

Testimony of David H. Chipman, Giffords Senior Policy Advisor
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Hearing on Protecting America from Assault Weapons
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Good morning, Chairman Nadler, Ranking Member Collins, and members of the Committee, thank you for the opportunity to testify today. My name is David Chipman, and I am the Senior Policy Advisor at Giffords, the gun violence prevention organization founded by former Congresswoman Gabby Giffords. I am a gun owner and a former special agent at the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) for 25 years.

Throughout my career, I served on the front lines of our government's efforts to prevent violent crime and effectively regulate the firearms industry, the core missions of ATF. During my time at ATF, I worked to disrupt firearms trafficking conspiracies along the Iron Pipeline, served on ATF's SWAT team, and later served as the Special Agent in Charge of the agency's firearms programs. My time as a federal law enforcement officer taught me that although all weapons can be dangerous in the wrong hands, some weapons are particularly lethal and should be more strictly regulated.

Why? Because gun violence has become a public safety crisis: approximately 36,000 people in this country are fatally shot each year, and another 100,000 are shot and wounded. In 2017, gun deaths reached their highest level in at least four decades. Gun violence claims nearly 100 lives and injures almost 300 more every single day.

Our nation's gun violence crisis at this moment in time has made two things very clear. One, it is far too easy for violent people to get their hands on deadly weapons and harm others. And two, the American people—overwhelmingly—want Congress to act now to make their communities safer.

There is absolutely nothing controversial about acknowledging that some people simply shouldn't have guns. The Gun Control Act of 1968 established that certain categories of people—including convicted felons, domestic abusers, and other dangerous individuals—are not allowed to possess or purchase guns. The Brady Act created the National Instant Criminal Background Check System (NICS) and requires federally licensed gun dealers to conduct background checks to ensure that prohibited people are not able to buy guns.

As an ATF agent, I often heard calls that I should focus on enforcing the laws on the books. As a gun violence prevention advocate, I hear those same calls today. But the truth is that there are loopholes in federal law that undermine public safety, and those loopholes need to be closed. Simply put, there is more that we can, and must, do to regulate particularly dangerous weapons.

Assault weapons are a class of semi-automatic firearms, originally intended for military and law enforcement use, designed to kill people quickly and efficiently. As a result, these weapons are often the weapon of choice for mass shooters. A review of mass shootings between 2009 and 2015 found that incidents where assault weapons or large capacity ammunition magazines were used resulted in 155% more people shot and 47% more people killed compared to other incidents.¹

Over the past few years, there has been a noticeable common thread connecting many of the most horrific shootings: San Bernardino, Orlando, Las Vegas, Sutherland Springs, Parkland, El Paso, Dayton, and Odessa. These shootings took place in different corners of the United States, the perpetrators had different motivations, but the firearm ties them together.

When I began working at ATF, assault weapons were rarely used in crime. Nevertheless, I became familiar with them because as trained law enforcement officials, we used assault rifles like the AR-15 and the H&K MP-5 in SWAT operations.

Assault weapons, including AR-15s and AK-47 rifles, are configured so that a shooter can fire rapidly. Most importantly, they can accept detachable magazines. The magazine is the part of the weapon that holds ammunition and feeds into the gun when the trigger is pulled. There is virtually no limit to the possible size of a magazine. This enables the shooter to continue firing as many as 100 rounds without having to stop and reload, maximizing the casualties in a shooting.

Absent the ability to fire automatically, these weapons are identical to those used by the military. Military weapons are selective fire, meaning that the user can easily switch between automatic, three-round burst and semi-automatic mode. The military included the option to fire in automatic mode and burst mode—meaning the gun will fire more than a single round when the trigger is pulled—because military combat in extreme conditions sometimes requires use of automatic fire. Shooting in semi-automatic mode—meaning that with one pull of the trigger, one shot is fired—is most accurate and hence typically more lethal. Civilian versions of these weapons are semi-automatic only. However, they are configured in the same manner with the same purpose: to allow a shooter to maintain control over the weapon without having to stop to reload or reacquire a target.

Particularly after the tragedies and violence of the past few months, the public and many lawmakers, including many on this committee, have called for a renewal of the 90s-era assault weapons ban. As an ATF Special Agent charged with enforcing that ban, I can say with confidence that there were both benefits and limitations to the ban. The 1994 act does seem to have had a positive effect on public safety: research indicates that during the 10-year period the federal assault weapons ban was in effect, mass shooting fatalities were 70% less likely to occur compared to the periods before and after the ban.²

¹ “Mass Shootings in the United States: 2009-2017,” Everytown for Gun Safety, 6 December 2018. <https://everytownresearch.org/reports/mass-shootings-analysis/>

² Charles DiMaggio et al., “Changes in US Mass Shooting Deaths Associated with the 1994–2004 Federal Assault Weapons Ban: Analysis of Open-source Data,” *Journal of Trauma and Acute Care Surgery* 86, no. 1 (2019): 11–19.

I was a young agent when the law went into effect in 1994. Many members of law enforcement at that time were shocked by exemptions in the law. I was familiar with an incident that occurred in Miami in 1986: two FBI agents were killed in a shootout with two bank robbers who used a Ruger Mini-14 rifle. In that incident, the FBI was outgunned, and as a result, the FBI upgraded its weapons. Yet, when the assault weapons ban went into effect in 1994, the Ruger Mini-14— a particularly lethal semi-automatic rifle capable of accepting a detachable magazine—was expressly exempted.

The 1994 act suffered from some other notable limitations. Most importantly, the law did not regulate the transfer or possession of assault weapons manufactured before the law’s effective date. Manufacturers took advantage of this loophole by boosting production of assault weapons in the months leading up to the ban, creating a legal stockpile of these items. Consequently, while the law was in place, if we as law enforcement encountered an assault weapon, we were generally forced to assume it had been manufactured before the law went into effect—and therefore, it was protected. Unless a crime had been committed with the weapon, we could not arrest the person or take the weapon off the streets. As a result, the effectiveness of the assault weapons ban was not immediately apparent to us. However, we rarely saw the kinds of mass shootings we are seeing today.

The one notable exception was the Columbine school shooting in 1999. The Columbine shooters used a Tec-9 assault pistol that was banned under the assault weapons ban—but because that particular gun had been manufactured before the law went into effect, it was still on the market and legal to possess.

The assault weapons ban expired in 2004. Since that time, the gun industry has continued to design and sell more and more dangerous weapons, including AR and AK-style weapons, and increasingly lethal handguns and shotguns. In the 1990s, assault pistols like the Tec-9 fired 9mm handgun rounds. Modern AR and AK pistols, like the weapon used in Dayton and earlier this year to kill a Milwaukee cop, fire rifle rounds. Today, AR-15 rifles have been made more lethal with the addition of bump stocks and 100-round magazines that result in catastrophic mass shootings like the one in Las Vegas that we could not imagine a single shooter orchestrating just two decades ago. The gun industry’s advertising for these weapons frequently shows people using them in combat-style operations to tout the military nature of these weapons.

Law enforcement is particularly concerned about handguns that have the ability to fire rifle rounds. Rifle rounds can penetrate body armor worn by patrol officers designed to protect against traditional handgun ammunition. These pistols, not unlike short-barreled rifles regulated under the National Firearms Act, are more easily concealable than rifles but mirror an assault rifle’s capability to fire rounds quickly and accurately with devastating lethality.

Today, we—and most importantly, law enforcement—do not have a reliable count of how many assault weapons are in circulation. Estimates are in the tens of millions. Undoubtedly, however many exist in civilian hands today is significantly higher than the number in circulation in 1994.

If our goal is to balance the rights of responsible, law-abiding gun owners with the urgent need to keep particularly dangerous weapons out of the hands of criminals and those who seek to do harm, as I believe it is, simply reinstating the 90s-era ban on assault weapons is not enough. Instead, we should regulate a broader class of firearms, including assault weapons manufactured before the law's enactment.

One option would be to require the registration of all existing assault weapons under the National Firearms Act (NFA) while banning the future manufacture and sale of these firearms.

The NFA was enacted in response to violent gun crimes and the deaths of law enforcement officers during the 1930s. The first law of its kind, the NFA imposes an excise tax and registration requirement to possess certain weapons, including silencers, sawed-off shotguns, short-barreled rifles, machine guns, pipe bombs, and other particularly dangerous firearms. In order to possess one of these weapons, applicants must pass a background check, provide fingerprints and a photo, pay a \$200 transfer tax, and register their NFA weapon with ATF.

Using the NFA to address assault weapons would utilize an existing and effective regulatory structure that allows law-abiding people to legally possess these firearms, while also addressing the public safety concerns of law enforcement and the American public.

For more than 80 years, this regulatory system has worked effectively: legally owned NFA weapons are rarely used in crime.

Semi-automatic assault weapons, including semi-automatic rifles with detachable magazines, assault pistols, and assault shotguns, have been used too often in too many mass shootings to horrific ends. It is clear that the risk they pose to public safety is far beyond that posed by traditional firearms. For this reason, seven states and the District of Columbia ban them. However, the efforts of those states and DC are undermined by other states which do not have similar laws. This is where Congress comes in: we need a nationwide law that comprehensively addresses this danger to our communities, and we have no time to waste.

I have built my career around the belief that it is possible to balance rights and responsibilities. I have stood in the face of danger to protect public safety holding an assault weapon. It is simply unacceptable that military-style and high-powered weapons are so readily available to civilians today and that they increasingly lead to the loss of innocent lives. We can and should take action to make our communities safer from these weapons of war.

Thank you for considering my testimony today. I look forward to your questions.