Vehicle thefts have been on the rise in Chicago this year. [According to](#) the Chicago-based television news station WBBM-TV, there were more than 3,000 vehicle thefts last month, making October the month with the largest number of car thefts in Chicago in about 20 years. As of November 20, Chicago Police Department data showed 17,700 vehicle thefts had been reported since the beginning of the year. That number marks a 93 percent uptick over the total [number of vehicle thefts](#) reported for 2021 by this time last year, and a 104 percent increase in the number of vehicle thefts reported to police for 2020 by late November.

Crime has been a topic of concern across the U.S., with many voters identifying it as [one of the issues](#) they were most worried about [heading into](#) the midterm elections earlier this month.

Ms. JACKSON LEE. While you are doing that, I have some additional documents, but I'm going to ask unanimous consent to enter into the record the report of the DOJ Inspector General—I'll refer to that in a minute—on the NICS background check, and I'll refer to that in a minute.

Am I recognizing Mr. Tiffany?

Mr. BIGGS. There he is.

Ms. JACKSON LEE. Mr. Tiffany is here.

Mr. Tiffany, it is now your turn. I recognize you for five minutes. Thank you.

Mr. TIFFANY. Thank you very much, Madam Chair.

I yield my time to Representative Massie from Kentucky if he is there.

Mr. MASSIE. I'm here. I appreciate the gentleman from Wisconsin.

Ms. JACKSON LEE. The gentleman has yielded the time to Mr. Massie.

Mr. Massie, you're recognized.

Mr. MASSIE. I want to thank my colleague, Mr. Burgess, for recommending actual solutions that could work. As he said, the debate on the Second Amendment will continue for as long as this country is a country, but we need to protect our kids now.

Mr. Lott, are there school districts where teachers and staff can be armed? Can you talk about that? What are the results there? How many victims have we seen in those school districts?

Mr. LOTT. There are 20 States that allow teachers and staff to carry. You have some States, like Utah and New Hampshire, where anybody with a concealed-carry permit who is a teacher or staff member is allowed to carry.

Most other States require a vote either by the school district board or by a decision by the principal of the school. There is a lot across it. Some States, like Oklahoma and Ohio, have had 40 percent of the school districts with it and Texas has over 30 percent.

What you have is, we've had a couple decades of experience with these things. There has not, from 2000 on, despite many thousands of school districts having armed teachers and staff, there has not been one attack where anybody has been wounded or killed at any of these schools.

The other thing is, when you read the legislative debate when these laws get passed, there's all these concerns. Well, the teacher will leave the gun, or the teacher will get upset and accidentally shoot somebody or they'll shoot a bystander or something like that.

You cannot find any of the mistakes that they're concerned about. I know of a couple accidental discharges where nobody has been hurt, basically, as a result of them. Nobody has been shot by a teacher, nobody has gotten a hold of a teacher's gun and used it improperly, despite the concern.

So much of the debate about armed teachers, about things that might possibly go wrong, but we have thousands of schools and decades of experience to go and look to see whether or not those are likely outcomes or not.

Mr. MASSIE. I thank you.

Mr. Tiffany, I know you joined us remotely. Mr. Burgess would like some time.

I'll yield back to you, Mr. Tiffany.

Mr. TIFFANY. Thank you very much.

I yield to Burgess, to Representative Owens from Utah.

Mr. OWENS. Thank you, Mr. Tiffany.

I just want to first highlight once again how much we appreciate you guys being here. This is a conversation we need to have. You are the faces, you are the feelings, the empathy that we have to make sure we take care of our kids.

If I can just highlight, let's separate the long-term conversation with what is immediate today. Every day we put our kids in a school system, our grandkids, we expect to be able to pick them up, that they're going to be safe. That should never be a question. Our kids should never go to school wondering if they're going to be safe or not.

We can do that today. I just mentioned one of the bills. Think about this one, the School Safety Best Practices. It's a database, a clearinghouse where all the best practices throughout the country are put in one location, and schools, law enforcement agencies, institutions of higher learning, and public can access it, so everybody doesn't have to go through the same experience of getting to be the very best at protecting our kids.

This was turned down by the Democratic Party. What are we trying to—I guess the question is, what are we trying to accomplish? Do we want to make sure we just focus on the Second Amendment, or do we want to take care of our kids first?

Let's get them off the table. Let's make sure they are not being used as hostages. They should be not part of this—we should never have this conversation ever again if we take care of rule number one, take care of our kids.

I want to also ask something that my friend Jack Brewer said earlier. I grew up in a time when respect was being taught in the household, back in the segregated days when my community led the country in the growth of the middle class, men matriculating from college, men committed to marriage. We had more women getting married, Black women getting married than White women, because we respected that institution of marriage.

Yes, if you want to get back to the core problem, let's make sure we're getting back to the family unit where these kids can be raised right, where they understand discipline and respect. If we start taking that off the table, guess what? Nothing we do here is going to change, nothing.

So, I know that's kind of a spiritual thing that some people don't like to ever touch. I'm going to tell you something, guys. This country was based on Judeo-Christian values. The reason we've been the greatest country in the history of mankind, the reason I was able to be raised in the community I was raised in, a segregated community, and be so proud of this country, respect for my name and my family, was because of that basic foundation, the Ten Commandments.

So, let's not take that off the table, because if we do, we're not going to win this battle. Meanwhile, let's focus on our children first, and then we can have this other debate about Second Amendments any time you want to. They should not be part of the equation.

Thank you, Mr. Tiffany.

I yield back.

Ms. JACKSON LEE. We have a Member that is working very hard to, again, access technology.

Ms. Bush? Ms. Bush of Missouri? Ms. Bush?

I thank the Witnesses for their patience. We are trying to be courteous. We appreciate the time that you've spent with us. This is very, very important to us. So, if you'd just give us a moment, and I will close the hearing with some responses, as the prerogative of the Chair.

Let me take this time to submit into the record articles, a partial list, and ask unanimous consent, without objection.

A partial list of mass shootings in the United States in 2022, The New York Times; *People* "Sandy Hook Survivor, 17, Tells Her Story for First Time Since the Tragedy 10 Years Ago: 'I Thought I Was Going to Die'"; *The Washington Post*, "They hoped she was hiding in the Uvalde school. Instead, she was gone. In essence, she was dead"; "The Red City Defund Police Problem: Large cities with Democratic mayors spend far more money on policing and hire far more police officers than large cities with Republican mayors"; "The Red State Murder Problem."

I ask unanimous consent for all these articles to be submitted into the record. Without objection, so ordered.

[The information follows:]

MS. JACKSON LEE FOR THE RECORD

1/17/23, 1:10 PM

Mass Shootings in 2022: A Partial List - The New York Times

The New York Times

<https://www.nytimes.com/article/mass-shootings-2022.html>

A Partial List of Mass Shootings in the United States in 2022

There is no official consensus on what constitutes a mass shooting, complicating the efforts of government, nonprofits and news organizations to document the scope of the problem.

Jan. 5, 2023

The deadliest mass shooting in the United States in 2022 was the massacre in which 19 children and two teachers were killed at an elementary school in Uvalde, Texas, on May 24. It happened 10 days after 10 people were shot and killed in a supermarket in Buffalo.

There is no consensus on what constitutes a mass shooting, complicating the efforts of government, nonprofits and news organizations to document the scope of the problem. Different groups define mass shootings differently, depending on circumstances including the number of victims, whether the victims are killed or wounded, and whether the shooting occurs in a public place. The Gun Violence Archive, a nonprofit research group that tracks gun violence using police reports, news coverage and other public sources, defines a mass shooting as one in which at least four people were killed or injured.

The Gun Violence Archive counted 648 mass shootings in 2022. Of those shootings, 21 involved five or more fatalities, including the attack at a Walmart in Chesapeake, Va., on Nov. 22 and the shooting at an L.G.B.T.Q. nightclub in Colorado Springs on Nov. 19 that left five people dead.

The group recorded 692 mass shootings in 2021, with 28 involving four or more fatalities.

Here is a partial list of the mass shootings in 2022.

Nov. 22: Chesapeake, Va.

A Walmart employee opened fire in a break room as the store was preparing to close for the night, killing six people, the authorities said. The gunman was found dead, apparently from a self-inflicted gunshot wound, according to the police.

Nov. 20: Colorado Springs

Five people were killed and 17 injured by gunfire in a shooting at an L.G.B.T.Q. nightclub. The gunman was injured and taken to a hospital.

Nov. 13: Charlottesville, Va.

Three University of Virginia students, all of whom were players on the football team, were killed and two were wounded when a gunman, a former football player, opened fire in a garage after a field trip to see a play in Washington.

Oct. 13: Raleigh, N.C.

A gunman, described by the authorities only as a "white male juvenile," killed five people, including an off-duty police officer, and wounded two others. The attacks drew a large response from law enforcement agencies to the residential area near the Neuse River Greenway, a popular bike trail for Raleigh residents.

Sept. 7: Memphis, Tenn.

Memphis was effectively closed down during an hourslong manhunt for a 19-year-old gunman who killed four people while streaming some of the violence on Facebook Live. There were several shootings and carjackings over the course of the day.

July 17: Greenwood, Ind.

A 20-year-old gunman opened fire in the food court of a mall, killing three people and wounding two others. Minutes into the attack, the gunman, identified as Jonathan Douglas Sapirman, was fatally shot by a bystander.

We'd like to hear what you think about our reporting.

Take survey



<https://www.nytimes.com/article/mass-shootings-2022.html>

1/4

1/17/23, 1:10 PM

Mass Shootings in 2022: A Partial List - The New York Times

The scene of a shooting in Highland Park, Ill., during a Fourth of July parade. Mary Mathis for The New York Times

July 4: Highland Park, Ill.

Robert E. Crimo III, 21, was taken into custody several hours after the shooting in Highland Park, a suburb north of Chicago, and charged with seven counts of first-degree murder. Seven people were killed and dozens more, ranging in age between 8 and 85, were wounded.

The police said the gunman had climbed onto a rooftop with a rifle and begun firing into a crowd gathered for a Fourth of July parade.

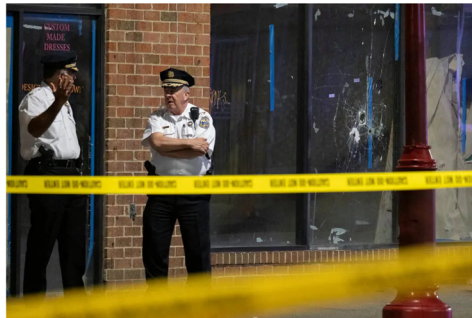
June 30: Newark

Nine people were shot and wounded in what the police said appeared to be an incident related to a stolen car. The youngest victim was 17 and the oldest was 68. All were treated at local hospitals.

June 20: Harlem

A 21-year-old college basketball player was killed and eight people were wounded in an early-morning shooting at a popular picnicking area.

After surging during the pandemic, the rate of shootings in New York has begun to fall, although it is still above prepandemic levels.

June 4: Philadelphia

Fifteen people were shot, three of them fatally, along South Street in Philadelphia. Dakota Santiago for The New York Times

Three people were killed and 12 injured in a shooting in downtown Philadelphia, the police said. An officer fired at one of the gunmen, the police said, but it was unclear whether the gunman had been hit.

Another six people were killed and dozens were injured in several other shootings over the same weekend, including in Arizona, South Carolina, Tennessee and Virginia.

June 1: Tulsa, Okla.

Several people were shot and five were killed at a medical building next to Saint Francis Hospital in Tulsa, Okla., the Tulsa police said. The police said the gunman was believed to have killed himself.

We'd like to hear what you think about our reporting.

1/17/23, 1:10 PM

Mass Shootings in 2022: A Partial List - The New York Times

May 24: Uvalde, Texas

Two children leave flowers at the memorial at Robb Elementary. Ivan Pierre Aguirre for The New York Times

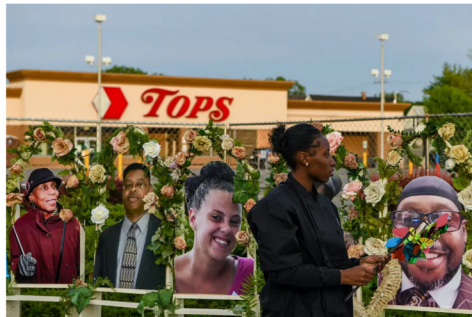
A gunman killed 19 children and two teachers at Robb Elementary School in Uvalde, Texas, about 80 miles west of San Antonio.

Law enforcement officers fatally shot the gunman, identified as Salvador Ramos, 18, but not until well over an hour after he walked into the school, raising questions about whether lives could have been saved if they had acted sooner.

May 15: Laguna Woods, Calif.

A gunman killed one person and critically wounded four other members of the Irvine Taiwanese Presbyterian Church in Laguna Woods, Calif. The congregation, which holds services at the Geneva Presbyterian Church, overpowered the gunman and hogtied him, preventing further bloodshed, the authorities said.

The suspect, David Chou, 68, is a Las Vegas man with a wife and child in Taiwan who had traveled to Orange County with a grievance against Taiwanese people, the authorities said. He was charged with murder and five counts of attempted murder in what the Orange County sheriff, Don Barnes, called a "politically motivated hate incident."

May 14: Buffalo

A memorial to the victims of the mass shooting at a Tops grocery store in Buffalo. Kenny Holston for The New York Times

We'd like to hear what you think about our reporting.
A gunman armed with an assault-style weapon killed 10 people and wounded three others at a Tops supermarket in a predominantly Black section of Buffalo, the authorities said.

1/17/23, 1:10 PM

Mass Shootings in 2022: A Partial List - The New York Times

The suspect, Payton S. Gendron, 18, is white, and the 10 people who died were all Black. Before the attack, Mr. Gendron had posted a nearly 200-page racist screed online. He was indicted on 25 counts, including 10 counts of first-degree murder and 10 counts of second-degree murder charges as hate crimes, as well as a single count of domestic terrorism motivated by hate.

May 13: Milwaukee

At least 16 people were wounded by gunfire in a shooting in downtown Milwaukee, in a popular nightlife area blocks from the arena where an N.B.A. playoff game ended hours earlier, the authorities said.

April 12: Brooklyn

A gunman opened fire inside a crowded subway car during the morning rush, wounding 10 people, the worst attack on New York City's subway system in decades. More than a dozen other people were also injured, with some choking on smoke from the two devices the police said the gunman detonated before he started shooting. No one was killed.

A suspect, Frank R. James, was arrested the next day and charged with carrying out a terrorist attack on a mass transit system. If convicted, he could face life in prison.

April 3: Sacramento



Authorities search area of the scene of a mass shooting with multiple deaths in Sacramento, Calif. Rich Pedroncelli/Associated Press

As revelers spilled out of nightclubs in a two-square-block area of downtown Sacramento, a barrage of gunfire killed six people and wounded 12, the authorities said. Days later, the Sacramento Police Department said "gang violence" was at the center of the shooting, which involved at least five gunmen.

March 19: Dumas, Ark.

Two people engaged in a gunfight and sprayed a crowd with gunfire, killing one bystander and injuring 27 other people, including six children, at a community event and car show in the small Arkansas farming community.

Jan. 23: Milwaukee

Law enforcement officers were called to a Milwaukee home for a welfare check, and found six people who had been fatally shot. The victims — five men and one woman — had been shot, the police said, and evidence early in the investigation suggested that the killings had been targeted.

We'd like to hear what you think about our reporting.

12/14/22, 3:08 PM

Sandy Hook Shooting Survivor, 17, Is Fighting for Safer Schools

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Sandy Hook Survivor, 17, Tells Her Story for First Time Since Tragedy 10 Years Ago: 'I Thought I Was Going to Die'

High school senior Nicole Melchionno is turning tragedy into triumph as a leading advocate for gun safety and making schools safe for kids

By **KC Baker** | Published on December 7, 2022 11:00 AM



Nicole Melchionno. PHOTO: SASHA ARUTYUNOVA

Nicole Melchionno survived the horrific Sandy Hook Elementary School shooting and doesn't want any other child to have to endure the nightmare

<https://people.com/crime/sandy-hook-survivor-fighting-for-safer-schools-hopeful/>

1/11

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...hasn't should have to worry when they go to school," says Nicole, now 17, and a gun violence prevention advocate who spoke to PEOPLE ahead of the 10th anniversary of the Dec. 14, 2012 shooting.

Ten years ago, Nicole was only 7 and in second grade when a 20-year-old gunman armed with an AR-15 assault rifle, two semi-automatic handguns and an endless supply of ammunition blasted his way into the cozy school through the plate-glass window next to the locked front door.

Once inside, he turned left instead of right, where Nicole's classroom was located, and opened fire, killing 20 terrified first graders and 6 educators in the nation's first mass shooting at an elementary school — and one of the worst in U.S. history.

Trembling in fear, Nicole huddled with her teacher and classmates next to their jackets and hats in their coat cubbies as the crack of gunfire echoed through the halls. "The intercom was left on, so everything was amplified," she says.

 Grab Cut Insert Cut Grab Cut Insert Cut Grab Cut Insert Cut Mass Shooting at Connecticut Elementary School

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Sitting toward the front of the room, she worried that if the gunman came into her classroom, that she would be one of the first to be shot.

RELATED: [Remembering the Sandy Hook Shooting Victims 5 Years Later](#)

"I thought I was never going to see my family again," she says. "I was scared that I was going to die."

For more on Nicole Melchionno, listen below to our daily podcast [PEOPLE Every Day](#).

iHeart

EW's 2022 Entertainers of the Year, plus Remembering a Decade
PEOPLE Every Day



When law enforcement arrived, Nicole and her classmates and teacher ran to a nearby firehouse, where she was later reunited with her family.

Want to keep up with the latest crime coverage? Sign up for [PEOPLE's free True Crime newsletter](#) for breaking crime news, ongoing trial coverage and details of intriguing unsolved cases.

Like others who lived through the unspeakable horrors of that day, she remains scarred from the trauma she endured. After the shooting, she had terrible nightmares and trouble going to sleep. Like so many others who survived the shooting, she was also plagued with anxiety.

 Senator Chris Murphy (D-CT) speaks at a rally demanding the Senate pass an assault weapons ban, alongside two survivors of the 2012 Sandy Hook shooting

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She has learned to manage her anxiety, which has lessened over the years. But being in big crowds and "not knowing if someone has a gun can re-trigger me at times," she says.

RELATED: ['Choose Love' to Stop Violence, Sandy Hook Mom Says on Eve of Shooting's 7th Anniversary](#)

As Nicole kept hearing about the increasing number of school shootings that kept taking place after Sandy Hook, she decided to turn tragedy into triumph by fighting to end gun violence. In 2018, when she was in eighth grade, she started to become involved in gun violence prevention. "It's just so painfully common in this country," she says.

She took part in March for Our Lives, a student-led mass demonstration in March 2018 in Washington, D.C., to push for gun control legislation.

"It was empowering," she says.

For more on Nicole Melchionno and the 10th anniversary of the Sandy Hook Elementary school shooting, [subscribe now to PEOPLE](#) or pick up this week's issue, on newsstands Friday.

In 2020, when she was a sophomore, she joined the Junior Newtown Action Alliance, which is part of the local gun violence prevention group [Newtown Action Alliance](#), and became its legislative coordinator the following year.

But it was the Robb Elementary School shooting in Uvalde, Texas, in May — which killed 19 students and two teachers — that moved her to take action.

"It sparked something in me," she says. "I felt that I needed to do more."

RELATED: [Sandy Hook Dad Responds to Texas School Shooting: 'Sadly, I Know the Unspeakable Pain'](#)

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issue.”

Since then, she has spoken publicly at news conferences in Connecticut and at rallies in D.C. She’s also traveled several times to the nation’s capital, including in July to celebrate the historic June 24 signing of the Bipartisan Gun Bill on the White House lawn.

In the fall, she worked with March for Our Lives lobbying senators on Capitol Hill about an assault weapons ban.

 July 11th at the Bipartisan Safer Communities Act celebration at the White House- nicole with Chloe, a survivor of the Uvalde shooting

Nicole with Chloe, a survivor of the Uvalde shooting. PHOTO: COURTESY OF NICOLE MELCHIONNO

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lame duck session," she says, referring to the last chance for Democrats to push through their legislative priorities before Republicans take control of the House of Representatives in January.

She is returning this month with other teens to commemorate the 10th anniversary of the Sandy Hook shooting at the Annual National Vigil for All Victims of Gun Violence.

In between her activism, she is a regular teenager, spending time with her friends, going to the movies and hitting the local Starbucks.

The Leukemia and Lymphoma Society named her one of its students of the year in March for raising money and awareness for the disease.

She's applying to college now, with plans to study public policy and maybe business.

As a member of Gen Z, she says, "gun violence is one of our top priorities because we really are the only generation that's had to grow up through this.

"I am hopeful for the future," she says.

"But more needs to be done."

The Washington Post
Democracy Dies in Darkness

They hoped she was hiding in the Uvalde school. Instead, she was gone.

How Tess Mata's family came to learn she'd been slain in Uvalde

By [Ian Shapira](#)

Updated May 25, 2022 at 7:16 p.m. EDT | Published May 25, 2022 at 7:01 p.m. EDT

Faith Mata, 21, was getting dressed and ready for work at her apartment in San Marcos, Tex., where she is a rising senior at Texas State University, when she received a text from a cousin in her hometown of Uvalde. Her cousin works at the Uvalde Police Department. The cousin wanted to know: What school did her sister Tess go to?

"Hurry," the message read, imploring Faith to respond.

Faith replied that Tess Mata — a 10-year-old fourth-grader who loved TikTok dance videos, Ariana Grande, the Houston Astros, and getting her hair curled — attended Robb Elementary. Her cousin told her to call her mother, Veronica Mata, a kindergarten teacher at another elementary school in Uvalde.

Faith realized something was amiss, but she was not too concerned. Local schools in and around Uvalde frequently have to lock down, she said, because people arrested for crossing the border often try to outrun police or flee after being detained. Bailouts, Faith said, are common in the area but rarely has she seen them result in anything serious or fatal to bystanders.

Still, Faith called her mother, who was in a lockdown at her school. But Veronica also thought this was yet another bailout and was not too worried.

But then Faith's cousin texted her back and said there was a shooter near Robb Elementary. So Faith made another call to her mother, who by now had heard the same thing. A gunman was at Robb Elementary.

“But we thought it was under control,” Faith said. Soon, her father, Jerry Mata, an aviation mechanic, drove to Robb Elementary. He and Faith spoke, and that’s when the elder daughter realized the gravity of the situation. “My dad showed up and when he got to Robb, he said it looked like a scene from a movie with all the cops there,” she said. “So I waited for the all-clear.”

But the all-clear didn’t come.

“I started getting gossip. Another cousin wrote me and said she thought the shooter locked himself in a classroom,” Faith said. “Now I was kind of freaking out.”

Faith, who was supposed to report to work at an after-school day care, called her bosses and took the day off. A roommate, also from Uvalde, drove Faith the two-plus hours west to get home. On the interstate, Faith said she was constantly calling her mother, who had gone to the civic center and was waiting for school buses carrying evacuated students. She told her mother the same thing over and over.

“You need to let me know when they find Tess. Call me as soon as you get her,” Faith recalled. “But they never called me back. That’s when I knew something was off.”

Meanwhile, Faith was calling area hospitals. One in Uvalde. Another in San Antonio. But none of them had Tess.

“Where was she?” Faith remembered thinking. “My hope was that she was lost or hiding somewhere in the school.”

On Facebook, she tapped out a frantic post: “Facebook friends please help my family! We are looking for my sister Tess Marie Mata. She was at Robb Elementary. If y’all have any information you can give me please let me know!”

When Faith arrived in Uvalde in the late afternoon, her friend dropped her off at the civic center. Her dad met her out front and escorted her to a room. Inside, they waited with other families for any news, but nothing came for hours. They sat at large tables, where pizza and bottled water were offered.

“A lot of the families were not eating,” Faith said. “It was all families of students who were not accounted for.”

Many of the families huddled together, she said. Hardly any of the families mingled with others.

“Everyone was on their own,” Faith recalled. “I felt guilty if I were to eat. I didn’t know where my sister was. If she wasn’t eating, why would I get to eat? A lot of the people were on the phone or with their heads down. The room was silent most of the time.”

Late in the evening, she said, officials came by and started taking DNA swabs of parents. They were swabbing their cheeks, she said. The Matas, like other families, also had supplied authorities with a photo of Tess.

“When they asked for the DNA swabs, it was the way they phrased it — they needed them to help identify or find a child,” Faith recalled. “I just had a bad feeling.”

At some point deeper into the night, Texas law enforcement officials took Tess's mother and father into a private room at the civic center. A Texas Ranger broke the news, Veronica said.

"He just told us that Tess was one of the deceased," Veronica recalled. "My husband and I, we embraced. Then I asked for them to bring in Faith." Tess — known by many as Tessy — was one of the 19 children and two teachers killed that day at Robb Elementary.

When the door opened, Faith saw her mother's face.

"Her eyes were glossy. She just looked at me like our lives were about to change," Faith recalled.

Inside the room, Faith sat down and broke down. But then she held it all back and addressed the two Texas Rangers.

"They said the suspect was dead and that they killed him. And that if we needed any counseling, they'd be here for the rest of the week," Faith recalled. "At that point, we were just sad about my sister, but at the same time, we did want to know what happened to the gunman."

They left the building through a back door to avoid the news crews. But instead of going home, they drove to Jerry's parents' home. Tess and Faith's grandparents. Tess was close to them because they drove her to school every day and her grandmother always picked her up. When the Matas arrived, all Faith remembers hearing at first were the screams. She entered her grandparents' home, where her grandfather, so distraught, fetched a photo of Tess that had been sitting on the mantel.

"He was just holding it. Crying," Faith said. "She was wearing a purple shirt and jeans in that photo."

The three of them went home. The first thing they did was enter Tess's bedroom. Inside, they saw the narrative of her life: The purple walls. The corkboard with photos of her standing next to the Easter Bunny or being held in Faith's arms. "I Love You Faith!!!!" she scrawled on the bottom border of the corkboard. On another wall was a poster of Houston Astros second baseman José Altuve, her favorite player, so beloved that she, too, played second base on her softball team. A soccer medal hung from the ceiling, dangling next to a soccer trophy and a container full of dollar bills.

"My sister was saving that money for a family trip," Faith recalled. "She wanted us all to go to Disney World. She went a couple years ago. But she loved it so much she wanted to go back. We were planning to go once I graduated from college next year."

Over by her desk sat a framed photo of the sisters having lunch in San Antonio, next to a glass full of pencils and markers and a miniature toy giraffe. A calendar from February hangs on the wall. "B-Day" is scrawled on Feb. 6.

It was time to go sleep. Faith had an idea. She wanted to sleep in the same bed as her parents. She was 21. But she felt the need. Then, another idea. They grabbed Tess's white pillows, each of them printed with butterflies and flowers, and they took her pink blanket with pandas all over it. They took everything and put it all on Veronica and Jerry's bed. Now it was time to try to fall asleep. All three of them together.

"My mom slept with Tess's blanket. We all each got one of her pillows," Faith said. "It smelled like Tess."

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The Red City Defund Police Problem – Third Way



REPORT Published June 8, 2022 • 8 minute read

The Red City Defund Police Problem



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Takeaways

- Large cities with Democratic mayors spend far more money on policing and hire far more police officers than large cities with Republican mayors.
- The 25 largest Democrat-run cities employ 75% more police officers than the 25 largest Republican-run cities, on a per capita basis.

- The 25 largest Democrat-run cities spend 38% more on policing than the 25 largest Republican-run cities, on a per capita basis.
- In the most recent budget cycle, the 25 largest Democrat-run cities collectively increased their police budgets more than the 25 largest Republican-run cities, albeit by a modest +4.34% versus +4.11%.
- Republicans talk more about funding the police than actually funding the police.

In recent years, Republicans have tagged Democrats as the party of “defund the police.” This political charge has at its roots an unfortunate choice of sloganeering and policy from a small number of progressive activists frustrated and fed up with longstanding police violence and abuse directed toward minorities. However intentioned, the defund charge proved damaging to Democrats. Republicans ran myriad attack ads in 2020 and the attack was credited with Republican upsets in swing districts that narrowed Democratic majorities in the House. This attack was so successful that during his 2022 State of the Union address, President Biden felt compelled to say, “We should all agree: The answer is not to defund the police. The answer is to fund the police. Fund them. Fund them.” ¹ The President also dedicated \$10 billion from the American Rescue Plan for public safety, including \$6.5 billion in crime-fighting aid to state and local communities.

But is the Republican charge even remotely true? It has been taken as a given by much of the media just as Democrats have been pigeon-holed as soft on crime and being responsible for rampant crime across the country. Yet as our March 2022 report showed, the 25 states that voted for Donald Trump had a murder rate 40% higher than the 25 states that voted for Joe Biden. And 8 of the 10 states with the highest murder rates not only voted for Donald Trump, they voted

Republican in every presidential election this century. Is the Democrats' defund the police portrait as inaccurate as its soft on crime portrait?

To answer this question, we compared the police budgets of the 25 largest Democrat-run cities and the 25 largest Republican-run cities.² We pulled FY2021 and FY2022 funding data directly from city operating budgets, as well as police force data from a mixture of police department websites, city budgets, and local news sources. Using this, we calculated several key metrics—the number of police officers, police officers per capita, police funding per capita, and percent change in police budgets from FY2021 to FY2022. Per capita data allows us to control for population and compare cities like New York City and Fort Worth.

We found that despite conventional wisdom to the contrary, Democrat-run cities employ far more police officers and spend far more money on policing per capita than Republican-run cities. In fact, police forces in Dem cities are 75% larger than police forces in GOP cities. And Democrats spend about 38% more per person on policing than Republicans do. On average, Democrat- and Republican-run cities all saw an increase in police funding in 2022, with Democrats actually increasing police budgets by slightly more.

The data make clear—Republicans may talk about funding the police, but they trail badly as compared to Democrats.

Dem cities employ more police officers per capita than GOP cities.

The size of a city's police force is often seen as indicative of its support for law enforcement. Democrats have been accused of *defunding the police* and cutting police funding and staff. We compared the 25 most populous cities run by each party as defined by the political affiliation of its mayor to see if this potent political charge is true.

The 25 most populous Democratic cities run from New York City with 8,177,025 inhabitants to Memphis with 650,980. The 25 most populous Republican cities

run from Jacksonville with a population of 949,611 to Glendale in Arizona with 248,325 residents. In total, the 25 most populous Democratic cities are home to 37,470,584 people, while the commensurate 25 Republican cities have a combined total of 10,415,763.

We found that in the aggregate:

- Democrat-run cities employ 288.2 officers per 100,000 residents, compared to Republican-run cities with only 164.6 officers per 100,000 residents.
- Police forces in cities with Democratic mayors are 75.1% larger than police forces in GOP cities.
- Of the ten cities with the largest per capita police forces, nine are run by Democrats—Washington DC, Chicago, Las Vegas, New York City, Detroit, Philadelphia, Memphis, Boston, and Los Angeles. Miami, coming in at ninth, is the only Republican-run city in the top ten.

We also compared the median per capita police force average since larger cities like New York and Los Angeles can skew results. Among these same cities, those with Democratic mayors had a median of 195.3 officers per 100,000 residents, or 23.1% more than the 158.7 median for Republican run cities.

The size of a city didn't seem to be a determining factor in the per capita rate of police officers. For example, Phoenix, San Antonio, and San Diego ranked 5th, 6th, and 8th in population, but ranked 34th, 40th, and 42nd in police per capita. Meanwhile, Las Vegas, Detroit, Memphis, and Miami ranked 25th, 27th, 28th and 33rd in population, but ranked 3rd, 5th, 7th, and 9th in police per capita. Oklahoma City and Las Vegas have nearly identical populations (676,492 versus 675,592), but Republican-led Oklahoma City had a police force roughly one-third the size of Las Vegas with its Democratic mayor (162.6 officers compared to 444.1 per 100,000 residents).

Dem cities spend more money on policing than GOP cities.

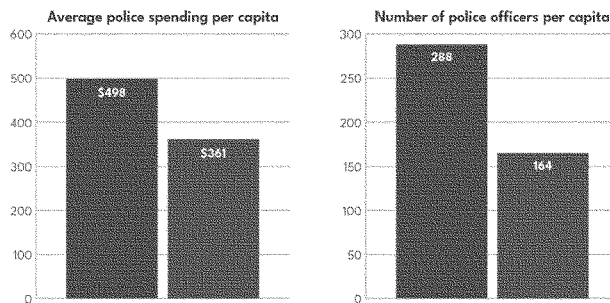
Republicans have decried Democrats' attempts to cut police budgets in liberal cities across the country. But we found that Democrats spend more on policing than Republicans do.

Republican-run cities spend \$361 per resident on police. Democrat-run cities spend \$498 per resident, about 38% more than Republicans. Because aggregate police budgets can be skewed by larger cities, we also looked at the median per capita police budgets for these sets of 25 cities. Once again, Democrat-run cities had median police budgets 31% greater than Republican-run cities, \$423.55 to \$323.40 per resident.



Dem Cities Spend More Money on Policing and Hire More Police Officers

■ 25 largest Democratic led cities ■ 25 largest Republican led cities



Source: Author's calculations based on citywide data and local news articles.

Of the ten cities that spent the most on policing per capita, six of them are Democrat-run and four are Republican-run. Cities often criticized by

Republicans for being “soft-on-crime”—New York City, San Francisco, Chicago, Detroit, Seattle—are all in the top 15 on police funding per person. Republican strongholds like Bakersfield and Oklahoma City spend less than half of what New York City and Chicago spend on their police.

Top Ten Cities on Police Spending Per Capita

City	\$ per person
DC	751.62
San Francisco	748.39
Chicago	667.58
NYC	662.83
Miami	593.61
Boston	573.92
Jacksonville	541.06
Detroit	515.74
Anaheim	501.48
Stockton	484.10

Source: Author's calculations based on city budget data.



Dem cities saw slightly larger police budget increases than GOP cities in 2022.

Defund the police may exist as a slogan, but it does not exist as a policy—at least in the 50 cities that we reviewed. Between FY2021 to FY2022, Democrat-run cities saw a 4.34% increase in police funding—from \$17.89 billion to \$18.67 billion, or about \$775 million in the aggregate. Republican-run cities saw a 4.11% increase—from \$3.62 billion to \$3.76 billion, or \$148 million in the aggregate.

Twenty-one of 25 Democratic cities and 21 of 25 Republican cities showed budget increases in FY2022. Cities like New York and Los Angeles are often mentioned in defund the police attacks—both cities increased their police budgets in 2022. In fact, the ten largest Democrat-run cities increased their police budgets in 2022, though Philadelphia's held fairly constant with a 0.28% increase. New York City's increase of 3.75% added \$196 million. Chicago, Portland, and Seattle—cities often accused of defunding the police—all saw increases in their 2022 police budgets. Paradoxically, Washington DC had the largest budget cut of 3.98%, but also the largest police budget per resident at \$751.62.

Ten Largest Dem-Run Cities Increased Police Budgets

City	% change
NYC	3.75
LA	2.30
Chicago	9.20
Houston	2.77
Phoenix	5.77
San Antonio	3.27
Philadelphia	0.28
San Diego	4.41
Dallas	10.20
Austin*	43.07

*The city of Austin cut their FY2021 police budget by 28% following the murder of an unarmed Black and Hispanic man by Austin police, the use of excessive force against anti-police brutality protestors in the summer of 2020, and calls for the redistribution of city resources. However, Austin fully refunded their police department for FY2022. In fact, their FY2022 budget was 2.5% higher than their FY2020 budget. <https://www.texastribune.org/2020/08/13/austin-city-council-cut-police-budget-defund/>

Source: Author's calculations based on city budget data.



Conclusion

Democrats have been accused of defunding the police as a larger “soft on crime” message from Republican officeholders and conservative media. In a previous [report](#), we found that homicide rates were significantly higher in the 25 states that voted for Trump compared to the 25 states that voted for Biden.

In this report, we find that police funding and police personnel levels are far higher in the 25 largest Democrat-run cities compared to the 25 largest Republican-run cities. In the most recent funding cycle, these same Democratic cities increased their police budgets to a greater degree than cities with Republican mayors.

Our conclusion is that the defund the police charge against Democrats may be politically damaging, but it is factually inaccurate. If anything, Republican mayors have a defund problem.

Methodology

We pulled FY2021 and FY2022 police budget data directly from city operating budgets via city websites. We pulled police force data from a combination of three sources—police budgets, police department websites, and the most recent local news articles at the time of writing this report. The following 3 cities’ force data were taken from police budgets: Charlotte, Memphis, Jacksonville. The following 28 cities were taken from police department websites: New York City, Houston, San Antonio, San Diego, Dallas, San Jose, Columbus, Indianapolis, Washington DC, Boston, El Paso, Las Vegas, Nashville, Fort Worth, Oklahoma City, Mesa, Omaha, Miami, Aurora, Anaheim, Lexington, Stockton, Plano, Chandler, North Las Vegas, Gilbert, Lubbock, Irving. And the following 19 cities were taken from local news articles: Los Angeles—CityWatch LA, Chicago—Chicago Sun-Times, Phoenix—AZ Central, Philadelphia—The Philadelphia Inquirer, Austin—KVUE, San Francisco—San Francisco Examiner, Seattle—KOMO News, Denver—CBS Denver, Portland—The Oregonian, Detroit—WXYZ Detroit,

Fresno- KMPH, Colorado Springs- KOAA News5, Virginia Beach- WVEC, Tulsa- KJRH, Bakersfield- The Bakersfield Californian, Corpus Christi- KIII TV, Anchorage- Anchorage Daily News, Chesapeake- WVEC, Glendale- KPNX. Sources are linked in the [attached excel sheet](#).

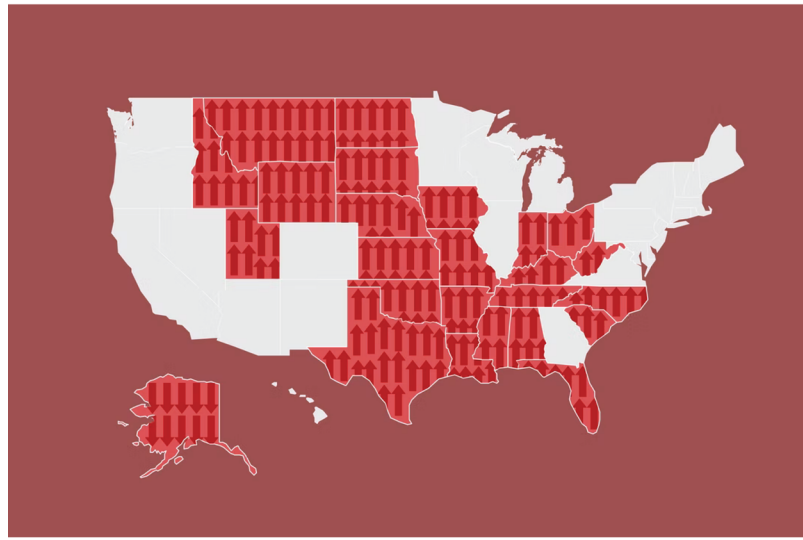
TOPICS

JUSTICE 37

ENDNOTES

1. Winston, David. “‘Defund the police’ still haunts Democrats.” *Roll Call*, 27 Apr 2022. <https://rollcall.com/2022/04/27/defund-the-police-still-haunts-democrats/>. Accessed 23 May 2022.
2. Cities were assigned a party based on the party affiliation of its mayor.

The Red State Murder Problem



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- The rate of murders in the US has gone up at an alarming rate. But, despite a media narrative to the contrary, this is a problem that afflicts Republican-run cities and states as much or more than the Democratic bastions.
- In 2020, per capita murder rates were 40% higher in states won by Donald Trump than those won by Joe Biden.
- 8 of the 10 states with the highest murder rates in 2020 voted for the Republican presidential nominee in every election this century.

Every news outlet from [FOX](#) to [CNN](#) to [The New York Times](#) to local newspapers has a story with attention-grabbing headlines like “US cities hit all-time murder records.” [Fox News](#) and Republicans have jumped on this and framed it as a “Democrat” problem. They blame it on Democrat’s “soft-on-crime” approach and have even [referred](#) to a New York District Attorney’s approach as “hug-a-thug.” Many news stories outside of Fox have also purported that police reform is responsible for this rise in murder and have pointed to cities like New York and Los Angeles.

There is a measure of truth to these stories. The US saw an alarming [30% increase](#) in murder in 2020. While 2021 data is not yet complete, murder was [on the rise](#) again this past year. Some “blue” cities, like Chicago, Baltimore, and Philadelphia, have seen real and persistent increases in homicides. These cities—along with others like Los Angeles, New York, and Minneapolis—are also in places with wall-to-wall media coverage and national media interest.

But there is a large piece of the homicide story that is missing and calls into question the veracity of the right-wing obsession over homicides in Democratic cities: murder rates are far higher in Trump-voting red states than Biden-voting blue states. And sometimes, murder rates are highest in cities with Republican mayors.

For example, [Jacksonville](#), a city with a Republican mayor, had 128 more murders in 2020 than [San Francisco](#), a city with a Democrat mayor, despite their comparable populations. In fact, the homicide rate in Speaker Nancy Pelosi’s [San Francisco](#) was half that of House Republican Leader Kevin McCarthy’s [Bakersfield](#), a city with a Republican mayor that overwhelmingly voted for Trump. Yet there is barely a whisper, let alone an outcry, over the stunning levels of murders in these and other places.

We collected 2019 and 2020 murder data from all 50 states. (Comprehensive 2021 data is not yet available.) We pulled the data from yearly crime reports released by state governments, specifically the Departments of Justice and Safety. For states that didn’t issue state crime reports, we pulled data from reputable local news sources. To allow for comparison, we calculated the state’s per capita murder rate, the number of murders per 100,000 residents, and categorized states by their presidential vote in the 2020 election, resulting in an even 25-25 split.

We found that murder rates are, on average, [40%](#) higher in the 25 states Donald Trump won in the last presidential election compared to those that voted for Joe Biden. In addition, murder rates in many of these red states dwarf those in blue states like New York, California, and Massachusetts. And finally, many of the states with the worst murder rates—like Mississippi, Kentucky, Alabama, South Carolina, and Arkansas—are ones that few would describe as urban. Only [2 of America’s](#) top 100 cities in population are located in these high murder rate states. And not a single one of the top 10 murder states registers in the top 15 for population density.

Whether one does or does not blame Republican leaders for high murder rates, it seems that Republican officeholders do a better job of blaming Democrats for lethal crime than actually reducing lethal crime.

Trump-Voting States Account for 8 out of the 10 Highest Murder Rates in 2020.

If you're tuned in to the media, you'd think murder is rocketing skyward in New York, California, Illinois. But those states don't even crack the top ten.

In fact, the top per capita murder rate states in 2020 were mostly those far from massive urban centers and Democratic mayors and governors. Eight of the top ten worst murder rate states voted for Trump in 2020. None of those eight has supported a Democrat for president since 1996.

The chart below shows the top 10 murder rate states in 2020. Mississippi had the highest homicide rate at 20.50 murders per 100,000 residents, followed by Louisiana at 15.79, Kentucky at 14.32, Alabama at 14.2, and Missouri at 14. The national average was 6.5 per 100,000 residents, but the top five states had rates more than twice that high.

These red states are not generating "murder is out of control" national headlines. They seem to generate no headlines at all. The rest of the top ten were filled out by South Carolina, New Mexico, Georgia, Arkansas, and Tennessee—all states rarely talked about in breathless media reports about rampant crime in Democratic strongholds. Notably, New Mexico and Georgia were the only Biden-voting states in the top ten, and they ranked seventh and eighth, respectively.

Top 10 Murder Rates in the United States

State	Per Capita Murder Rate
Mississippi	20.50
Louisiana	15.79
Kentucky	14.32
Alabama	14.20
Missouri	14.00
South Carolina	10.72
New Mexico	10.70
Georgia	10.50
Arkansas	10.29
Tennessee	9.90

Source: Calculations based on publicly available state crime reports and local news sources.



Five of the largest Biden-voting states by population, and those often in the news when it comes to crime, had much lower murder rates. New York at 4.11 per 100,000 residents, California at 5.59, and New Jersey at 3.70 were each well below the national average. Pennsylvania (7.22) and Illinois (9.20) were higher than the national average. But Mississippi's murder rate was nearly 400% higher than New York's, more than 250% higher than California's, and about 120% higher than Illinois's. In fact, the five states with the highest murder rates, all Trump-voting states, had rates at least 240% higher than New York's murder rate and at least 150% higher than California's, the homes to some of the largest cities featured prominently in the "[crime is out of control](#)" narrative.



2020 Murder Rates Are 40% Higher in Trump-Voting States Compared to Biden-Voting States.

Beyond the top 10, we looked at the 2020 murder rates in the 25 states that voted for Donald Trump and compared it with the murder rates in the 25 states that voted for Joe Biden. The 8.20 murders per 100,000 residents rate in Trump states was 40% higher than the 5.78 murders per 100,000 residents in Biden states. These Biden-voting states include the “crime-is-out-of-control” cities of Los Angeles, New York City, Chicago, Detroit, Philadelphia, Portland, Baltimore, and Minneapolis, among other large cities.

Among the 50 states, murder rates were often well above the national average in many Republican-controlled states and cities. Jacksonville with 176 homicides and a murder rate (19.776) more than three times that of New York City (5.94) has a Republican mayor. Tulsa (19.64) and Oklahoma City (11.16) have Republican mayors in a Republican state and have murder rates that dwarf that of Los Angeles (6.74). Lexington’s Republican mayor saw record homicides in 2020 and 2021, with a murder rate (10.61) nearly twice that of New York City. Bakersfield (11.91) and Fresno (14.09) each have Republican mayors and murder rates far higher than either San Francisco or Los Angeles.

Of course, some cities controlled by Democrats have alarming murder rates, like Chicago (28.49) and Houston (17.32). But we hear about these and other Democrat-run cities all the time. We aren’t getting the whole picture.

The Average Murder Rate is 40% Higher in Trump-Voting States

Trump State	2020 per capita	Biden State	2020 per capita
MS	20.50	NM	10.70
LA	15.79	GA	10.50
KY	14.32	IL	9.20
AL	14.20	MD	9.15
MO	14.00	DE	7.60
SC	10.72	MI	7.51
AR	10.29	PA	7.22
TN	9.90	VA	6.12
NC	7.65	NV	5.93
IN	7.50	AZ	5.81
OK	7.25	CA	5.59
OH	7.00	CO	5.14
TX	6.64	WI	5.12
KS	6.57	NY	4.11
AK	6.56	CT	4.01
WV	6.53	WA	3.94
FL	5.97	NJ	3.70
SD	5.53	RI	3.03
MT	4.63	HI	2.90
ND	4.11	OR	2.89
WY	3.99	MN	2.69
NE	3.57	MA	2.44
IA	3.49	VT	2.20
UT	2.53	ME	1.64
ID	2.12	NH	0.88
Avg	8.20	Avg	5.78

Source: Calculations based on publicly available state crime reports and local news sources.



Between 2019 and 2020, Murder Rates increased slightly faster in Trump-voting states than Biden-voting states.

In 2020, murder rates increased nearly everywhere. But they increased more in Trump-voting states than Biden-voting states, albeit slightly. The average increase in murder rate across all Trump-voting states was 32.2% ¹ compared to 30.8% in Biden-voting states.

Three out of the five states with the highest murder rates in 2020—Mississippi, Missouri, and Alabama—didn’t have reliable 2019 data available, so they weren’t included in this analysis.

Three of the five states with the largest increase in murder rate were Trump-voting Wyoming at 91.7%, South Dakota at 69%, and Nebraska at 59.1%. These states are decidedly rural and do not conform to the *chaos-in-the-city* meme that has overtaken the crime debate. Biden-voting Wisconsin came in at the number three spot at 63.2% and Minnesota came in fifth at 58.1%. Out of the top ten states, six were Trump-voting states—with the additional three being Kentucky, West Virginia, and Kansas. The remaining states in the top ten were Delaware and Washington. Only one of the top ten states in murder rate increases, Delaware, was among the top twenty in population density.

Top 10 Murder Rate Increases in the United States

State	% Increase in Murder Rate
WY	91.7%
SD	69.0%
WI	63.2%
NE	59.1%
MN	58.1%
KY	58.0%
DE	54.2%
WA	50.2%
WV	50.0%
KS	48.5%

Source: Calculations based on publicly available state crime reports and local news sources.



Again, California, New York, and Illinois aren’t in the top ten. California’s murder rate increase was 31.1%, or about the national average. Both New York (45.8%) and Illinois (38.2%) were above the national average.



Conclusion

The current narrative around crime and murder is convenient and wrong. Whether you're watching CNN or Fox News, or getting news online or from a traditional newspaper, you would think that the increase in murder is a phenomenon found mostly in liberal cities. Many have tried attributing this increase to Democratic policies, specifically police reform. Republican lawmakers and ad makers have contributed to this narrative through clever messaging and strategies.

But the data clearly paint a different story. The increase in murders is not a liberal cities problem but a national problem. Murder rates are actually higher in Republican, Trump-voting states that haven't even flirted with ideas like defund the police. Eight of the ten most lawless, high-murder states are not only Trump-voting states, but GOP bastions for the last quarter of a century. A more accurate conclusion from the data is that Republicans do a far better job blaming others for high murder rates than actually reducing high murder rates.

Methodology

We sought 2019 and 2020 murder data from all 50 states. Our primary source was the annual crime reports released by state governments, more specifically from their Departments of Justice or Public Safety. We chose state data because we found it's more comprehensive than FBI data which is often compiled later. For example, "the FBI estimated crime statistics for Mississippi are based on data received from 113 of 251 law enforcement agencies in the state that year." 37 states had crime reports for the years 2019 and 2020: Alaska, Arkansas, Arizona, California, Colorado, Connecticut, Delaware, Florida, Iowa, Idaho, Illinois, Kansas, Kentucky, Massachusetts, Maine, Michigan, Minnesota, Montana, North Carolina, North Dakota, Nebraska, New Hampshire, New Jersey, Nevada, New York, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, Wisconsin, and Wyoming. For the remaining states we pulled data from published public sources: Alabama- US News, Georgia- US News, Hawaii- The Center Square, Indiana- Hartford City News Times, Louisiana- US News, Maryland- Ocean City Today, Mississippi- US News, Missouri- US News, New Mexico- US News, Ohio- Axios, Oregon-

KOIN, Vermont- WCAX, West Virginia- The Center Square. In seven states, the public sources only provided murder per capita rates, so using the rates and census population data, we estimated the number of murders in that state. Data and sources are attached above.

TOPICS

JUSTICE 26

ENDNOTES

1. Excluding MI, MS, and AL.

Mr. MASSIE. I have a unanimous consent request.

Ms. JACKSON LEE. Absolutely. Mr. Massie.

Mr. MASSIE. This is from *Shooting Sport News*. It's an article called, "Attack on 2A Researcher, Dr. John Lott, Rebuffed By Defenders." This is in response to an accusation that his data has been debunked, because it hasn't. So, I'd like to submit that document.

Ms. JACKSON LEE. Without objection, so ordered.

[The information follows:]

MR. MASSIE FOR THE RECORD

1/17/23, 10:03 AM

Attack on 2A Researcher, Dr. John Lott, Rebuffed by Defenders

 MENU[Home](#) » [Gun Rights News for Second Amendment Advocates](#)

Attack on 2A Researcher, Dr. John Lott, Rebuffed by Defenders

Ammoland Inc. Posted on December 16, 2020 by Dave Workman



Dr. John Lott, researcher and author, is now working as an adviser to the Justice Department's Office of Justice program. (Dave Workman photo)

U.S.A. —(AmmoLand.com)- When a California gun control advocate went on the warpath in [The Hill](#) criticizing the hiring of author and firearms researcher John Lott as an advisor to the Justice Department's Office of Justice program, the reaction was swift in defense of Lott's work.

Griffin Dix, president of the Oakland/Alameda County Brady Campaign chamber and a former trustee of the Brady organization declared research done by Lott, author of "More Guns, Less Crime" was flawed. Dix said Lott's "research and conclusions were found to be false by a number of well-respected researchers, such as John Donohue of Stanford; Donohue and Ian Ayers **concluded in The Stanford Law Review** that Lott's thesis was "without credible statistical support." He claimed that Lott's "track record is cringe-worthy."

Lott has appeared at several Gun Rights Policy Conferences, explaining his research to always-interested audiences. He founded the Crime Prevention Research Center and authored several books about his firearms-related research.

Lott's defenders, responding in The Hill, offered a far different perspective.

First came **Andrew Pollock**, who succeeded Lott as president of the Crime Prevention Research Center in November. He countered, "In this case, it's true enough that Donahue et al found in a 2003 **study** that guns were associated with increases in crime. But a review of their work, also published in the Stanford Law Review, **argued** that Donahue and his partner 'simply misread their own results ... Their own most general specification that breaks down the impact of the law on a year-by-year basis shows large crime-reducing benefits."

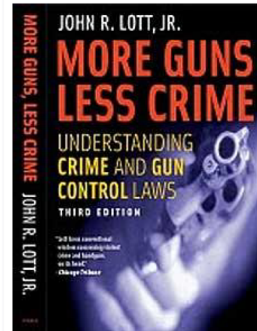
He was followed two days later by **Michael R. Weisser**, whose short bio notes he "wrote a weekly gun-violence column for Huffington Post and is a Patriot Life Benefactor member of the NRA," observed

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Attack on 2A Researcher, Dr. John Lott, Rebuffed by Defenders

this about Dix's critique: "(It) reflects the continued inability of the gun-control advocacy community to address the fundamental issues that prevent us from making an effective response to the problem of gun violence."

AmmoLand checked the Stanford Law Review critique (Vol. 55, No. 4 (Apr., 2003), pp. 1313-1369) to which Pollock alluded. Written by Florenz Plassmann and John Whitley, here is what the **Abstract** said: "Analyzing county-level data for the entire United States from 1977 to 2000, we find annual reductions in murder rates between 1.5% and 2.3% for each additional year that a right-to-carry law is in effect. For the first five years that such a law is in effect, the total benefit from reduced crimes usually ranges between approximately \$2 billion and \$3 billion per year. Ayres and Donohue have simply misread their own results. Their own most general specification that breaks down the impact of the law on a year-by-year basis shows large crime-reducing benefits. Virtually none of their claims that their county-level hybrid model implies initial significant increases in crime are correct. *Overall, the vast majority of their estimates-based on data up to 1997-actually demonstrate that right-to-carry laws produce substantial crime-reducing benefits. We show that their models also do an extremely poor job of predicting the changes in crime rates after 1997.*" (Emphasis added.)



John R. Lott's More Guns Less Crime

Dix lost his 15-year-old son in an "unintentional shooting with a gun that was stored unlocked and loaded" at the home of a friend, according to the brief bio included by The Hill.

Pollock lost his daughter in the Marjorie Stoneman Douglas High School shooting in Parkland, Fla. In his Op-Ed, Pollock contends that two unarmed security staffers who charged at the killer and were fatally wounded might have stopped the mayhem had they been armed.

To his credit, Lott has offered no comment since taking his government job. But that hasn't stopped Capitol Hill gun prohibitionists from going after him. In a **letter to Attorney General William Barr**, nine anti-gun lawmakers complain that Lott is "a pro-gun advocate who claims that widespread gun ownership can reduce crime."

According to Plassmann and Whitley's Stanford Law Review abstract, Lott's contentions are more than mere speculation. But, as Alan Gottlieb, founder of the Second Amendment Foundation and co-author of several books* including "**Shooting Blanks: Facts Don't Matter to the Gun Control Crowd**" has pointed out, "In a free society there is always room for reasonable, rational and responsible debate of any issue. It is only when the political arguments stray into the realm of agenda fulfillment and philosophical monopoly that perspectives are lost, if not voluntarily abandoned."

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Signing the letter to Barr were Senators Dianne Feinstein, Richard Blumenthal, Patrick Leahy, Sheldon Whitehouse, Christopher Coons, Richard Durbin, Amy Klobuchar, Mazie Hirono and Cory Booker. They evidently do not want someone with Lott's background to be anywhere near the Justice Department if, or when, it starts doling out dollars for gun control research under a Joe Biden-Kamala Harris administration.

Where Dix asserts upfront, "Trump now seems to be searching for time bombs to put under the doormat for incoming President-elect Joe Biden. One would be to leave Biden with contracts for 'research' and programs that mislead Americans and that could actually increase the number of U.S. gun deaths," Pollock has a different approach and markedly different attitude.

"Rather than attack researchers engaged in the debate," Pollock suggests, "or try to police who should be allowed to engage in it — we should welcome a diversity of voices and perspectives into the issue of gun control."

What's wrong with Pollock's approach? Apparently plenty, according to Lott's critics. From a crowd that traditionally cries out for "diversity," they only seem to want it when all the diverse opinions concur with their own.

Weisser also had a suggestion not likely to be taken well by the gun prohibition lobby.

"If gun-control activists are seriously committed to developing and implementing strategies that will reduce gun violence, they need to stop demonizing John Lott," he writes.

"Instead, they need to develop a persuasive and effective narrative that will convince gun owners about the risk of owning guns," Weisser adds. "Until and unless this occurs, gun owners will continue to cite John Lott's research as one of the reasons why they won't give up their guns."

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Attack on 2A Researcher, Dr. John Lott, Rebuffed by Defenders

By no small coincidence to this debate comes a report in the **New York Post** revealing, "Nearly 90 percent of suspects arrested on gun charges this year are back on the streets, which the NYPD says has fueled a historic spike in shootings that have left more than 1,756 dead or wounded."

But New York City is an environment where it is nearly impossible for honest citizens to qualify for a carry permit, and in the rare cases where the permit is issued, it is prohibitively expensive for average citizens. Maybe that's why the Second Amendment Foundation and Firearms Policy Coalition **recently sued** New York City recently in federal court over the city's restrictive carry permit policies.

It is also because of headline news such as the situation in New York that people across the country won't give up their guns, either.

*(*Alan Gottlieb and author Dave Workman have collaborated on seven books, the most recent being 'Good Guys with Guns' published in 2019 by Merril Press, 175 pages, paperback.)*

About Dave Workman

Dave Workman is a senior editor at **TheGunMag.com** and Liberty Park Press, **author of multiple books** on the Right to Keep & Bear Arms, and formerly an NRA-certified firearms instructor.



Ms. JACKSON LEE. Congresswoman Bush. Thank you.
Congresswoman Bush.

Ms. BUSH. I thank you, Chair, Madam Chair.

Ms. JACKSON LEE. We're ready to yield to you now for five minutes.

Ms. BUSH. Are you able to—can you hear me?

Ms. JACKSON LEE. Very well. Thank you so much for making the effort. Thank you.

Ms. BUSH. Yes. Thank you so much for holding this hearing.

St. Louis is all too familiar with the daily drumbeat of gun violence that claims lives and leaves loved ones with empty chairs. Like Newtown, Uvalde, everyone in our community has been traumatized in some way by gun violence, especially young people.

Today, I want to lift-up two extraordinary young Black women from St. Louis who have borne the cost of gun violence. The first is Alexandria Bell, who was killed in a shooting at Central Visual and Performing Arts High School in October. Alexandria was 15 years old. She loved art. She was an energetic and gifted dancer. She was always smiling, and she was a ray of sunshine to everyone who knew her.

The other young woman I want to lift-up is Veronica Russell, a senior at CVPA. After the shooting, Veronica channeled her trauma and outrage into a brilliant letter detailing how Missouri's absurd gun laws are enabling more gun deaths. In that letter she wrote, "The CVPA students are beyond hurt, beyond shocked, beyond traumatized." She wrote that, "At CVPA, that sanctuary has been taken from us."

It is devastating to think about the toll of gun violence in our country, especially on young people.

Dr. Guerrero, as a medical provider who saw firsthand the consequences of the Uvalde shooting, what policies do you think are needed to address our students' mental health needs, whether they survive a school shooting or just are terrified of going to school because they believe that they may not come home?

Dr. GUERRERO. Well, first and foremost, I think that, especially in the rural area like Uvalde is, accessibility, having the availability of those services for anyone that wants them, could it be even like dialing a number, how we have the national hotline now for suicide, something to that extent where someone can get the help they need without having to search for it. Also, with somehow getting that help without having the stigma of reaching out for mental health on both ends of the problem.

Ms. BUSH. Thank you.

Ms. Melchionno, thank you for sharing your story. Can you tell us more about what going to school in Newtown has been like for you and your classmates since the Sandy Hook shooting?

Ms. MELCHIONNO. Newtown is an incredibly strong community. We're still fighting to this day. Recently, we've been pushing for an assault weapons ban, I along with other Members of Junior Newtown Action Alliance. We've been calling on Senator Schumer to push this bill up to the floor for a vote.

It's something that's on Gen Z's priority list. We have been in the front lines of this issue for all we can remember. We know that we're far from a perfect world, that it's not realistic for every gun

to be taken off the streets, but that doesn't mean we can't do anything.

We just keep sitting here and watching all these shootings, and people are dying every day, and it's hard to watch Congress stand divided when the majority of Americans want change.

Ms. BUSH. Thank you. Thank you for sharing your story with us and thank you for absolutely helping our country.

Every life lost to gun violence, every moment spent in fear is both a moral failure and a policy failure. The answer is not more incarceration. We're not going to prosecute our way out of this. That approach ends with Black and Brown people being unfairly targeted. Eighty-one percent of those convicted on Federal gun charges in the Eastern District of Missouri are Black.

So, we understand that's not going to solve—we understand it won't solve the gun violence epidemic. It will not save lives.

Ultimately, we need to adopt a public health approach. We need, like we just heard, commonsense reforms, like requiring universal background checks, raising the age, enacting the red flag laws, and banning assault weapons.

We need to defeat the NRA and its cronies who profit off flooding our streets with guns. Unfortunately, right now we are at the mercy of an anti-democratic, anti-Black filibuster in the Senate and shameless Republicans who fill their campaign coffers with NRA blood money.

The fight goes on, and we will not rest until we have ended this crisis in St. Louis and in every other part of this country.

Thank you, Madam Chair. Before I yield back—nevermind. Thank you.

Ms. JACKSON LEE. Congresswoman Bush is a trained nurse. So, I want to thank all the health professionals who, sadly, have to confront this issue.

As I indicated, I will take the prerogative of the Chair to bring this hearing to close with a few points of inquiry that I wish to do. As well I will then raise the answer to the question that we started with: Uvalde, gun violence, and seeking bipartisan solutions.

These Witnesses traveled far. They sacrificed a lot. There are persons on this panel who survived violence, who lost loved ones to violence, who are suffering, who looked over patients, who lived this in Uvalde, and people who have come, who have given ideas from their heart.

Let me first, to Mr. Heyne, the holiday comes, and you will not have your mother. I knew James Brady and his wife. They spent a lot of time on the Hill. I saw his life post the time he was shot. We called him the Bear, if we remember. His speech, his abilities compromised. I believe the facts will say that he was shot with a .22.

Mr. Heyne, if in that episode on that day where our President survived, if they had been hit point-blank with an automatic assault weapon, only on the basis of your familiarity through the Brady group, what would you think?

Mr. HEYNE. I think it is clear it would likely be far more lethal. That event could have been far more lethal.

Ms. JACKSON LEE. Your parent, your mother passed, but your father, you said there was a lot of work. If he had been point-blank by an assault weapon, what might you expect?

Mr. HEYNE. We firmly believe that he would not be with us today.

Ms. JACKSON LEE. Do you think between 1994–2004, you did your work, were assault weapon incidences of mass murder down? Would you answer that question, please?

Mr. HEYNE. Absolutely.

Ms. JACKSON LEE. Could you expand?

Mr. HEYNE. Yeah. If you look at research, as recent as 2019, you can see that in that 10-year period there were significantly less mass shootings. In fact, as soon as that policy sunsetted, assault weapons, because they were marketed as such, were flying off the sales racks and, as a result, they were used in far more shootings and those shootings were far more lethal.

I think that it has been evident, and I think that you see it time and time again, the top 25 mass shootings, the most lethal mass shootings in this Nation's history have two things predominantly in common: Most were perpetrated with an assault weapon and all but one used high-capacity magazines.

Those things are facts, and it's because these weapons do exactly what they were designed to do. They make it very easy to kill a lot of people in a short distance, to keep your muzzle on target without muzzle creep coming in, over a short period of time, which is why the military uses the same tactical features.

Ms. JACKSON LEE. Chief Holt, you said something that I would appreciate your reminding us, and that is you said something about law enforcement officers. As you well know, I clarified that this is not a statement on the vast numbers of law enforcement officers today, yesterday, and tomorrow that are on the streets of America.

You said something about what you are supposed to do when shots are fired, and particularly if you might come upon a school, maybe a hospital, a church.

What, Chief Holt, did you say about shots fired?

Chief HOLT. There's two points to this. Police officers or law enforcement, we understand that we have an occupational hazard when we confront a shooter or a situation. We know going into that, we might not come out of that.

The person who we're going after, the perpetrator or the one doing the assault, he's going to suffer that same occupational hazard that we have. The victims, whether they're children or adults or whoever, they should not have that same occupational hazard that we're gathered up to today.

These are the things that keep me up at night. I want to make sure my officers are safe. I want to make sure I'm safe where I affect that. Most of all, I want to make sure the victim comes out of that.

Ms. JACKSON LEE. So, if I might, forgive me for seeking that answer again, as you qualify and want to ensure that safety, shots fired, your officers do what?

Chief HOLT. We go in and we neutralize the shooter. That is the number one concern. We want to stop it before it gets worse.

Ms. JACKSON LEE. Would that be 77 minutes before anyone moved?

Chief HOLT. Absolutely not. We do not train that way. When we arrive, we assess, and we go in. We're assessing it as we go in, and we're utilizing our training and the resources that we have on hand.

We are trained when we pull up, I have everything at my disposal to go in there and take care of that, whether I'm two officers or 20 officers.

Ms. JACKSON LEE. We want your officers to live, but we thank them for their sacrifice in that instance if it occurs. With the training under your jurisdiction, I can imagine that the perpetrator might be down.

Seventy-seven minutes, no action took place. Do you have a comment on that?

Chief HOLT. I think I'll stick with my comments that the training that we utilize that's proven to be the most effective way, is you don't treat an active shooter like a barricaded gunman where you have conversation and de-escalation. You have an action that's occurring, and that action requires an immediate action right away to stop any further damage.

Ms. JACKSON LEE. Ms. Melchionno, you're here. I want everybody to know you are a high school student. Do you have friends where you engage sometimes in this conversation about what happened? You still live in that community.

Ms. MELCHIONNO. I think it's important to know that everyone still lives in fear to this day, because of the little action we've taken. Going back to the solutions on this issue, coming from a high schooler's point of view, arming teachers sounds terrifying.

Adding more guns to the equation is just accepting that we've failed. It's accepting that we've done nothing. It's accepting that gun violence is just increasing by the year. We can't just keep living like this. DNA kits are not the answer, to identify children, you can't even tell who they are because of the bullet wound.

Assault weapons, like I said before, are designed to kill the most amount of people in the smallest amount of time. The fact that they're legally accessible to civilians is so wrong. My friends still live in fear, I still live in fear, and it's time that we do something.

Ms. JACKSON LEE. Let me finish by Faith.

When I greeted you, I said, I hope there is hope, that I'm glad Tess is there right by you. I thank your parents for being here.

A holiday is coming. You live in Uvalde where, as I see it, having been there more than one time, the pain is so deep.

You made a point about coming together. Can you tell me, is it important for you for the assault weapon, the actual—this item that this individual took, even with other issues that this person may have had, is it important for this weapon of death to be banned?

Ms. MATA. I believe it is. If it's being used multiple times to murder children and teachers, then it's the issue.

I can't even explain to you how it felt looking at my sister laying in her coffin. I didn't recognize who I was looking at. A little girl who I knew looked like that, she didn't look like that anymore. It looked like she had to be pieced together again.

So, if you want that to continue to happen to people in America and blame it on other things, then I encourage you to do it, but America is never going to be whole again if you continue to let this happen.

Ms. JACKSON LEE. I close by simply adding the list of shootings and to indicate that the two mentioned in France and Norway do not even compete with Uvalde, Buffalo, Boulder, Dayton, El Paso, Gilroy, Thousand Oaks, Tree of Life, Parkland, Sutherland, Las Vegas, Pulse Nightclub, Sandy Hook, movie theater in Aurora, and beyond even today.

I ask unanimous consent for that to be put into the record.

[The information follows:]

MS. JACKSON LEE FOR THE RECORD

**Examples of mass shootings involving assault weapons
and/or large capacity magazines**

- **Uvalde, Texas**— AR-15-style weapon killed 19 children; 2 teachers
- **Buffalo, New York**— AR-15-style rifle killed 10 shoppers
- **Boulder, Colorado**—Ruger AR-556 semi-automatic killed 10 people including a police officer
- **Dayton, Ohio**— AR-15-style weapon equipped with a 100-round ammunition magazine to kill nine people and injure over 25 others in less than 30 seconds at a local bar
- **El Paso, Texas**— AK-47-style weapon killed 22 at a Walmart.
- **Gilroy, Calif.**— AK-47-style weapon wounded 17 and killed three including a 13-year-old girl and 6-year-old
- **Thousand Oaks, Calif.**— Glock 21 .45-caliber pistol and several high-capacity ammunition magazines killed 12.
- **Pittsburgh, Pa.**— AR-15-style weapon killed 11 worshipers. The deadliest anti-Semitic attack committed against the Jewish community in America.
- **Parkland, Fla.**— M&P15 AR-15 military style rifle; killed 17 students and educators.
- **Sutherland Springs, Texas**— Ruger AR-556 Rifle; killed 26 churchgoers.
- **Las Vegas, Nev.**—Shooter with more than 20 assault style weapons and 12 bump-fire stocks killed 58 people and wound over 500 others.
- **Orlando, Fla.**— Sig Sauer MCX assault rifle killed 49 and wounded 58. The deadliest incident of violence against LGBT people in our nation's history.
- **Newtown, Conn.**— Bushmaster semiautomatic assault killed 26 people including 20 children.
- **Aurora, Colo.**— Smith & Wesson M&P15 semiautomatic assault-style rifle with a 100-round ammunition drum and other firearms killed 12 people and injured 58.

Ms. JACKSON LEE. In addition, since Sandy Hook, 25,000 children have been killed by a gun—25,000. I don't think we can compare universal background checks and other aspects to how we would have closed that gap.

What I will say is that, to Mr. Brewer, I am open, as I have been as a Member of this Congress, to the kind of supportive elements that will make our community better and whole. Nothing is mutually exclusive. I ask you—and it's not a question—to as well consider that the weapon of death is an assault weapon, among others, and that if I am to yield into you that prayer as we respect each other's individualism, I know the Mata family prays.

I know the first time I met Senator Gutierrez, I was in church, but we were praying because there were dead children and dead teachers in Uvalde. I left the church and went to a plaza and hugged crying nine-year-olds, because they were familiar with blood being smeared to save their life or familiar with their playmates, not even their classmates, were dead.

These families will go into the holiday, the precious holiday for Christians of Christmas, where the joys of children ring through the house, they will go into the holiday in that spirit.

So, I think the Federal Government is owing to the victims. We can't continue to talk about 25,000. We can't continue to see why the Kimberly Vaughan Storage Act has not been passed yet. She was the youngest who died in Santa Fe.

Submit that bill into the record, without objection.

[The information follows:]

MS. JACKSON LEE FOR THE RECORD

117TH CONGRESS
2^D SESSION

H. R. 7545

To make unlawful the sale of any firearm by a licensed manufacturer, licensed importer, or licensed dealer without a written notice promoting safe storage and a safe storage device, to create and disseminate best practices regarding safe firearm storage, to create a grant program for the distribution of safe storage devices, and to amend the Internal Revenue Code of 1986 to allow for a credit against tax for sales at retail of safe firearm storage devices, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 21, 2022

Ms. JACKSON LEE (for herself and Mr. LEVIN of California) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To make unlawful the sale of any firearm by a licensed manufacturer, licensed importer, or licensed dealer without a written notice promoting safe storage and a safe storage device, to create and disseminate best practices regarding safe firearm storage, to create a grant program for the distribution of safe storage devices, and to amend the Internal Revenue Code of 1986 to allow for a credit against tax for sales at retail of safe firearm storage devices, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Kimberly Vaughan
5 Firearm Safe Storage Act”.

6 **SEC. 2. BEST PRACTICES FOR SAFE FIREARM STORAGE.**

7 (a) ESTABLISHMENT.—

8 (1) IN GENERAL.—

9 (A) Not later than 180 days after the en-
10 actment of this Act, the Attorney General shall
11 establish voluntary best practices relating to
12 safe firearm storage solely for the purpose of
13 public education.

14 (B) The Attorney General shall give not
15 less than ninety days public notice, and shall af-
16 ford interested parties opportunity for hearing,
17 before establishing such best practices.

18 (2) REQUIREMENTS.—In establishing the best
19 practices required under paragraph (1), the Attorney
20 General shall outline such best practices for pre-
21 venting firearm loss, theft, and other unauthorized
22 access for the following locations:

23 (A) Businesses.

24 (B) Vehicles.

25 (C) Private homes.

1 (D) Off-site storage facilities.

2 (E) Any other such place the Attorney
3 General deems appropriate to provide such
4 guidance.

5 (3) PUBLICATION.—Not later than 1 year after
6 the enactment of this Act, the Attorney General
7 shall publish, in print and on a public website, the
8 best practices created pursuant to paragraph (1)
9 and shall review such best practices and update
10 them not less than annually.

11 **SEC. 3. PROMOTION OF SAFE FIREARM STORAGE.**

12 (a) IN GENERAL.—Section 923 of title 18, United
13 States Code, is amended by adding at the end the fol-
14 lowing:

15 “(m) Beginning on January 1, 2025, licensed manu-
16 facturers and licensed importers that serialize not less
17 than 250 firearms annually pursuant to subsection (i)
18 shall provide a clear and conspicuous written notice with
19 each manufactured or imported handgun, rifle, or shotgun
20 that—

21 “(1) is attached or adhered to, or appears on
22 or within any packaging of, each handgun, rifle, or
23 shotgun; and

24 “(2) states ‘SAFE STORAGE SAVES LIVES’
25 followed by the address of the public website estab-

1 lished by the Attorney General pursuant to section
2 2 of the Kimberly Vaughan Firearm Safe Storage
3 Act.”.

4 **SEC. 4. SAFE STORAGE DEVICES FOR ALL FIREARM SALES.**

5 (a) IN GENERAL.—Section 922(z) of title 18, United
6 States Code, is amended by striking “handgun” each place
7 it appears and inserting “handgun, rifle, or shotgun”.

8 (b) EFFECTIVE DATE.—This section and the amend-
9 ments made by this section shall take effect on the date
10 that is 180 days after the enactment of this Act.

11 **SEC. 5. SAFE FIREARM STORAGE GRANT PROGRAM.**

12 (a) IN GENERAL.—The Attorney General may award
13 grants to States and Indian Tribes for the development,
14 implementation, and evaluation of Safe Firearm Storage
15 Assistance Programs.

16 (b) DEFINITIONS.—For purposes of this section:

17 (1) The term “safe firearm storage device”
18 means a device that is—

19 (A) designed and marketed for the prin-
20 cipal purpose of denying unauthorized access to,
21 or rendering inoperable, a firearm or ammuni-
22 tion; and

23 (B) secured by a combination lock, key
24 lock, or lock based on biometric information
25 which, once locked, is incapable of being opened

1 without the combination, key, or biometric in-
2 formation, respectively.

3 (2) The term “Safe Firearm Storage Assistance
4 Program” means a program—

5 (A) carried out by a unit of local govern-
6 ment or an Indian tribe; and

7 (B) solely for the purpose of acquiring and
8 distributing safe firearm storage devices to the
9 public.

10 (c) APPLICATION REQUIREMENTS.—Each applicant
11 for a grant under this section shall—

12 (1) submit to the Attorney General an applica-
13 tion at such time, in such a manner, and containing
14 such information as the Attorney General may re-
15 quire; and

16 (2) to the extent practicable, identify State,
17 local, Tribal, and private funds available to supple-
18 ment the funds received under this section.

19 (d) REPORTING REQUIREMENT.—

20 (1) GRANTEE REPORT.—A recipient of a grant
21 under this section shall submit to the Attorney Gen-
22 eral an annual report, which includes the following
23 information:

1 (A) The amount distributed to each Safe
2 Firearm Storage Assistance Program in the ju-
3 risdiction.

4 (B) The number of safe firearm storage
5 devices distributed by each such Safe Firearm
6 Storage Assistance Program.

7 A recipient of a grant under this section may not in-
8 clude any personally identifying information of re-
9 cipients of safe firearms storage devices pursuant to
10 a Safe Firearm Storage Assistance Program that re-
11 ceived funding pursuant to this section.

12 (2) ATTORNEY GENERAL REPORT.—Beginning
13 13 months after the first grants are awarded under
14 this section, and annually thereafter, the Attorney
15 General shall submit to Congress a report, which
16 shall include following information:

17 (A) A list of grant recipients during the
18 previous year, including the funds awarded, cu-
19 mulatively and disaggregated by grantee.

20 (B) The information collected pursuant to
21 subsection (d)(1).

22 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
23 authorized to be appropriated to the Attorney General to
24 carry out this section \$10,000,000 for each of fiscal years
25 2022 through 2032, to remain available until expended.

1 (f) USE OF FUNDS.—Funds awarded under this sec-
2 tion shall be allocated as follows:

3 (1) Not less than 75 percent of the funds re-
4 ceived by a grantee shall be used to create or to pro-
5 vide resources for Safe Firearm Storage Assistance
6 Programs in the jurisdiction.

7 (2) Not more than 25 percent of the funds re-
8 ceived by a grantee may be made available to non-
9 profit organizations to partner with units of local
10 government to purchase and distribute safe firearm
11 storage devices.

12 **SEC. 6. PREVENT FAMILY FIRE SAFE FIREARM STORAGE**
13 **CREDIT.**

14 (a) IN GENERAL.—Subpart D of part IV of sub-
15 chapter A of chapter 1 of the Internal Revenue Code of
16 1986 is amended by adding at the end the following new
17 section:

18 **“SEC. 45U. SAFE FIREARM STORAGE CREDIT.**

19 “(a) ALLOWANCE OF CREDIT.—For purposes of sec-
20 tion 38, the safe firearm storage credit determined under
21 this section for the taxable year is an amount equal to
22 10 percent of amounts received from the first retail sale
23 of a safe firearm storage device for use within the United
24 States.

25 “(b) LIMITATION.—

1 “(1) IN GENERAL.—The amount taken into ac-
2 count under subsection (a) with respect to a safe
3 firearm storage device shall not exceed \$400.

4 “(2) VALUE.—If, in connection with a sale of a
5 safe firearm storage device, the transferee receives
6 other property, the amount taken into account under
7 subsection (a) shall be limited to the amount re-
8 ceived solely with respect to the safe firearm storage
9 device, which shall be determined based on the value
10 of the safe firearm storage device relative to the
11 value of such other property.

12 “(c) SAFE FIREARM STORAGE DEVICE.—For pur-
13 poses of this section—

14 “(1) IN GENERAL.—The term ‘safe firearm
15 storage device’ means a device that is—

16 “(A) designed and marketed for the prin-
17 cipal purpose of denying unauthorized access to,
18 or rendering inoperable, a firearm or ammuni-
19 tion, and

20 “(B) secured by a combination lock, key
21 lock, or lock based on biometric information
22 which, once locked, is incapable of being opened
23 without the combination, key, or biometric in-
24 formation, respectively.

1 “(2) EXCLUSION.—The term ‘safe firearm stor-
2 age device’ does not include—

3 “(A) any device which is incorporated to
4 any extent into the design of a firearm or of
5 ammunition, or

6 “(B) any device that, as of the day of the
7 sale described in subsection (a), has been sub-
8 ject to a mandatory recall by the Consumer
9 Product Safety Commission.

10 “(3) FIREARM; AMMUNITION.—The terms ‘fire-
11 arm’ and ‘ammunition’ have the meanings given
12 such terms in section 921 of title 18, United States
13 Code (without regard to all that follows ‘firearm si-
14 lencer ’ in paragraph (3) of such section).

15 “(d) TERMINATION.—This section shall not apply to
16 sales after December 31, 2030.”.

17 (b) CREDIT MADE PART OF GENERAL BUSINESS.—
18 Subsection (b) of section 38 of the Internal Revenue Code
19 of 1986 is amended by striking “plus” at the end of para-
20 graph (32), by striking the period at the end of paragraph
21 (33) and inserting “, plus”, and by adding at the end the
22 following new paragraph:

23 “(34) the safe firearm storage credit deter-
24 mined under section 45U.”.

1 (c) CLERICAL AMENDMENT.—The table of sections
2 for subpart D of part IV of subchapter A of chapter 1
3 of such Code is amended by adding at the end the fol-
4 lowing new item:

“Sec. 45U. Safe firearm storage credit.”.

5 (d) REPORT.—The Secretary of the Treasury shall
6 make publicly available an annual report of the total
7 amount of credit against tax determined under section
8 45U of such Code for taxable years ending in the pre-
9 ceding calendar year, disaggregated by State.

10 (e) EFFECTIVE DATE.—The amendments made by
11 this section shall apply to taxable years beginning after
12 the date of the enactment of this Act.

13 **SEC. 7. SEVERABILITY.**

14 If any provision of this Act, or an amendment made
15 by this Act, or the application of such provision to any
16 person or circumstance, is held to be invalid, the remain-
17 der of this Act, or an amendment made by this Act, or
18 the application of such provision to other persons or cir-
19 cumstances, shall not be affected.

○

Ms. JACKSON LEE. We cannot not have answers. I say this in the humblest manner that I can. I believe we should call for a Federal investigation of the actions of law enforcement in Uvalde. I will work very hard. I know that there is work being done.

I do believe, as I've made it very clear, Chief Holt, I do not speak to the totality. I speak to the actions that occurred on that date.

In addition, I think it is imperative that we have an assault weapons ban signed by the President of the United States. We are still in session, and the question is, the other body can move on that.

I believe that the great work of Congresswoman McBath, there should be a slight modification and ensure that red flag laws are Federal laws and that there should be no opting out as the bill proceeded in the House. No one can tell me that it does not work.

We have not passed universal background check, and I want to accede to the point of racism. It might disparately impact Members of my community and the Latino community. I would say to you, we will fix that. A universal background check saves lives. I would offer to say, in the name of the souls at Mother Emanuel Church, if it had been adhered to, the waiting period, they might have lived.

I'd much rather err on the side of saving a life and fight racism than to suggest that the universal background check is going to impact communities of color negatively. Since I don't think the number of 90 percent is discerning, there could not be that number if there were not Hispanics and African Americans. The voice I heard this morning on the radio that said I'm sick and tired of gun violence came from a person of color.

So, I'd like to see that. As I indicated, the Kimberly Vaughan gun storage bill, that's a simple thing, before we leave.

Then I'd like to acknowledge Dr. Guerrero and the fact that little children are still suffering from their injuries. I want to find and make sure, since in our particular State we have no expanded Medicaid, that we make sure that the medical costs through the municipalities and the public health systems can be addressed, the pain and hurt of families, whether it's physical or mental.

This is what I'm putting on the table to ensure that this hearing answered the question that it started with: How can we, in a bipartisan manner, address the question of gun violence? Of course, I indicate, how can we not ban assault weapons?

Thinking back to the hearing in September with Kimberly Rubio, the mother of Alexandria "Lexi" Rubio, said, "I am just a mom from a really small town who wants her little girl back." If she couldn't have that, she wanted the assault weapons ban. We could not do that. We haven't even raised the age.

This is, of course, the trying status of our position today. Leave not in despair. Leave with hope.

As I pause, does the Ranking Member care to share a moment? You are recognized.

Mr. BIGGS. Thank you, Madam Chair.

I too thank all the Witnesses for being here. I learned something from each one of you for sure.

I get back to the same question, which is the actual premise if you are going to solve this question. Why does someone shoot? Why pull the trigger? Why do they do that?

If we're not willing to have that discussion, which apparently, we're not, you'll never resolve this issue, not in a country that already has 300 million guns or whatever it is out there. We better take care of that question.

To denigrate data, at the same time saying that's what you want to base your decisions on, to me that's just irrational.

It's difficult, it's difficult, because this is a difficult question. Some would say, oh, it's just really easy. It's just really easy. It isn't so easy, because if it were, it would have been solved. We can't even get people to be willing to take a chance and say, how can we solve the root cause?

Maybe Mr. Brewer's solutions are the way. Maybe you've got different solutions. Until you deal with the underlying root cause, which is the moral question, called for years in this country until about the last 40 years, was virtue. That's what we called it, virtue.

If we're not willing to talk about that anymore, then maybe you're right. Maybe, as Mr. Gohmert had said, maybe you have to start just taking away rights, because we can't handle them. We can't handle self-government. We can't handle self-choice. We can't handle it.

I don't think that's the case. What I do think, however, is if we're going to solve this problem, you better not just ask who pulled the trigger and where the gun came from. You better start asking why the shooter pulled the trigger and why they chose the targets they chose. If you won't talk about those things, I'm sorry, I am convinced that we will never get to the bottom of this problem.

I think Mr. Owens, his legislation that he put forward was a rational attempt to solve the problems that you all were talking about, that we've been talking about. He couldn't get that thing to move here. That's unfortunate.

I think we're going to be back here talking about this again and again. I hope it's not because we've had another horrific and tragic incident like Uvalde.

With that, Madam Chair, there's more to say, but I will yield.

Ms. JACKSON LEE. Mr. Ranking Member, I just want to say to you and hopefully just solidify why we're here is that I extend my hand to you. My remarks said that I am a person of faith, as I know many Members who express it publicly. Others do not maybe. That is their privilege in this Nation.

As I do this, I say to you, as I consider Mr. Brewer's words as sincere to cure some of those elements, I've given you a list for this Congress, this Administration. Ban the assault weapons, to make the Federal—make the laws that are red flag Federal laws, to pass a legitimate storage bill, and to ensure that these broken people have the care that they need from Sandy Hook to Uvalde and in between.

I might add, because of the words of Chief Holt, to make sure that there is a sufficient training of our officers to know the policy has changed. When you hear shooting, you go in. You isolate the

killer. That's why I've called for a Federal investigation, so the Nation never experiences 77 minutes ever again.

I conclude now.

[Audio recording played.]

Ms. JACKSON LEE. "There's somebody banging at my school." Obviously, a child's voice. It concludes by saying, "I'm so scared."

[Audio recording played.]

Ms. JACKSON LEE. The child is advising as he is calling, he is in a room full of victims, and he is with victims at this moment. You can imagine what the victims look like.

[Audio recording played.]

Ms. JACKSON LEE. "Can you tell the police to come to my room?"

"I've already told them to go to the room. We are trying to get someone to you."

To the families, to the Witnesses, for their sacrifice, this hearing that came out of your courage to stop the bloodshed and to find a bipartisan solution to the horrors of gun violence and the assault weapons at this time is now adjourned.

[Whereupon, at 3:20 p.m., the Subcommittee was adjourned.]

