Testimony for the Record by

Everytown for Gun Safety

Before the

Committee on the Judiciary, United States Senate

Hearing on VAWA Next Steps: Protecting Women from Gun Violence

July 30, 2014

Senator Whitehouse, Chairman Leahy, Ranking Member Grassley, Members of the Committee:

Thank you for holding this important hearing on “Protecting Women from Gun Violence.” In the United States, violence against women is inextricably linked to our weak gun laws that allow guns to pass into the hands of domestic abusers. To protect women from gun violence, we must strengthen our laws to ensure that domestic abusers do not have access to guns.

The majority of women killed with guns each year are murdered by intimate partners.¹ People with a history of domestic violence pose an elevated risk of killing an intimate partner, and when a firearm is present in a domestic violence situation it increases the woman’s risk of being murdered by more than 500 percent.² This is why women in the United States are 11 times more likely to be killed with guns than their peers in other comparable countries [see Figure 1]³ — and why 48 American women are shot to death by their intimate partners each month.⁴ As long as abusers continue to access guns through loopholes in our laws, hundreds of American women will needlessly die each year.

¹ Everytown for Gun Safety analysis of FBI Supplementary Homicide Reports, 2008-2012.
⁴ Everytown for Gun Safety analysis of FBI Supplementary Homicide Reports, 2008-2012.
As the largest gun violence prevention organization in the country, Everytown for Gun Safety represents 1200 current and former mayors, along with a broad coalition of moms, law enforcement, gun violence survivors, and 2 million everyday Americans. We are Republicans, Democrats, and Independents. We develop and promote evidence-based laws and policies that will reduce gun violence and save lives, and we mobilize our members to advocate for common-sense public safety measures in their communities. In 2014 alone, we worked with legislators and domestic violence prevention advocates to pass laws in six states — Louisiana, Minnesota, New Hampshire, Vermont, Washington, and Wisconsin — that will protect victims of abuse by keeping guns out of abusers’ hands. These bills were signed into law by Democratic and Republican governors alike. And we will continue to work on both sides of the aisle to help pass common-sense laws that will save women’s lives.

Original research conducted by our organization provides further evidence that the domestic violence crisis in this country is a gun violence crisis. Our analysis of every mass shooting that occurred in the U.S. in the last six years showed that more than half of the perpetrators targeted an intimate partner or family member.\(^5\) And our analysis of guns transferred online by unlicensed sellers found that 1 in 30 prospective gun buyers had a criminal history that prohibited them from buying guns — of whom 1 in 5 had a domestic violence conviction.\(^6\) These numbers are stark, and we urge Congress to pass legislation soon to close loopholes in our laws and protect women from further harm.

**First**, we urge Congress to pass S. 1290, the Protecting Domestic Violence and Stalking Victims Act. The bill would save lives by closing the loopholes that allow abusive dating partners and convicted stalkers to buy and possess guns.

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\(^{5}\) Everytown for Gun Safety, July 2014, “Analysis of Recent Mass Shootings,” available at: [http://every.tw/1tZDRDB](http://every.tw/1tZDRDB)

\(^{6}\) Mayors Against Illegal Guns, September 2013, “Felon Seeks Firearm, No Strings Attached,” available at: [http://every.tw/1p1Zc7](http://every.tw/1p1Zc7)
Federal law already prohibits spousal abusers from having guns if they are convicted of domestic violence or subject to a restraining order, but it generally does not prohibit unmarried abusers. For three decades the share of intimate partner homicides committed by dating partners has been increasing, and nationwide in 2012, more women were killed by their boyfriends than by their spouses. But federal law currently allows abusive boyfriends convicted of assault to buy guns legally — simply because they were never married to their victims. The proposed bill would fix this loophole, updating federal gun law to encompass the same dating partners already protected under the Violence Against Women Act. Senator Blumenthal’s bill, the Lori Jackson Domestic Violence Survivor Protection Act also incorporates this critical fix.

Federal law already prohibits convicted stalkers from having guns if their crimes are felonies, but it does not prohibit other stalking offenders with misdemeanor convictions. A study in 10 major American cities found that in nearly 90 percent of attempted murders of women, the perpetrator had stalked his intended victim in the year before the attempted murder. The Protecting Domestic Violence and Stalking Victims Act would prohibit all convicted stalkers from possessing guns, ensuring that guns do not fall into these dangerous hands.

Fixing our laws to include these two categories of dangerous people who should be prohibited from having guns will save lives. Indeed, a history of domestic violence is highly predictive of intimate partner homicide: Women living in abusive households are nearly 15 times more likely to be murdered by an intimate partner or a family member. Second, Congress can protect women by requiring background checks for gun sales by unlicensed sellers, and ensuring that abusers cannot evade their prohibition and obtain guns. The existing background check system works well: 300,000 sales to prohibited abusers have been stopped since

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the National Instant Criminal Background Check System started operating in 1998. But because federal law allows unlicensed sellers to transfer guns without a background check, it is easy for abusers to evade the system and avoid detection. For example, they can simply visit websites like Armslist.com — where more than 80,000 gun ads are hosted on any given day, the vast majority posted by unlicensed sellers — and find a gun locally that they can buy without a background check. This loophole ensures that whether or not an abuser’s prohibiting conviction or restraining order is in the background check system, he can arm himself with no questions asked.

A groundbreaking investigation by Mayors Against Illegal Guns documented these sales in depth, showing that at least 1 in 30 people looking to buy guns on Armslist has a prohibiting criminal record. One such person was Radcliffe Haughton — the domestic abuser who murdered his estranged wife Zina Daniel and two of her co-workers in Brookfield, Wisconsin in October 2012. As Zina’s brother Elvin will testify before the Senate Judiciary Committee today, Zina had taken out a restraining order against her husband, which prohibited Haughton from buying a gun. So he couldn’t shop at a gun store — because he would have failed a background check — but he was able to post an ad on Armslist seeking a gun “ASAP.” Just two days after the restraining order was in place, Haughton met an unlicensed gun seller in a McDonald’s parking lot and bought the handgun he would use the next day to murder Zina and two other women.

Strong laws can prevent these murders. Sixteen states and the District of Columbia now require background checks for all handgun sales. And where these laws are in place, 38 percent fewer women are killed by their intimate partners [see Figure 3]. Congress should require background checks for sales by unlicensed sellers — by passing the bipartisan legislation introduced in the Senate by Senators Joe Manchin (D-WV) and Pat Toomey (R-PA) (S.Amdt.715 to S.649) and in the House by Congressmen Peter King (R-NY) and Mike Thompson (D-CA) (H.R. 1565). That legislation would simply require buyers to pass the same background checks they already pass when shopping with licensed dealers. The process is fast and straightforward, and gun owners already do it every time they buy from a licensed dealer. Fully 98.4% of Americans live within 10 miles of a gun dealer.

11 Between the inception of the NICS system in 1998 and April 30, 2014, 154,584 gun sales were federally denied due to misdemeanor crime of domestic violence convictions or restraining or protection orders for domestic violence. (U.S. Department of Justice, FBI, NICS Denials: Reasons Why the NICS Section Denies, Nov. 1, 1998 – Apr. 30, 2014, at http://1.usa.gov/1k9zURj). Between 1998 and 2010, state and local agencies issued a total of 945,915 denials, and it is estimated they have issued 225,000 denials in the three years since data was last released. (U.S. Department of Justice, Bureau of Justice Statistics, Feb. 2013, Background Checks for Firearms Transfers, 2010–Statistical Tables, Feb. 2013, at http://1.usa.gov/Z8vYsa). For agencies that reported reasons for these denials, 13.2% were denials for domestic violence reasons — which would represent another 155,000 domestic violence denials. Thus, the background check system has likely issued more than 300,000 denials for domestic violence reasons.

12 Mayors Against Illegal Guns, September 2013, “Felon Seeks Firearm, No Strings Attached,” available at: http://every.tw/1p1Zc77

13 Everytown analysis of FBI Supplementary Homicide Reports and Florida Department of Law Enforcement, 2010. Excludes New York due to incomplete data.

These two measures are the most important steps Congress can take to protect women from fatal abuse. This is violence that affects all of our mothers, sisters, and daughters. Indeed, one in three women will face domestic abuse in her lifetime. It's time to ensure that abusers are prohibited from having guns and to ensure that the prohibition is enforced with a background check every time an abuser goes looking for a murder weapon.