



September 9, 2019

The Honorable Jerry Nadler  
Chairman  
House Committee on the Judiciary  
2138 Rayburn House Office Building  
Washington, DC 20515

The Honorable Doug Collins  
Ranking Member  
House Committee on the Judiciary  
2138 Rayburn House Office Building  
Washington, DC 20515

**RE: Amnesty International USA statement in support of the Keep Americans Safe Act, the Disarm Hate Act and the Extreme Risk Protection Act**

Dear Chairman Nadler, Ranking Member Collins and Members of the Committee:

On behalf of the one million members and supporters of Amnesty International USA (“AIUSA”) we urge the Committee to approve the Keep American Safe Act (H.R. 1186), the Extreme Risk Protection Order Act of 2019 (H.R. 1236), and the Disarm Hate Act 2019 (H.R. 2708). These three bills will play a critical role in stopping the carnage that gun violence is wreaking on the country.

In August, AIUSA called on the House and Senate to return for an emergency session to pass legislation to reduce gun violence and save lives. We appreciate that the Judiciary Committee responded to that call and decided to return last week before hurricane Dorian delayed the markup. We reiterate our call to Congress: Do the job you were elected to do and be the leaders the country needs by passing critically needed gun safety laws.

Earlier this year this Committee led the House in passing critically needed legislation on universal background checks, funding for gun violence prevention research, and strengthening the National Instant Background Check System. Now it must do so again. Gun violence in the U. S. is a human rights crisis. In 2017, an average of 109 individuals [died](#) per day from firearm related deaths, with over 133,000 more suffering injuries. Per capita, this is significantly higher than in other industrialized countries. The U.S. also has the highest absolute and highest per capita rates of gun ownership. Despite this, the federal government continues to fail to address gun violence as a health crisis and take the necessary steps to protect people. The government has not restricted access to firearms for those most at risk of abusing them and has refused to create a uniform system to track firearm owners. Despite recognition that research could inform evidence-based policies to address gun violence, the federal government has not appropriated sufficient funding to

carry out that research. The right to live free from violence and fear has been superseded by a sense of entitlement to own a practically unlimited array of deadly weapons without sufficient restrictions on their acquisition, possession and use. In the face of overwhelming evidence of widespread firearm violence and ease of access to firearms by individuals likely to misuse them, the U.S. government is [failing](#) to meet its obligation to respect, protect, and fulfill human rights pursuant to international law.

### **Banning Assault Weapons and Large Capacity Magazines**

The horrific mass shootings in Gilroy, El Paso, Dayton and Odessa once again highlighted the cost of failing to ban weapons of war and allowing them to be accessible to civilians. Shooters using semi-automatic assault rifles and shotguns with large-capacity magazines can kill scores of people in a matter of minutes.

AIUSA's 2018 report *In the Line of [Fire](#)* noted, in a review of 56 mass shootings over 10 years, where assault weapons or large-capacity ammunition magazines were used, more than 13 people were shot, compared to five for other incidents, and on average around eight people died, compared to five fatalities for other incidents. Assault rifles are inherently more lethal weapons. They fire rounds that typically achieve a velocity of over 3,000 feet per second, compared to handguns that fire rounds closer to 1,000 feet per second. Medical [providers](#) who treated victims from the Parkland [shootings](#) stated that that unlike wounds caused by bullets from handguns, high velocity bullets from assault weapons cause damage that extends beyond the bullets' path, causing more harm and increasing lethality.

Assault rifles were used in the majority of the nation's most notorious mass shootings: in 2012 at Sandy Hook where 20 children and six adults were killed at an elementary school, in 2016 in Orlando where 49 people were killed at a nightclub, in 2017 in Las Vegas where 58 people were killed at an outdoor concert, in 2017 in Sutherland Springs where 26 were killed in a church, and in 2018 in Parkland where 13 students and four adults were killed in a high school.

Concerns over the accessibility of semi-automatic assault rifles and large-capacity magazines have also been raised by law enforcement officers seeking to protect the public in a live shooting incident. The International Association of Chiefs of Police [recommends](#) that the U.S. pass laws banning military-style assault weapons so that officers are not faced with shooters armed with military-grade weapons.

AIUSA supports the Keep Americans Safe Act (H.R. 1186) and the Assault Weapons Ban Act (H.R. 1296) which will be discussed later this month. (H.R. 1186) would reinstate the prior U.S. ban on the sale, transfer or possession of magazines that hold more than 10 rounds of ammunition with limited exceptions for law enforcement and military personnel. The Assault Weapons Ban (H.R. 1296) would ban semi-automatic assault rifles and shotguns. Both bills will help reduce the frequency and lethality of mass shootings.

The only place that a weapon of war should be is on a battlefield, not in our communities and not in the hands of civilians. Firearms and ammunition which represent a high level of risk to public safety, including those likely to cause excessive or unintended injury, must be prohibited for use by private individuals. High capacity magazines act as a force multiplier, exponentially increasing the likelihood of death in a mass shooting. The shooter in the Dayton mass shooting had a firearm equipped with a 100-round drum magazine that enabled him to fire 41 rounds of ammunition in just 30 seconds.

### **Extreme Risk Protection Orders**

The Extreme Risk Protection Order Act of 2019 (H. R. 1236) will provide states with the opportunity to apply for federal grants to assist with the implementation of Extreme Risk laws that limit access to firearms, ensuring that guns do not fall into the hands of people who could cause harm to themselves or to others.

Extreme Risk Protection Orders (“ERPOs”) provide one avenue, at the state level, for law enforcement and/or in some states, family members, and health care practitioners, to petition to temporarily restrict access to firearms by at-risk individuals demonstrating behavioral risk factors for harming themselves or others, with clearly defined due process protections. If a petitioner is able to provide evidence that the individual is at risk of harming themselves or others, a judge may issue a civil court order temporarily prohibiting the individual from owning, possessing, purchasing, or receiving firearms and/or ammunition, including by having a firearm removed or requiring the surrender of firearms from the named individual. When an ERPO expires, the person may regain access to their firearms, so long as they are able to pass a background check and are not otherwise prohibited from purchasing or possessing firearms. Research indicates that Extreme Risk laws have been effective in reducing firearm-related deaths. A [study](#) evaluating Connecticut’s ERPO law estimated that over a period of 14 years between 38 and 76 suicides were prevented by these orders. Fourteen states have adopted Extreme Risk laws, with many more currently considering the policies.

Congress should pay careful attention to problematic correlations that are often drawn between gun violence and mental health. These assertions wrongly imply that persons with psychosocial disabilities and those with mental health conditions are automatically prone to violence and ignore the range of possible mental health diagnoses and how mental health conditions might manifest differently for different individuals depending on their particular circumstances. Such assertions are unsupported by facts.

In a 2015 [article](#) in the American Journal of Public Health the authors analyzed statistics from the National Center for Health Statistics, which tracks gun homicides, and found that less than five percent of the 120,000 firearm-related killings between 2001 and 2010 were carried out by people who had been diagnosed with mental illness. A better framework for evaluating access to firearms is to take into account the broad range of factors that might contribute to an individual being at recognizable risk of self-harm or harming others. These

include behavioral risk factors, emotional issues, patterns of substance abuse, and other circumstances which may be temporary or prolonged, but which impact an individual's likelihood of misusing a firearm.

According to [data](#) from the Center for Disease Control, in 2017, 59.9 percent of firearm-related deaths were suicides, and 36.5 percent were homicides. Approximately half of all reported [suicides](#) in the USA are carried out with a firearm.

The regulatory framework governing the sale and use of firearms should account for particular circumstances where factors may increase the likelihood that an individual is at risk of harming themselves or others, in a manner consistent with international human rights law.

Extreme Risk Laws can save lives and reduce the likelihood of gun violence. Federal funding to support training, technical assistance, education and implementation of these laws is a vital step in protecting human rights impacted by gun violence and providing safeguards against potential deadly force by private individuals—both of which fall within the United States' obligations under international [law](#). As the framework for Extreme Risk Laws is a fairly recent model, federal funding is key for helping states implement these policies. The law will award grants that

- Enhance capacity of law enforcement agencies and courts by providing personnel, training, and resources.
- Train judges, court personnel, and law enforcement to accurately identify individuals at risk of harming themselves or others with a gun.
- Develop and implement law enforcement and court protocols, forms, and orders to effectively carry out extreme risk laws.
- Raise public awareness and understanding of extreme risk laws.

Further federal funding will enable states to address specific issues and nuances that may be particular to their area, while still requiring them to meet the minimum standard set forth in the bill.

### Disarming Hate

A hate crime is any crime motivated by bias. The combination of hate and easy access to firearms can be a deadly one. The shooters in the Charleston, Pittsburg, El Paso and Orlando shootings have been linked to white supremacist writings and ideology. Reports indicate that hate groups and hate-related crimes in the U.S. are on the rise with hate crimes on the basis of religion, race or sexual orientation increasing by 17 percent between 2016 and [2017](#).

Despite these [statistics](#), there is no federal law prohibiting those convicted of misdemeanor hate crimes (demonstrating their potential bias and past behavior) from purchasing or possessing a firearm, and only a handful of states have passed laws preventing individuals

convicted of misdemeanor hate crimes from purchasing a firearm. In most states, some people convicted of hate crimes can still legally buy or possess guns.

Hate-motivated shootings have claimed lives at the Sikh Temple of Wisconsin (Gurdwara) in 2012; the Emanuel African Methodist Episcopal Church in South Carolina in 2015, the Pulse nightclub in Florida in 2016, the Tree of Life Synagogue in Pennsylvania in 2018; and most recently, a shopping center in El Paso, Texas in 2019.

No one should be afraid to walk down the street, enter their place of worship, or gather with their community based on the possibility that they will be targeted by a shooter. This violates our rights to live, to have security of person, freedom from discrimination and to worship freely. At the same time the U.S. government has a legal obligation to protect people from discrimination or violence based on who they are—their real or perceived identity. The U.S. is obligated to take active steps to ensure—to the greatest extent possible—that people are able to live freely regardless of real or perceived race, country of origin, religion, sexual orientation or gender identity, especially in the face of clear evidence of persistent gun violence.

AIUSA supports the Disarm Hate Act (H.R. 2708) which will:

- \* Define misdemeanor hate crime to include the threat, use or attempted use of force and found to be motivated at least in part by hate or bias against the victim's race, color, religion, national origin, gender, sexual orientation, gender identity or disability;
- \* Prohibit the purchase, possession or shipment of a firearm by anyone convicted of a misdemeanor hate crime or anyone who received a hate crime sentence enhancement.

Congress must pass this important legislation and help curtail the growing nexus between gun violence and hate groups.

For more information, please contact Adotei Akwei at 202-509-8148 or [aakwei@aiusa.org](mailto:aakwei@aiusa.org).

Sincerely,



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