

Declaration of John J. Donahue

Testimony of John J. Donohue, C. Wendell and Edith M.
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Statements Made before United States District Court
District of New Jersey, Trenton Vicinage

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Summary Report Prepared by
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Review of Credentials

The C. Wendell and Edith M. Carlsmith Professor of Law at Stanford University Law School, Donohue instructs courses on empirical law and economics issues related to crime and criminal justice, with a particular evaluative focus on gun crime and gun regulation. Those two concentrations are major parts of his research. He holds a law degree from Harvard University and a Ph.D. in economics from Yale University. Donohue was at the time of this testimony a Research Associate for the National Bureau of Economic Research, a member of the American Academy of Arts and Sciences, and a member of the Committee on Law and Justice of the National Research Council, an organization that “reviews, synthesizes, and proposes research related to crime, law enforcement, and the administration of justice, and provides an intellectual resource for federal agencies and private groups.” He was previously a Fellow at the Center for Advanced Studies in Behavioral Sciences and formerly the coeditor of the *American Law and Economics Review*.

Overview of Worsening Conditions

The average number of mass shootings increased from a yearly average of 2.7 in the 1980s to a yearly average of 4.5 between the years 2010 and 2013. This rise was incongruent for the otherwise uniform “benign trend” that describes all other crimes over the past 25 years. In the 10-year window during which the Violent Crime Control and Law Enforcement Act of 1994 was in effect, there were only 12 documented mass shootings attributable to assault weapons. The cumulative death toll of those events was 89. Once the assault weapons ban lapsed in 2004, the following decade saw a jump to 34 documented mass shootings that claimed the lives of a collective 302 victims.

Donohue stated that the obvious first priority for gun control efforts that seek to reduce the volume of mass shootings is to prevent the acquisition of guns by those who would seek to use them for illegal means. However, because criminals cannot be predicted in advance, “a critical element in trying to stop the death and injury from the growing problem of mass shootings is to limit the power of the weaponry available to the civilian population.” He noted that assault weapon bans are a vital part of a regulatory regime designed to reign in the epidemic of gun violence. However, that method is not without its shortcomings, and therefore should be combined with a robust prohibition on high capacity magazines so as to blunt the lethality of mass shooters.

Possible Effects of Limiting Ammunition Magazine Size

Throughout the developed world, there is clear evidence that gun control efforts can limit the full extent of gun violence and its related carnage, whether it be injury or loss of life. There

is perhaps no more effective tool geared toward reducing the possibility that a shooting victim dies or mitigating some of the threats posed by mass shootings than the placing of limits on the size of ammunition magazines.

When used, these large-capacity magazines lead to a tri-fold threat that greatly amplifies the danger posed by a shooter: More shots can be fired, meaning that more victims can be shot; victims suffer more gunshot injuries, meaning that they are more likely to die; and there is less chance of victims or would-be victims escaping, fleeing, or taking defensive action. Furthermore, should a hypothetical ban on large-capacity magazines somehow leave the criminal use of guns unaffected, it would nevertheless enjoy the likely result of a reduction in the death toll associated with said criminal use of guns. Said another way, the imposition of size restrictions on ammunition magazines has a “quite significant” impact on mass shootings in which at least six people are killed, despite having a “less potent” effect on other crimes.

Conclusions

“It is a sound, evidence-based, and longstanding harm-reducing strategy virtually uniformly embraced throughout the developed world for governments to place constraints on the harm that weapons can inflict,” stated Donohue before the Court. “Restrictions on the size of large-capacity magazines...sit comfortably in this appropriate regulatory approach, and can be expected to reduce deaths and injury from gun violence.”

His testimony roundly pointed out that a ban on large-capacity magazines would have little – if any – effect on an individual’s ability to provide for self-defense. Where such a ban would have a pronounced effect, however, would be in hampering the facility of a shooter who intends to kill as many victims as possible. What is more, the United States is not far removed from the benefits of the 1994 assault weapons ban. When paired with other gun control measures that have been employed the world over to reduce gun violence and associated deaths, these regulatory proposals have been successful.

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