



March 23, 2021

The Honorable Richard Durbin
Chairman
Senate Judiciary Committee
Washington DC 20510

The Honorable Charles Grassley
Ranking Member
Senate Judiciary Committee
Washington DC 20510

Dear Chairman Durbin and Ranking Member Grassley:

Thank you for holding a hearing entitled “Constitutional and Common Sense Steps to Reduce Gun Violence.” We appreciate you prioritizing gun safety as one of the first hearings before the Committee this year.

It has been nearly 25 years since the last significant federal gun safety law was passed, and in that time an estimated 800,000 Americans have died from gun violence. Every day in America, more than 100 people are killed with guns and more than 230 are shot and wounded. The statistics are alarming, but the effects extend far beyond those shot and killed or wounded. Gun violence shapes the lives of millions of Americans who witness it, know someone who shot, or live in fear of the next shooting. I’ve seen it in my own family and in the countless number of survivors of gun violence I’ve met while working on this issue.

The COVID-19 pandemic has only intensified the impact of our country’s gun violence crisis. An Everytown analysis of gun deaths tracked by Gun Violence Archive indicates that total deaths from gun violence in 2020 will likely exceed 40,000—at least a 50-year record high. According to a December 2020 survey of 129 law enforcement agencies across the United States, including diverse cities and population sizes, 57 percent of these agencies reported an increase in firearm homicides from 2019 to 2020, and nearly 70 percent reported an increase in nonfatal shootings. The disproportionate impact of the pandemic and firearm homicide on Black communities reflect the United State’s long-standing racial inequities. Black people in the United States are two times more likely to die from COVID-19 and ten times more likely to die by gun homicide than white people.

As our country continues to grapple with the ongoing pandemic and increase in gun violence across the country, we have also seen loopholes in our gun laws exacerbated. Urgent action is needed to close these loopholes and address our country’s gun violence crisis with evidence-informed policies that respect the Second Amendment. We strongly urge Congress to pass laws in the following areas:

Strengthen Background Checks: The National Instant Criminal Background Check System (NICS) has completed over 393 million background checks since 1994, but these checks are only required at licensed

dealers. Private sales arranged at gun shows and online between perfect strangers are not subject to background checks and this private sale loophole only weakens our background check system and enables gun trafficking both within states and across state lines. Our research found a massive market for strangers to connect online, with a single website listing over 1 million ads for gun sales each year that do not require a background check. And our research found that nearly 1 in 9 prospective buyers who responded to these online ads from unlicensed sellers would not have passed a background check, a rate seven times higher than at licensed gun stores. Twenty-two states and the District of Columbia require background checks on at least all handgun sales, and Congress should pass legislation to close existing loopholes in our background check laws nationwide.

Address the Charleston Loophole: Similarly, Congress should also take action to close the “Charleston loophole,” which allows gun purchases to move forward by default after three business days - even if a background check has not been completed. Only 3 percent of background checks processed by the FBI take longer than three days, but the effect is devastating. A loophole we know enabled a hate filled individual to commit an atrocity in Charleston, South Carolina has shown how wide it can become during the pandemic. According to FBI data, by mid-November 2020, there were nearly 6,000 confirmed sales to prohibited purchasers that slipped through the loophole—more than any other full calendar year ever. The number is likely much higher as hundreds of thousands of delayed background checks were erased before ever being completed.

Pass Extreme Risk Legislation: COVID-19 and the accompanying economic crisis have created a perfect storm in which known suicide risk factors are colliding. Extreme Risk laws to provide law enforcement and families with a critical tool for intervening when someone is clearly in crisis to temporarily block access to firearms. Nineteen states have enacted these laws (seventeen since 2013), and they have been shown to reduce the risk of suicide and prevent mass shootings. My aunt, Amanda Wilcox, testified before this committee in 2019 about how an Extreme Risk could have saved my cousin's life. A strong federal law would establish an Extreme Risk process that can be used in federal courts in all fifty states, and would provide resources to state systems—helping states implement their laws effectively and encouraging additional states to act.

Disarm Domestic Abusers: Women in the United States are 21 times more likely to die by gun homicide than women in other high-income countries, and the presence of a gun in a domestic violence situation makes it five times more likely that the woman will be killed. The COVID-19 pandemic has only intensified the factors that contribute to our current gun-related domestic violence crisis, but federal law is currently not strong enough to protect all domestic violence survivors—because many abusive dating partners are still legally able to purchase and possess firearms even though women are as likely to be killed by dating partners as by spouses. Congress should reauthorize the Violence Against Women Act (VAWA), close the “boyfriend loophole” and expand lifesaving protections that disarm domestic abusers.

Direct Resources to City Gun Violence: Gun homicides and assaults occur at shockingly high rates in American cities, violence that heavily impacts Black and brown neighborhoods—reflecting and amplifying this country’s long-standing systemic and structural racism. Community-based and locally led programs are a critical tool for intervening in the communities that are most heavily impacted by gun violence. Local violence intervention programs are community-based strategies that provide

support to individuals and communities at greatest risk of gun violence victimization, including street outreach programs, group violence intervention programs, and hospital-based violence intervention programs. The rigorous studies that do exist demonstrate promising to positive impacts for all of these interventions. Congress should authorize robust long-term funding for these proven solutions—and also focus on upstream issues that enable a flood of illegal guns into our cities, such as empowering the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) to shut down gun trafficking and bad actors in the gun industry.

These are just a few of the many priorities that we hope you will address in the 117th Congress. We look forward to working with you to reduce gun violence and save lives.

Sincerely,

Robert B. Wilcox, Jr.
Federal Legal Director
Everytown for Gun Safety Action Fund