

## DAILY JOURNAL ARTICLE: FORUM COLUMN

### A HALF TRUTH IS A WHOLE LIE. SLICK SPIN AND BAD MATH FROM THE LCAV.

By Donald Kilmer

There is an old Yiddish Proverb: "A half-truth is a whole lie." Nina E. Vinik's July 13 Forum article, "Tragedy Inspired Fight Against Guns" is filled with too many half-truths.

Starting with the first paragraph, Ms. Vinik fails to define "gun violence." The fifth edition of "Black's Law Dictionary" defines "violence" as: "Unjust or unwarranted exercise of force, usually with the accompaniment of vehemence, outrage or fury." I shoot rifles, handguns and shotguns on a regular basis, both for pleasure and in competition. I have never had the experience of any of my guns jumping up and committing an unwarranted exercise of force. Nor have any of my weapons displayed the emotions of "vehemence, outrage or fury ."

The term "gun violence" is a slick, Madison Avenue-style turn of phrase that has more to do with spinning an agenda than it does with describing crime. It comes from the same kind of thinking that invented the terms "pro-life" and "pro-choice." These terms, and their progeny, have become labels used by the political class to manipulate public opinion.

In the second paragraph, Ms. Vinik claims that "guns have killed an estimated 420,000 Americans" in the 14 years since Legal Community Against Violence was founded. Do the math and that works out to 30,000 "killings" a year.

The FBI publishes its Uniform Crime Reports annually on its Web site at [www.fbi.gov/ucr/ucr.htm](http://www.fbi.gov/ucr/ucr.htm). The total number of homicides in which a firearm was used by the perpetrator between January 1, 1993, and December 31, 2006, is 151,934. Do the math - that works out to 10,852 firearm homicides per year for that 14 year period. Why does LCAV inflate such an easily verifiable number?

By the third paragraph, LCAV's legal director is telling us that "children and young adults" are at special risk. By defining "children and young adults" as persons younger than 25, LCAV hopes to advance an argument that 40 percent of all firearms deaths are suffered by young people. But the age of majority is generally considered 18, and violent crimes have historically been committed by, and against, men between the ages of 18 to 35. Why should we accept any conclusion drawn from a premise that is this flawed?

At the Centers for Disease Control Web site, you can program a report and set controls for various factors regarding injury and mortality rates in the United States. The Web site is located at: [webappa.cdc.gov/sasweb/ncipc/mortrate10\\_sy.html](http://webappa.cdc.gov/sasweb/ncipc/mortrate10_sy.html). The first thing we notice is that the FBI and the CDC disagree about firearm related homicides. For example, in 2003 the FBI reports 9,659 homicides in which a gun was used, while the CDC reports 11,920 homicides by firearm. The difference between the numbers is an exercise left to the reader.

It is at the CDC's Web site that we solve the mystery of Ms. Vinik's 30,000 firearm "killings" per year. It turns out she really meant gunshot "deaths" not "killings."

With 2003 as a sample year, the CDC reported 30,136 deaths that were caused by gunshot wounds in the United States for all sexes and all age groups. Any first year law student can distinguish a death from a killing.

Why LCAV's legal director chose to obscure this distinction is a different kind of mystery.

For the age group of real children (0 to 18 years) the number of deaths caused by gunshot wounds in the U.S. for 2003 is 2,018. Doing the math again, that gives us a child death rate, caused by gunshot wounds, of 6.7 percent, not 40 percent. Using data from other years will yield similar results.

Continuing to use the CDC Web site and 2003 as a sample year, there were 16,530 suicides by persons aged 18 and older in which the poor soul who ended his or her life used a firearm. (The male suicide rate per 100,000 was 13.73. The female suicide rate per 100,000 was 1.81.) More simple math, and we see that more than half of all gunshot deaths in 2003 were suicides committed by adults.

Contrast these figures in the United States with the suicide rates in the Russian Federation. These figures can be found on the United Nations World Health Organization Web site. For 2000, the most recent year that figures are available, the Russian Federation had a male suicide rate of 70.6 per 100,000. The female rate was 11.9 per 100,000. These numbers, substantially higher than those in the United States, occur despite the fact that Russia has much more restrictive gun laws than the U.S. The address of that Web site is: [www.who.int/mental\\_health/prevention/suicide/suiciderates/en/](http://www.who.int/mental_health/prevention/suicide/suiciderates/en/). To explain these differences, one must do more than point to the accessibility of firearms.

The rest of Ms. Vinik's article hurls the slings and arrows of politically correct outrage at the National Rifle Association and other "gun rights" groups. California is held out as the noblest of all states because it closes loopholes, registers handguns, limits gun sales to law-abiding citizens, imposes waiting period and bans guns that are too big and too small. Of course LCAV is headquartered in San Francisco and it wants to take credit for having an impact in California. The problem is, it can't.

California merely followed the national trend in violent crime (including homicides committed with guns), which fell steadily between 1993 and 1999. Homicides committed with a firearm in California reached a statewide low of 1,334 in 1999. By 2005, they had risen again to 1,845. Go ahead, compare California's numbers at the attorney general's Web site: <http://ag.ca.gov/cjsc/index.php>, to the national figures at the FBI's Web site.

The attorney general's Web site also reports on the ballistic fingerprinting and handgun microstamping scheme advanced by Ms. Vinik. The state of Maryland has tried this and found it expensive and of only marginal utility in solving crimes. You can read the report at [http://ag.ca.gov/firearms/pdf/03-013\\_report.pdf](http://ag.ca.gov/firearms/pdf/03-013_report.pdf).

My point in all of this? I have two: (1) Fact checking and simple arithmetic are the first tools for a healthy skepticism, which is absolutely essential for analyzing public policy issues. (2) Regurgitation of facts and random statistics, without analysis or context, is a form of half-truth that is little better than a falsehood.

Finally, congratulations to LCAV for surviving 14 years. How about working with "gun rights" groups to advance policies that really do reduce violent crime and gun deaths (for example, gun safety courses in public schools, liberal concealed carry policies, and tough laws against violent perpetrators, etc.). At a minimum, we would all benefit from developing a vocabulary and methodology for a discussion of the issues that does not confuse the public.

Even the final factoid of "61 people los[ing] their lives to gun violence" in the U.S. every day does not add up. That's 22,265 homicides with a gun in this hypothetical year. That rivals the total homicide rate (with all weapons) for some of the deadliest years on record, and is more than double the firearm homicide rate in the U.S. for the year 2006. Check your facts. Do the math.

Donald Kilmer is a San Jose lawyer with clients in the firearm industry and the hunting and recreational shooting community.