



Why the United States Remains Hobbled in Protecting Women from Gun Violence

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On May 23, 2014, at Isla Vista near the University of California at Santa Barbara, Elliot Rodger embarked on a violent spree that killed six students and injured 13 others, before killing himself. Police later uncovered a 137-page manifesto titled “My Twisted World,” in which Rodger expressed his desire to punish women for rejecting him on what he called a “Day of Retribution.” For weeks after the event, the nation was transfixed by the horror of Rodger’s actions. The family members of the victims called for gun law reform while others highlighted the gender themes this violent gunman invoked.

Indeed, this highly publicized tragedy links two devastating challenges the United States faces: violence against women and deadly gun crimes. Gun violence in America – including mass shootings like the Rodger case – often falls on women the gunman knows. Despite decades of efforts to reduce the threats, American women continue to be at heightened risk for death or harm by gun violence. My research explores why existing policies fall short of remedying this problem, in part because of gaps in background checks for would-be gun buyers and the proliferation of unlicensed firearms sellers. I also consider why the political environment makes it hard for advocates to advance legislation to reduce gun violence. In the course of my research, the gender disparities have become evident.

Guns and Violence against Women

Guns play a big role in violent crimes that harm American women – especially in lethal cases, as data on homicides reveals.

- Women in the United States are 11 times more likely to be murdered with a gun than women in other high-income countries.
- A high proportion of these murders involve violence by women’s intimate partners. From 2001 to 2012, a total of 6,410 women were murdered in the United States by an intimate partner who used a gun. And guns are the weapons wielded in more than half the cases of lethal violence against women by their intimate husbands or lovers.
- In the year 2011, of all the women murdered with guns in cases where relationships to the offender were known, 70% were shot to death by a current or former intimate partner.
- Although “mass shootings” are often portrayed as the work of strangers, in fact more than half of such events in America have involved domestic violence.

Partial Policy Responses

Recognizing the risk of allowing abusive partners to have guns, the federal government and some states have passed laws providing law enforcement and the courts with additional authority to remove guns from people who have committed acts of violence against intimate partners. At the national level:

- The Violent Crime Control and Law Enforcement Act of 1994 prohibits individuals subject to certain restraining orders from purchasing or possessing any firearms.
- The Lautenberg Amendment of 1996 makes it a federal crime for anyone convicted of a “misdemeanor crime of domestic violence” to “ship, transport, possess or receive” guns or ammunition. Parallel legislation makes it a criminal act for anyone to knowingly sell a gun or ammunition to a person the seller knows, or has reason to believe, has been convicted of a misdemeanor crime of domestic violence.

Several states have policies that go even further than federal law, aiming to support law enforcement officials and courts in efforts to take guns away from individuals who are violent at home.

- Certain measures grant law enforcement officials explicit authority to remove guns when they respond to incidents of domestic violence.
- Additional measures empower courts to include in civil protective orders stipulations requiring alleged batterers to surrender their firearms.

Research suggests that, when implemented effectively, such policies can substantially decrease the risk that episodes of intimate partner violence will culminate in homicides.

Loopholes and Gaps in the Legal Safety Net

Despite some legislation on the books nationally and in certain states, various loopholes and glaring gaps in coverage undermine efforts to protect women from male violence with firearms.

- Federal laws makes it illegal for felons to purchase guns, but do not prohibit felons from possessing guns. Unless weapons are taken away from likely perpetrators, they remain available for criminal uses – including in violent acts directed against female partners.
- Many people who engage in domestic abuse are able to evade bans on holding firearms by pleading guilty to lesser charges – and thus evading the imposition of an outright ban on their future purchase of guns.
- Not all states have explicit bans on gun ownership by abusers – and only twelve states have laws that authorize police to remove firearms when responding to violent domestic incidents as well as companion provisions allowing courts to order firearms removed when issuing civil protective orders. Fully 23 states have neither type of law to enforce removal of firearms from the hands of domestic abusers. And without such legislation, state and local prosecutors cannot take action to protect women from the deadliest forms of domestic violence.