

**Testimony of Hannah Shearer
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Before the Vermont Senate Judiciary Committee on S. 30**

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INTRODUCTION

Good morning. I'm an attorney and the litigation director at Giffords Law Center to Prevent Gun Violence, the gun-safety organization founded by former Congresswoman Gabrielle Giffords. Senate Bill 30 will put Vermont on the right side of history following the Jan. 6 violence at the US capitol and uptick in armed intimidation tactics at state capitols. And it will put the state on the right side of the evidence, which tells us that the absence of laws restricting gun carry in sensitive buildings harms public safety and our democracy.

GOVERNMENT BUILDINGS

Washington DC's strong gun restrictions around the capitol and in city streets worked on Jan. 6. My organization and others monitored online chatter around the "stop the steal" event and many people were saying that they were leaving their guns at home. And then we saw that the violence was less lethal because people used weapons other than guns, and because lawbreakers who broke into the capitol still left their guns in their home states or in their cars. This tells us that gun laws are effective even with those tempted to break the law: this population of radicalized people who took other illegal actions still obeyed gun restrictions that constrained the lethality of what they're able to do. That's what the goal of this legislation is.

Senate Bill 30 is well drafted to achieve that goal. Based on what happened in Washington DC, as compared to what's happened in other states, we know that it works to have a law specifically restricting guns in government buildings. But we don't know that it works to have just a general trespassing law¹ or leave discretion to those who control each piece of property. It's always better to pass laws that send a clear message to the public that they will be safe when they visit government buildings, explain the rules for gun owners in a way where their responsibilities are very easy to understand, and sets a crystal clear expectation for bad actors wanting to push the boundaries that what they want to do is not allowed.

Another goal of S.30 is to protect the safety of every person who visits a seat of government and participates in our democracy. There should be an expectation that if you participate in our democracy you'll be safe from exposure to guns and violence, and can speak your mind and vote your conscience without the chilling effect of someone having a gun. But unfortunately it's not possible anymore to have that without stronger laws: we've seen these basic norms of our democracy broken in states like Michigan where extremists have used firearms to shut down legislative sessions convened to discuss armed threats of violence.² This bill will prevent the spread of this extremism before it reaches Vermont. I urge you not to wait for a toxic and volatile standoff in this state before acting to protect the safe exercise of democracy.

¹ Vermont's trespassing statute, 13 V.S.A. § 3705, does not mention firearms and applies only to people who enter property "without legal authority" after having been given adequate notice. This fails to clearly notify gun carriers that they lack a 2nd Amendment right to bring guns to public buildings and fails to inform the public whether to expect guns in those buildings.

² American Bar Association, Report of the Standing Committee on Gun Violence (Feb. 2021), <https://www.americanbar.org/content/dam/aba/directories/policy/midyear-2021/111-midyear-2021.pdf> (see pp. 1-4 for a discussion of armed intimidation in Michigan and a list of similar incidents in other states).

I'll address the self-defense point. Lawful gun owners can still cause tragedy and have done so by aiming at innocent people when they misperceive a threat. They can make mistakes in the heat of the moment and confuse and hinder police responses to an active shooter. There's research on all of that. There's evidence gun carriers are more likely to be injured in an assault than non-gun carriers because guns "falsely empower possessors to overreact" and escalate avoidable conflicts.³ There's FBI data showing that it is unarmed people, not armed people, who are more likely to stop an active shooter⁴ and evidence that armed citizens cause confusion about who is the perpetrator.⁵ There's overwhelming evidence that citizen Stand Your Ground laws actually increase violent crime and lead to racially biased vigilante behavior by gun carriers.⁶

So unfortunately, there's evidence that we *do* need to worry about lawful gun carriers doing harm. What there's no evidence of is any law-abiding person needing to defend themselves with a gun at a government building. I don't think that concern is supported. "Gun-free zones" like colleges and courthouses have *fewer* mass shootings than places where open or concealed carry is allowed.⁷ The self-defense concern is also not supported by constitutional law. In the Supreme Court's landmark *Heller* decision, Justice Scalia analyzed the history of the 2nd Amendment from an originalist perspective and found that prohibiting guns in government buildings and sensitive places is totally consistent with the right to use firearms in self-defense.⁸

CHILDCARE CENTERS

Turning to childcare centers, this bill aims to prevent the gravest harm imaginable: violence targeting children or an unintentional shooting. Everything I addressed above, the need for a clear *law* and the risk that even lawful gun owners will cause harm, is equally true of childcare centers. Here we're also talking about protecting young kids who die in shootings in this country at an unimaginable rate. The consequences of violence are far more severe because children who survive a shooting experience catastrophic rates of PTSD, impaired development, and decreased performance in school. This is a population deserving of the fullest extent of our protection even if it creates burdens or additional responsibility for their caretakers.

HOSPITALS

To my knowledge this part of the bill is accepted and has not been politicized like the issue of government buildings. I would ask you to trust the physicians and hospital administrators who know that it endangers doctors and patients to introduce guns into what is supposed to be a safe and secure environment for people dealing with illness and death. I would ask that you consider that their judgments also apply to the other location restrictions being considered today, those designed to protect children and our democracy.

That concludes my testimony. Thank you for your attention to this important bill.

ABOUT GIFFORDS LAW CENTER

For over 25 years, the legal experts at Giffords Law Center to Prevent Gun Violence have been fighting for a safer America. Led by former Congresswoman Gabrielle Giffords, Giffords Law Center researches, drafts, and defends the laws, policies, and programs proven to save lives from gun violence.

³ Charles Branas et al., Investigating the Link Between Gun Possession and Gun Assault, 99 Am. J. Pub. Health 2034, 2037 (2009), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2759797/>.

⁴ "The FBI's data suggest that unarmed civilians are more than twenty times likely to successfully end an active shooting than are armed civilians." Daniel W. Webster et al., Johns Hopkins Bloomberg School of Public Health, "Firearms on College Campuses: Research Evidence and Policy Implications" (Oct. 15, 2016), at p. 12, <https://bit.ly/2WmmWNNm> (citing Blair et al, "A study of active shooter incidents, 2000-2013." Texas State University and Federal Bureau of Investigation (2014)).

⁵ American Bar Association, *supra* note 2, at pp. 2-3.

⁶ Justin Murphy, "A Statistical Analysis of Racism and Sexism in 'Stand Your Ground' Cases in Florida," Soc. Sci. Q. (2017); Daniel Lathrop, "Killings of Black Men by Whites are Far More Likely to be Ruled 'Justifiable,'" Marshall Project (2017).

⁷ Webster, *supra* note 4, at pp. 2, 11.

⁸ *District of Columbia v. Heller*, 554 U.S. 570, 626 (2008).