

**WHAT SHOULD AMERICA DO ABOUT GUN VIOLENCE?
SENATOR ORRIN G. HATCH
SENATE JUDICIARY COMMITTEE
JANUARY 30, 2013**

The recent mass shootings in this country have left us heartbroken and searching for answers. There has been a call to act by the Obama Administration, Members of Congress and the American public to find legislative solutions to curb gun violence. If we are to deal with this very complex problem via legislative solution, any legislation must meet three criteria. First and foremost, the legislation must be consistent with honoring the Second Amendment. Secondly, we must provide policy that draws from past legislative experience. Thirdly, we must consider and address all possible contributing factors to identify the root causes of this problem. Any legislation that fails to meet all three criteria is destined to be ineffective and a disservice to victims and their family members.

To date, legislative efforts have been a single-minded approach to the problem, additional gun control measures to include banning so-called assault weapons, banning so-called high capacity magazines and heavier penalties for straw-purchasers.

Going forward, each of these legislative efforts will be individually analyzed to determine whether they are consistent with the principles of the Second Amendment. Any review of this legislation will include applying the principles discussed in recent decisions of the U.S. Supreme Court and debated by Members of Congress. Whether they comport with the Second Amendment remains to be seen. However, what is certain is that all of the current proposals fail to satisfy the second and third criteria.

All of these legislative efforts fail to recognize the lessons learned from past legislative experience in this area, the second necessary criteria for a successful solution. History has shown that gun control legislation has had little to no effect on stemming these types of incidents. A 10 year federal ban on assault weapons resulted in no discernible decrease in gun violence. Each and every one of the current proposals ignores the evidence and data that stricter gun control does not lead to a decrease in gun violence. The renewed efforts for stricter gun control are a waste of time, effort and resources as they have been proven ineffective.

In addition, these legislative actions fail to satisfy the third criteria, which is to consider and address all of the possible contributing factors to identify the root causes of this problem. Experts in the area of these types of shootings have identified common contributing causes, some of which include various issues with mental illness and treatment, violence in our culture through media, breakdown of the family unit, breakdowns in background checks for weapons purchases, response times of law enforcement, and the emergency action plans for schools. None of the identified contributing factors have been considered by the current proposals.

As we move forward, we must focus on a carefully considered, comprehensive approach that includes all of the factors discussed above. Anything less is a disservice to victims and their families.