

Testimony of CAPT Mark E Kelly USN (Ret.)
Senate Committee on the Judiciary
January 30, 2013

Thank you Chairman Leahy and Ranking Member Grassley for inviting me here today. I look forward to a constructive dialogue with your committee. I also want to take the opportunity to congratulate Gabby's friend and much respected former colleague, Jeff Flake, on his new role as Arizona's junior Senator.

As you know, our family has been immeasurably affected by gun violence. Gabby's gift for speech is a distant memory. She struggles to walk, and she is partially blind. Her right arm is completely paralyzed. And a year ago she left a job she loved serving the people of Arizona.

But in the past two years, we have watched Gabby's determination, spirit, and intellect conquer her disabilities.

We aren't here as victims. We're speaking to you today as Americans.

We're a lot like many of our fellow citizens following this debate about gun violence:

- We're moderates. Gabby was a republican long before she was a democrat.
- We're both gun owners, and we take that right and the responsibilities that come with it very seriously.
- And we watch with horror when the news breaks to yet another tragic shooting. After 20 kids and six of their teachers were gunned down in their classrooms at Sandy Hook, we said, this time must be different. Something needs to be done.

We are simply two reasonable Americans who realize we have a problem with gun violence, and we need Congress to act.

At 10:10am on January 8, 2011, a young man walked up to Gabby at her constituent event at a Safeway in Tucson, leveled his gun, and shot her through the head. He then turned down the line and continued firing. In 15 seconds, he emptied his magazine. It contained 33 bullets; there were 33 wounds.

As the shooter attempted to reload, he fumbled. A woman grabbed the next magazine, and others tackled and restrained him.

Gabby was the first victim. Christina-Taylor Green, nine years old, born on 9/11 2001, was shot with the thirteenth bullet or after. And others followed.

The killer in the Tucson shooting suffered from severe mental illness. He is a paranoid schizophrenic who had been deemed unqualified for service in the United States Army and exhibited increasingly bizarre behavior as he spiraled toward murder. At Pima Community College, his disruptions led to run-ins with the campus police and his expulsion, but he was never reported to mental health authorities.

On November 30, 2010, he walked into a sporting goods store, passed a federal NICS background check, and walked out with a Glock 19 semiautomatic handgun. He had never been legally adjudicated as mentally ill, and, even if he had, Arizona at the time had over 121,000 records of disqualifying mental illness it had not submitted to the background check system.

Looking back, we can't say with certainty, "Only if we had done this, it wouldn't have happened." There isn't a single action or law that could have elegantly prevented the Tucson shooting from being written into the history books.

Gabby is one of roughly 100,000 victims of gun violence in America every year. Behind every victim lays a matrix of failure and inadequacy – in our families, communities, and values; in our society's approach to poverty, violence, and mental illness; and, yes, in our politics and in our gun laws.

One of our messages is simple: The breadth and complexity of the problem of gun violence great, but it is not an excuse for inaction.

As you know, there's another side to our story.

Gabby is a gun owner. I am a gun owner.

We have our firearms for the same reasons millions of Americans just like us have guns – to defend ourselves, our family, and our property, and to go hunting or target shooting.

We believe wholly and completely in the Second Amendment of our Constitution – and that it confers upon all Americans the right to own a firearm for protection, collection, and recreation.

We take that right very seriously, and we would never, ever give it up – just like Gabby would never relinquish her gun, and I would never relinquish mine.

But rights demand responsibility. And this right does not extend to terrorists. It does not extend to criminals. It does not extend to the mentally ill.

When dangerous people get guns, we are all vulnerable – at the local movie theater, worshipping at church, conducting our everyday business, exercising our civic responsibilities as Americans, and – time after time after time – at school, on our campuses, in our children’s classrooms.

When dangerous people get dangerous guns, we are all the more vulnerable. Dangerous people with weapons specifically designed to inflict maximum lethality upon others have turned every corner of our society into places of carnage and gross human loss.

Our rights are paramount. But our responsibilities are serious. And as a nation we are not taking responsibility for the gun rights our founders conferred upon us.

Gabby and I are pro-gun ownership. We are anti-gun violence.

And we believe that in this debate Congress should look not toward special interests and ideology, which push us apart, but toward compromise, which brings us together. We believe whether you call yourself pro-gun or anti-gun violence, or both – that you can work together to pass laws that save lives.

We have some ideas for you.

Fix background checks. Currently up to 40 percent of all gun transfers are made through private sales and without background checks. Not surprisingly, 80 percent of criminals reported obtaining their weapons through private sales with no background check. This makes a mockery of our background check system. Congress should close the private sales loophole and strengthen the background check system by requiring states and the federal government to supply the necessary records.

Remove the limitations on the CDC and other public health organizations on collecting data and conducting scientific research on gun violence. As a fighter pilot and astronaut, I saw the value of using data to achieve our military and scientific objectives. We wouldn’t have gotten to the Moon or built the International Space Station without robust use of data to make informed decisions. It is simply crazy that we limit gun violence data collection and analysis when we could use that knowledge to save lives.

Enact a federal gun trafficking statute with real penalties for people in the business of helping criminals get guns. Let’s get law enforcement the tools they need to stop violent criminals from killing people with illegal guns.

And, finally, let's have a careful and civil conversation about the lethality of the firearms we permit to be legally bought and sold. You can't just walk into a store and buy a machine gun, but you can easily buy a semi-automatic high velocity assault rifle and/or high capacity ammunition magazines. We should come together and decide where to draw that line in such a way that it protects our rights and communities alike.

This country and this Congress can find a commonsense consensus on preventing gun violence and protecting our inviolable Second Amendment rights. We went to the Moon and back within a decade of deciding we were going to do it. We have prevailed over adversaries big and small. Surely when the safety of our communities, our schools, and our children is at stake, our politics can provide a path toward compromise, and not an obstacle that can't be overcome.

Thank you.