

Rukesh A. Korde
rkorde@cov.com
Jazzirelle Sepulveda
jsepulveda@cov.com
COVINGTON & BURLING LLP
One CityCenter, 850 Tenth Street, NW
Washington, DC 20001-4956
Telephone: + 1 (202) 662-6000

Devon Mobley-Ritter (SBN 309439)
dmobleyritter@cov.com
Joseph Dalia (SBN 316439)
jdalia@cov.com
COVINGTON & BURLING LLP
3000 El Camino Real
5 Palo Alto Square
Palo Alto, CA 94306-2112
Telephone: +1 (650) 632-4700

Attorneys for *Amici Curiae* Brady and
National Association of Social Workers

(Additional Co-Counsel on Subsequent Page)

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

STEVEN RUPP, et al.,

Plaintiffs,

v.

XAVIER BECERRA, in his official
capacity as Attorney General of the State of
California,

Defendant.

Case No.: 8:17-cv-00746-JLS-JDE

BRIEF OF *AMICI CURIAE* BRADY
AND THE NATIONAL
ASSOCIATION OF SOCIAL
WORKERS IN SUPPORT OF
DEFENDANT'S OPPOSITION TO
PLAINTIFFS' MOTION FOR
SUMMARY JUDGMENT

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1 *Additional Co-Counsel for*
2 *Amicus Curiae Brady*

3 Jonathan E. Lowy
4 jlowy@bradyunited.org
5 T. Tanya Schardt (SBN 247839)
6 tschardt@bradyunited.org
7 BRADY
8 840 First Street, NE, Suite 400
9 Washington, DC 20002
10 Telephone: +1 (202) 370-8101
11
12
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18
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21
22
23
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25
26
27
28

Additional Co-Counsel for Amicus Curiae
National Association of Social Workers

Anne Camper
ACamper.nasw@socialworkers.org
NATIONAL ASSOCIATION OF
SOCIAL WORKERS
750 First Street, NE
Suite 800
Washington, DC 20002
Telephone: +1 (202) 408-8600

CORPORATE DISCLOSURE STATEMENT

Brady has no parent corporations. Brady also has no stock; therefore, no publicly held company owns 10% or more of its stock.

The National Association of Social Workers has no parent corporations. The National Association of Social Workers also has no stock; therefore, no publicly held company owns 10% or more of its stock.

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INTEREST OF AMICI CURIAE¹

Brady is the nation’s largest nonpartisan, non-profit organization dedicated to reducing gun violence through education, research, and direct legal advocacy on behalf of victims and communities affected by gun violence. The National Association of Social Workers (“NASW”) is the largest association of professional social workers in the United States with 120,000 members in 55 chapters, including a 10,000 member California chapter. Brady and NASW file this brief as *amici curiae* in support of the Attorney General’s Opposition to Plaintiffs’ motion for summary judgment.

Brady has a substantial interest in ensuring that the Second Amendment is not interpreted or applied in a way that would jeopardize the public’s interest in protecting individuals, families, and communities from the effects of gun violence. Brady has filed amicus briefs in numerous cases involving firearms regulations.²

NASW’s concern for gun violence in the United States is reflected in its widely disseminated Social Justice Brief entitled “[Gun Violence in the American Culture](#),” which emphasizes that gun violence is a public health crisis impacting every segment of society.³ Additionally, as articulated in its policy statement on family violence, NASW supports efforts to raise awareness about the intersections of gun violence and family violence.⁴ NASW promotes adherence to federal guidelines related to seizure of weapons in family violence cases, and protection of children, adults, and elders from exposure to firearms and any violence-producing conditions.

¹ No party’s counsel authored this brief in whole or in part, no party or party’s counsel contributed money that was intended to fund preparing or submitting this brief, and no person other than amicus or its counsel contributed money that was intended to fund preparing or submitting the brief.

² See, e.g., *McDonald v. City of Chicago*, 561 U.S. 742, 870 n.13, 887 n.30, 891 n.34 (2010) (Stevens, J., dissenting) (citing Brady brief); *United States v. Hayes*, 555 U.S. 415, 427 (2009) (citing Brady brief); *District of Columbia v. Heller*, 554 U.S. 570 (2008); and *Friedman v. Highland Park*, 784 F.3d 406 (7th Cir. 2015), *cert. denied* 136 S. Ct. 447 (2015).

³ NASW, *Gun Violence in the American Culture* (2017), <https://www.socialworkers.org/LinkClick.aspx?fileticket=HlcEGsb8cy0%3d&portalid=0>.

⁴ NASW, *Policy Statement: Family Violence*, Social Work Speaks at 127 (10th ed. 2015).

INTRODUCTION

Plaintiffs’ motion for summary judgment should be denied. The Assault Weapons Control Act (“AWCA”) survives intermediate scrutiny because it reduces the psychological and economic toll of mass shootings. As *amici* demonstrate below, even setting aside the many deaths caused by mass shootings, *the collateral impact of mass shootings alone justifies the legislature’s restriction of any purported Second Amendment rights to own assault weapons and large magazines.*

While mass shootings account for a sliver of the over 130,000 annual shooting victims in the United States,⁵ they have undeniable broad and long-term negative consequences. Those effects go well beyond the lives lost and injuries caused. This brief demonstrates the massive psychological and economic toll of mass shootings on survivors, friends and family members, and communities across the country.

Mass shootings leave survivors who, even when physically unharmed, experience post-traumatic stress symptoms and disorder, major depressive disorder, substance abuse disorder, anxiety disorders, physical symptoms, and other mental health consequences. This Court should consider—as the legislature could—how mass shootings affect the psyche and mental health of all survivors, friends and family members, and communities across the country.

The legislature could also have rightfully considered the significant economic impact of mass shootings. Individuals, taxpayers, and communities bear substantial economic costs in the wake of mass shootings. These range from millions in overtime for first responders to tens of thousands in medical costs for individual victims to tens of millions expended by schools and universities. Many of the costs are prospective: they include additional security measures, training and staff to deal with tomorrow’s inevitable

⁵ *Mass Shootings in the United States*, Everytown for Gun Safety, at 4 (Dec. 6, 2018), available at <https://everytownresearch.org/reports/mass-shootings-analysis/> [“Everytown 2018”].

1 shooting, and next week's, and next month's.

2 One common theme in mass shootings is the use of assault weapons. These
3 firearms are designed to cause the maximum amount of damage in the minimum amount
4 of time.⁶ Common sense tells us "that assault weapons are more dangerous than other
5 kinds of firearms"; they are recognized for their "exceptional lethality." *Gallinger v.*
6 *Becerra*, 898 F.3d 1012, 1018-19 (9th Cir. 2018).

7 This brief demonstrates that the AWCA furthers California's important public
8 health and fiscal interests, which are themselves sufficient to satisfy intermediate
9 scrutiny. *See Silvester v. Harris*, 843 F.3d 816, 829 (9th Cir. 2016) ("The State is
10 required to show only that the regulation 'promotes a substantial government interest that
11 would be achieved less effectively absent the regulation.'") (quoting *Fyock v. City of*
12 *Sunnyvale*, 779 F.3d 991, 1000 (9th Cir. 2015)); *see also Hill v. Colorado*, 530 U.S. 703,
13 715 (2000) ("It is a traditional exercise of the States' police powers to protect the health
14 and safety of their citizens. That interest may justify a special focus on unimpeded access
15 to health care facilities and the avoidance of potential trauma to patients associated with
16 confrontational protests.") (internal quotation marks and citations omitted).

17 Despite the gun industry's efforts to cloak the medical effects of mass shootings by
18 denying the Centers for Disease Control funding for gun violence research,⁷ the available
19 evidence nonetheless demonstrates this much: mass shootings cause a range of negative
20 mental health outcomes for survivors, friends and family, and communities at large. The
21 state has a compelling interest in protecting citizens' public health; regulating assault
22

23 ⁶ Expert Report of John J. Donohue, Exhibit 1 to Decl. of Peter Chang, Dkt. 76 (Mar. 25,
24 2019) at ¶¶ 53-54, 68-74 ["Donohue Rpt."].

25 ⁷ Steve Mirsky, *The Federal Government Makes It Ridiculously Hard to Study Gun*
26 *Violence and Medical Marijuana*, scientificamerican.com (May 1, 2017),
27 <https://www.scientificamerican.com/article/the-federal-government-makes-it-ridiculously-hard-to-study-gun-violence-and-medical-marijuana/> ("Twenty years ago
28 [the CDC was] doing a tiny amount of funding for firearms research . . . \$2.6 million a year total,' [Harvard Professor David] Hemenway said. 'This was too much for the gun lobby and Republicans in Congress, and they attacked the CDC. And now the CDC does no funding of firearms research. Zero.'").

weapons is directly tied to that interest; and the AWCA survives constitutional challenge.

ARGUMENT

I. Assault Weapons Make Mass Shootings Much Worse.

When shootings involve an assault weapon, the number of victims more than doubles. Using assault weapons (specifically AR-15s), shooters killed 20 kids and 6 adults at Sandy Hook Elementary School in 2012, 58 people in Las Vegas in 2017, 26 churchgoers at First Baptist Church in Sutherland Springs in 2017, 14 teenagers and 3 teachers at Marjory Stoneman Douglas High School in 2018, and 11 worshipers at the Tree of Life synagogue in 2018.⁸ A study of 173 mass shooting incidents between 2009 and 2017 found that the use of assault weapons and large-capacity magazines resulted in a 14-fold increase in the number of people shot and twice the number of deaths compared to those that did not.⁹

The reason is obvious: assault weapons were designed for the military to be more lethal than other firearms. They “fire almost as rapidly as automatics”; they shoot rounds with a higher velocity than handguns; and they use ammunition that fragments and mushrooms in the body.¹⁰ An early assessment of the then new AR-15 lauded its “lethality.”¹¹ That study catalogued the severe wounds resulting from AR-15s:

⁸ C.J. Chivers, et al., *With AR-15s, Mass Shooters Attack With the Rifle Firepower Typically Used by Infantry Troops*, nytimes.com (Feb. 28, 2018), <https://nyti.ms/2CNr0dx> (Sandy Hook, Las Vegas, Sutherland Springs, and Marjory Stoneman Douglas High School) [“Chivers, et al.”]; Tom Winter, et al., *How a deadly shooting unfolded at Tree of Life synagogue in Pittsburgh*, nbcnews.com (Oct. 27, 2018), <https://www.nbcnews.com/news/us-news/tree-life-synagogue-deadly-shooting-n925291> (Tree of Life synagogue).

⁹ Everytown 2018 at 18-19. Even excluding the high-fatality Las Vegas shooting, high-capacity magazines resulted in six times as many injuries. *Id.*

¹⁰ *Heller v. Dist. of Columbia*, 670 F.3d 1244, 1263 (D.C. Cir. 2011); Donohue Rpt. ¶ 54.

¹¹ Donohue Rpt. ¶ 69. As Prof. Donohue notes, while the military version of the AR-15 includes a fully-automatic setting, the civilian version “still retains all the other aspects that made it such a valuable lethal weapon for deadly combat.” *Id.* at ¶ 72.

1 One round in the head—took it completely off. Another in the
2 right arm, took it completely off, too. One round hit him in the
3 right side, causing a hole about five inches in diameter.

4 * * *

5 a back wound that ‘caused the thoracic cavity to explode,’; a
6 buttock wound that ‘destroyed all tissue of both buttocks’; and
7 finally ‘a heel wound,’ where ‘the projectile entered the bottom
8 of the right foot causing the leg to split from the foot to the
9 hip.’¹²

10 As demonstrated below, survivors who witness such horrific violence suffer severe
11 psychological trauma. So do friends, families, and communities.

12 **II. Mass Shootings Cause Vast Public Health Burdens.**

13 Epidemiologists and psychologists “have long known that violent and life-
14 threatening events can have psychological consequences.”¹³ While the psychological
15 impacts of mass shootings are understudied, the available literature and data show a
16 direct link between mass shootings and negative mental health outcomes.

17 **A. Mass Shootings Trigger Numerous Types of Mental Health Trauma.**

18 **1. *Mass Shootings Cause Many Kinds of Mental Health Problems.***

19 Trauma survivors face numerous potential mental health consequences, including
20 post-traumatic stress symptoms, post-traumatic stress disorder (“PTSD”), major
21 depressive disorder, generalized anxiety disorder, death anxiety, panic disorder, phobias,
22 prolonged grief disorder, and substance abuse.¹⁴ Symptoms of PTSD, for example,
23 include nightmares and flashbacks, avoidance of stimuli that trigger thoughts about the
24 traumatic event, numbing of emotional responses, hyperarousal, feelings of detachment

25 ¹² *Id.* at ¶¶ 69-70.

26 ¹³ Emily Goldmann & Sandro Galea, *Mental Health Consequences of Disasters*, 35 Ann.
Rev. Pub. Health 169, 170 (2014) [“Goldmann & Galea”].

27 ¹⁴ Goldmann & Galea at 172-73.

1 or irritability, and concentration problems.¹⁵ While post-disaster PTSD rates ordinarily
2 reach 30-40% for “direct victims” of mass trauma, victims of “unexpected acts of mass
3 violence” can suffer PTSD at rates of up to 100%.¹⁶ PTSD rates reach 10-20% for rescue
4 workers and 5-10% for the “general population.”¹⁷

5 Other significant mental health problems plague survivors. Victims commonly
6 suffer major depressive disorder.¹⁸ Symptoms include sadness, loss of interest in things
7 once enjoyed, changes in sleep and weight, difficulty concentrating, and irritability.¹⁹
8 Mass shootings increase substance use disorder; that is, survivors abuse alcohol and
9 drugs.²⁰ Substance use disorder causes difficulties fulfilling obligations at school, work,
10 or home; legal issues; trouble maintaining social relationships; involvement in dangerous
11 situations; increased physical tolerance and withdrawal symptoms; and unsuccessful
12 efforts to quit.²¹ And up to 95% of mass shooting survivors experience post-traumatic
13 stress symptoms.²²

14 Survivors also often experience physical symptoms tied to psychological distress.
15 Up to 78% of disaster survivors experience sleep disruption, headaches, fatigue,
16
17

18 ¹⁵ *Id.*; Connor P. Sullivan, et al., *Network Analysis of PTSD Symptoms Following Mass*
19 *Violence*, Psychol. Trauma: Theory, Res., & Pol’y, at 2 (Dec. 8, 2016) available at
20 <http://dx.doi.org/10.1037/tra0000237> [“Sullivan”]; Lynsey R. Miron, et al., *Differential*
21 *Predictors of Transient Stress Versus Posttraumatic Stress Disorder: Evaluating Risk*
22 *Following Targeted Mass Violence*, 45 Behav. Therapy 791, 792 (2014) [“Miron”].

23 ¹⁶ Goldman & Galea at 172.

24 ¹⁷ *Id.*; see also Laura C. Wilson, *Mass Shootings: A Meta-Analysis of the Dose-Response*
25 *Relationship*, 27 J. Traumatic Stress 631, 632 (2014) (noting that “deliberate acts of
26 human-made mass violence, such as mass shootings, have been found to have more
27 severe and long-lasting psychological consequences than accidents or natural disasters”) [“Wilson”].

28 ¹⁸ Goldman & Galea at 172.

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

²² Sullivan at 1.

1 abdominal pain, and shortness of breath after the traumatic event.²³ These symptoms
2 may persist for years.²⁴

3 2. *Survivors Often Experience Overlapping Mental Health Problems.*

4 Mental disorders among trauma survivors typically overlap—a concept known as
5 “*comorbidity*.”²⁵ Comorbidity generally leads to greater impairment than one disorder
6 alone and increases the risk of a chronic disorder.²⁶ While studying comorbidity presents
7 difficulties, survivors of mass shootings experience these disorders at significantly
8 greater rates than those exposed to other types of trauma, such as natural disasters.²⁷

9 3. *Victims Face Life-Long Mental Health Consequences.*

10 Victims of mass shootings face life-long mental health consequences. While only
11 a small portion of survivors seek treatment and many wait years before seeking help,²⁸
12 the available literature has uniformly found that a significant proportion of mass shooting
13 victims face long-term mental disorders.²⁹ One study analyzed coping strategies among
14 college women exposed to the Virginia Tech shooting and found that “the high
15 percentage of individuals experiencing clinically elevated PTSD symptoms supports that
16 even individuals *indirectly exposed* to a mass trauma are potentially vulnerable to
17 experiencing significant and *persistent symptomatology*.”³⁰

18
19 ²³ Goldman & Galea at 173.

20 ²⁴ *Id.*

21 ²⁵ *Id.* at 173.

22 ²⁶ *Id.*; see also Sullivan at 5-7.

23 ²⁷ Goldman & Galea at 172, 175.

24 ²⁸ *Id.* at 178.

25 ²⁹ See, e.g., *id.* (“Although most disaster victims will regain functioning without an
26 intervention, some will require longer-term treatment for psychological conditions.”);
27 Miron at 791 (“Exposure to targeted mass violence can result in both acute distress and
28 long-term negative consequences, such as PTSD.”); Wilson at 632 (“[D]eliberate acts of
mass violence, such as mass shootings, have been found to have more severe and long-
lasting psychological consequences than accidents or natural disasters.”).

³⁰ Heather Littleton, et al., *Longitudinal evaluation of the relationship between
maladaptive trauma coping and distress: examination following the mass shooting at*

1 The anecdotal experiences of trauma survivors bear this out. A letter to the editor
2 published in the *New York Times* described the writer's experience of a mass shooting in
3 1945—and having those old fears resurface in 2017:

4 [W]hen I was 7 years old, my mother and I were on the Dam
5 Square in Amsterdam celebrating the liberation of our city
6 when German soldiers opened fire and more than 30 people
7 were shot to death. I was able to heal from the trauma, in part,
8 because the Allies arrived and took charge. But in 2017
9 television images showing torch-bearing neo-Nazis with
10 swastikas in Charlottesville, Va., triggered old fears. Memories
11 resurfaced of gunshots, of running for safety as people
12 screamed and fell bleeding to the ground³¹

13 Survivors of the 1999 Columbine shooting recently faced this same bitter
14 experience. Twenty years after the massacre at their school, many now have school-age
15 kids of their own. Some of these kids had to stay home from school after a young woman
16 recently made a threatening “pilgrimage” to Colorado, terrifying communities.³² One
17 survivor described being “terrified to send my son to high school next year.”³³ Another
18 “hadn’t had anxiety for many, many years,” but now begins shaking when she thinks
19 about sending her 11-month-old daughter to school: “It’s the fear of not being able to
20 protect her.”³⁴

21 Despite survivors’ deep trauma, many feel shame or guilt in seeking help. One

22 *Virginia Tech*, 24 Anxiety Stress Coping 3, at 11 (May 2011), available at
23 <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3148079/> (emphasis added)
24 [“Littleton”].

25 ³¹ Letters to the Editor, *The Lingering Trauma of School Shootings*, nytimes.com (Apr. 5,
26 2019), <https://nyti.ms/2YQRQ0C>.

27 ³² Jennifer Oldham, et al., *‘Infatuated’ with the Columbine shooting, she flew to Colorado*
28 *and bought a gun*, washingtonpost.com (Apr. 17, 2019),
https://www.washingtonpost.com/local/education/infatuated-with-the-columbine-shooting-she-flew-to-colorado-and-bought-a-gun/2019/04/17/3f32239c-6164-11e9-bfad-36a7eb36cb60_story.html?utm_term=.c87128484084.

³³ Julie Turkewitz, *Columbine Survivors Reflect, and Reckon with Specter of Future Shootings*, nytimes.com (Apr. 20, 2019), <https://nyti.ms/2KNUfpM>.

³⁴ *Id.*

1 woman was a junior at Virginia Tech in 2007 when a mass shooting left 32 people dead.³⁵
2 In the aftermath of the shooting she walked past the bodies of her dead classmates. Still,
3 she “felt that she did not need to take up mental health counselors’ time. She built a
4 hierarchy in her mind of those who deserved help: People who had lost loved ones were
5 at the top, followed by the wounded.”³⁶ She suffered from severe anxiety, ultimately
6 developing an eating disorder.³⁷ Despite living with these anxieties, this victim waited
7 years to seek counseling.³⁸

8 4. *Survivors and Loved Ones Commit Suicide.*

9 The mental health burden on some mass shooting victims, survivors, and their
10 families leads to suicide or attempted suicide. Examples abound: A few months after the
11 Columbine High School shooting, the mother of a wounded student committed suicide;³⁹
12 a few months later a student who witnessed the attacks took his own life.⁴⁰ The
13 congressionally-mandated National Center for PTSD has acknowledged a “heightened
14 risk of suicide in trauma survivors.”⁴¹ PTSD, the most common result of mass shootings,
15 is “significantly associated with suicidal ideation or attempts.”⁴²

16 Several incidents in just the past few months demonstrated the long-term mental
17

18 ³⁵ Patricia Mazzei & Miriam Jordan, *‘You Can’t Put It Behind You’: School Shootings*
19 *Leave Long Trail of Trauma*, nytimes.com (Mar. 28, 2019), <https://nyti.ms/2UYsb3C>.

20 ³⁶ *Id.*

21 ³⁷ *Id.*

22 ³⁸ *Id.*

23 ³⁹ David Olinger, et al., *Victim’s mother commits suicide*, denverpost.com (Oct. 23,
24 1999), <http://extras.denverpost.com/news/shot1023.htm>.

25 ⁴⁰ Peter Slevin, *Star Athlete’s Suicide Brings New Grief to Columbine High*,
26 [washingtonpost.com](https://www.washingtonpost.com/archive/politics/2000/05/06/star-athletes-suicide-brings-new-grief-to-columbine-high/04f1e573-bf3a-41df-9a33-9ad22309a11b/?utm_term=.db4a8dd85d45) (May 6, 2000),
27 https://www.washingtonpost.com/archive/politics/2000/05/06/star-athletes-suicide-brings-new-grief-to-columbine-high/04f1e573-bf3a-41df-9a33-9ad22309a11b/?utm_term=.db4a8dd85d45

28 ⁴¹ William Hudenko, et al., *The Relationship Between PTSD and Suicide*,
https://www.ptsd.va.gov/professional/treat/cooccurring/suicide_ptsd.asp#three.

⁴² *Id.*

1 health impact of mass shootings on survivors and their families. In March, Jeremy
2 Richmond, the father of Sandy Hook victim Avielle Richmond, ended his own life.⁴³
3 That same month two teenagers, both of whom survived the Parkland shooting just a year
4 earlier, and one of whom had been diagnosed with PTSD, killed themselves within a one
5 week time span.⁴⁴ These tragedies are a sobering reminder of the long term and broad
6 impact of mass shootings in the United States.

7 B. The Victimization of Children Exacerbates the Effects of Mass Shootings.

8 The mental health consequences of mass shootings on victims, survivors, and
9 communities are horrific; the consequences for children are worse. And shooters target
10 children: from 2009 to 2017, children accounted for 20% of mass shooting victims.⁴⁵

11 Children exhibit a higher prevalence of PTSD following mass shootings than
12 adults.⁴⁶ Young age statistically predicts post-disaster mental illness, and studies of
13 children exposed to sudden, unexpected acts of mass violence have reported PTSD rates
14 in up to 100% of victims.⁴⁷ *Every single child in school when a mass shooting occurs*
15 *may suffer from PTSD.* Two studies estimated PTSD in elementary school children after
16 a school shooting in Winnetka, IL at rates of up to 91%.⁴⁸

17 Children face further complications and consequences. Mass shootings increase
18 absenteeism, force school closures, and force schools to build alternative facilities.⁴⁹

20 ⁴³ Terry Spencer, et al., *Linked by pain: 2 school massacre survivors, dad kill selves*,
21 apnews.com (Mar. 25, 2019), <https://apnews.com/c61e2bf3870d44bc9bbf92debf9f77ac>.

22 ⁴⁴ *Id.*

23 ⁴⁵ Everytown 2018 at 7.

24 ⁴⁶ Y. Neria, et al., *Post-traumatic stress disorder following disasters: a systematic review*,
38 Psychol. Med. 467, 470 (2007); *see also* Goldmann & Galea at 174.

25 ⁴⁷ *Id.*

26 ⁴⁸ Sarah R. Lowe & Sandro Galea, *The Mental Health Consequences of Mass Shootings*,
18 Trauma, Violence, & Abuse 62, 65-66 (2017) [“Lowe & Galea”].

27 ⁴⁹ Amy Novotney, *What happens to the survivors*, 49:8 Monitor on Psychol. (Sept. 2018),
28 *available at* <https://www.apa.org/monitor/2018/09/survivors> [“Novotney”].

Absenteeism and isolation may promote “avoidant coping,” which increases the risk of negative mental health outcomes.⁵⁰ Children face difficulties focusing in school because of the mental health challenges resulting from mass shootings.⁵¹

Moreover, school safety and prevention measures following mass shootings can force kids to relive traumatic events. Active shooter trainings, other emergency drills, even the sound of the emergency alarm can be triggering.⁵² Even students at high schools that have not witnessed mass murder feel the effects of these traumatic attacks. A New Jersey teenager writing to the *New York Times* described how “the armed guard who patrols the entrance to my school doesn’t bring our students comfort or relief; he only serves as a stark reminder of the constant threat of a mass murder. Every fire alarm gives me pause, and every lockdown makes my heart race with uncertainty.”⁵³

While mass shootings cause negative mental health effects for many, evidence demonstrates that students and children face a greater risk of developing a mental illness or suffering adverse effects.

C. Mass Shootings Impact Communities.

The effects described above extend well beyond the percipient witnesses of mass murder. Affected workplaces, schools, campuses, neighborhoods, and communities all become loci of mental health problems—even among those not physically present.⁵⁴ “[I]ndirectly exposed populations” suffer “increased fears and decreased perceptions of safety.”⁵⁵ One researcher noted:

⁵⁰ Littleton at 2-3.

⁵¹ Novotney.

⁵² *Id.* While this, too, requires further study, psychologists have seen some success in tailoring emergency drills to reduce the risk of triggering past trauma.

⁵³ Letter to the Editor, *After Columbine*, nytimes.com (Apr. 24, 2019), <https://nyti.ms/2IF4Wt3>.

⁵⁴ Fran H. Norris, *Impact of Mass Shootings on Survivors, Families, and Communities*, 18:3 PTSD Res. Q., 4 (Summer 2007) [“Norris”].

⁵⁵ Lowe & Galea at 78-79.

multiple levels of people [are] affected. It's not just the people who directly saw something or were directly injured or lost someone that they loved. . . . It ripples through a community, it shatters a lot of people's belief about the safety of your community, of the world.⁵⁶

Another study found PTSD rates of 5–10% in communities after mass violence.⁵⁷

Community-wide impacts of mass shootings include avoidance coping; “anger, vigilance, and other forms of increased arousal”; and “symptoms of fear, anxiety, depression, drug use, and psychosomatic symptoms.”⁵⁸

The results of mass shootings go well beyond the breathless news reports and body counts. Survivors face an increased risk of suicide, addiction, alcoholism, and lifetimes of major depressive disorders, traumas, PTSD and other symptoms. Mass shootings “accompanied by a large death toll generally result in higher prevalence of psychopathology in the population because a large proportion of survivors has likely witnessed and personally experienced life-threatening and other traumatic events and may have lost loved ones.”⁵⁹ Reducing deaths and the severity of injuries by removing assault weapons and large magazines will in turn improve survivors’ mental health outcomes. The State therefore has a critical public health interest in doing so—both to save lives and to protect the mental health of those who survive.

⁵⁶ Leah Mills, *Twenty years after Columbine, mass shooting survivors help others heal*, Reuters.com (April 17, 2019), <https://www.reuters.com/article/us-usa-columbine-survivors-widerimage/twenty-years-after-columbine-mass-shooting-survivors-help-others-heal-idUSKCN1RT21X>.

⁵⁷ Goldman & Galea at 172.

⁵⁸ Norris at 3, 6 (Summer 2007).

⁵⁹ Goldman & Galea at 175; *see also* Lowe & Galea at 76 (“Incidences of greater incident exposure, including proximity to an attack, acquaintance with the deceased, and higher scores on exposure inventories (with items assessing, e.g., seeing or hearing the events and physical injuries), have consistently been associated with more severe psychological reactions.”); Miron at 792 (“[E]vent-level factors, such as severity of exposure to a traumatic event (e.g., physical or emotional proximity), have been shown to be predictive of later pathology. Generally, greater exposure has been shown to predict greater post-traumatic stress symptoms . . .”).

D. Mass Shootings Affect the Public Psyche.

The psychological and emotional impacts of mass shootings extend well beyond the individuals and communities directly affected. The regularity of mass shootings causes a culture of fear, demonstrated by surveys of the general public. A recent survey showed marked increases in Americans' fear of being a victim of a mass shooting.⁶⁰ Each year since 2015, the survey has asked "How afraid are you of being the victim [of a random/mass shooting]?" Individuals responding that they were "afraid" or "very afraid" have increased from 16% in 2015 to 42% in 2018.⁶¹ Another recent study concluded that a majority of Americans believe that schools, colleges, and places of worship have become less safe than they were 20 years ago.⁶² A 2017 study found that "violence and crime" is "one of the five most common sources of stress in the United States,"⁶³ despite decreases in crime rates over recent decades⁶⁴.

Many experience anxiety when attending movies.⁶⁵ In an August 2015 survey of 500 moviegoers, nine percent said they "planned to limit their trips to the movies" in the wake of two violent incidents in movie theaters.⁶⁶ A recent performance of the musical *Hamilton* in San Francisco ended in chaos after audience members mistakenly believed

⁶⁰ Dan Kopf, *Mass shootings are American's fastest rising fear*, qz.com (Oct. 31, 2018), <https://qz.com/1444488/mass-shooting-are-americans-fastest-rising-fear/>.

⁶¹ *Id.*

⁶² Emily Swanson, et al., *AP-NORC Poll: Most believe schools have become less safe*, apnews.com (Apr. 16, 2019), <https://www.apnews.com/39a6676a68ca4e81bc22253bb1e84eeb>.

⁶³ Maggie Astor, *Columbine Shocked the Nation. Now, Mass Shootings Are Less Surprising*, nytimes.com (Nov. 10, 2017), <https://nyti.ms/2hpXeMc>.

⁶⁴ Dana Goldstein, *20 Years After Columbine, Schools Have Gotten Safer. But Fears have Only Grown*, nytimes.com (Apr. 20, 2019), <https://nyti.ms/2vabW8u>.

⁶⁵ Daniel Victor, *Mass Shootings Add Anxiety to Movie Theater Visits*, nytimes.com (Dec. 15, 2015), <https://nyti.ms/1k03Yq8>.

⁶⁶ *Id.*

1 that a woman suffering a heart attack had been shot.⁶⁷

2 While there is no scientific literature on “whether public attitudes and reactions to
3 mass shootings” have changed,⁶⁸ the anecdotal experiences of many Americans show that
4 large portions of the public live in fear of mass violence. These broad societal fears are
5 tied to the mass shootings that are too often perpetrated with assault weapons.

6 **III. Mass Shootings Have Social and Economic Burdens.**

7 Mass shootings also carry tremendous social and economic costs, incurred by both
8 individuals and taxpayers. As demonstrated below, those costs provide independent
9 justification and basis for the legislative decision to restrict any putative Second
10 Amendment rights. States and local governments incur millions of dollars in overtime
11 for investigators and first-responders after such a shooting. The costs do not end there.
12 Virginia Tech, for example, spent more than \$11 million on improving campus safety and
13 security in the wake of the 2007 shooting.

14 **A. Mass Shootings Financially Burden Victims and Families.**

15 The individual financial burdens of a mass shooting fall largely on victims and
16 their families. The State’s interest in these burdens is multi-faceted, including lost
17 economic participation and increased costs for government-funded healthcare. For the
18 families of those murdered in a mass shooting, the financial burdens can include medical
19 costs, funeral costs, and loss of lifetime earnings.

20 The costs for survivors can be complex: “Survivors of gunshot injuries experience
21 difficulties ranging from psychological trauma, loss of work, and steep medical costs.”⁶⁹

23 ⁶⁷ Jay Barmann, *Panic Ensues During ‘Hamilton’ Performance After Medical Emergency*
24 *Is Mistaken for Active Shooter*, sfist.com (Feb. 19, 2019),
25 <https://sfist.com/2019/02/19/hamilton-sf-orpheum-panic-evacuation-emergency/>.

26 ⁶⁸ See Astor, *Columbine Shocked the Nation*, *supra* note 63.

27 ⁶⁹ See *A Nation of Survivors: The Toll of Gun Violence in America*, Everytown for Gun
28 Safety, at 11 (Feb. 1, 2019), available at <https://everytownresearch.org/wp-content/uploads/2019/01/Survivor-Research-Report-013119B.pdf> [“Everytown 2019”].

1 A 2017 study of firearm-related injuries found that emergency department charges
2 averaged \$5,254 per patient and inpatient charges averaged \$95,887 per patient.⁷⁰ One-
3 third of patients admitted for inpatient care were ultimately discharged to additional care;
4 that group had average charges of \$179,565.⁷¹ Another study, examining 2003-2013
5 costs of treatment for hospitals rather than billed charges, found that average costs due to
6 “assault firearm” injuries were \$32,237, compared to \$19,175 for handgun injuries.⁷²

7 Medical costs are not limited to the immediate aftermath of violence: “for
8 survivors of gunshot injuries, there are lifetime medical care costs including
9 readmission(s) to the hospital and nursing care. Several studies have found that the
10 lifetime costs of providing care following a gunshot injury are more than twice the costs
11 of providing acute care; one study put the lifetime costs of treating gunshot injuries
12 incurred in a single year at \$2.3 billion.”⁷³ For young adults and children, disabilities can
13 be even more costly, and are disturbingly common.⁷⁴

14 Victims and families physically harmed by mass shootings bear an overwhelming
15 economic weight, but the costs extend further. First responders and bystanders may be
16 physically unharmed but still experience substantial trauma. These individuals face costs
17 from psychiatric treatment, lost productivity, and lost income. Economic analyses of
18 recent mass shootings shed further light on the costs to survivors. The 2017 Las Vegas
19 shooting resulted in 59 deaths and over 400 injuries. Ted Miller, an expert on injury and
20 violence at the Pacific Institute for Research and Evaluation, estimated it will cost at least
21 \$600 million in medical bills, follow-up care, and value of the quality of life lost by those
22

23 ⁷⁰ Faiz Gani, et al., *Emergency Department Visits for Firearm-Related Injuries in the*
24 *United States, 2006-14*, 36 Health Aff. 10, 1729, 1734-35 (2017).

25 ⁷¹ *Id.* at 1735.

26 ⁷² Corinne Peek-Asa, *Cost of hospitalization for firearm injuries by firearm type, intent,*
27 *and payer in the United States*, 4:20 Inj. Epidemiology, at 7, Table 4 (2017).

28 ⁷³ See Everytown 2019 at 11.

⁷⁴ See *id.* (nearly half of children and young adults were discharged with some disability).

1 who died or were permanently disabled.⁷⁵ In 2016, Dr. Miller estimated that the Pulse
2 Nightclub Shooting, which resulted in 49 deaths and more than 50 injuries, will cost \$390
3 million in similar expenses.⁷⁶

4 B. Mass Shootings Force Taxpayers to Spend Millions of Dollars.

5 The costs of responding to—and preventing future—mass shootings stagger the
6 mind. School security systems were projected to be a \$5-*billion-a-year* industry by
7 2017.⁷⁷ The Las Vegas Strip shooting, at a hotel in a major tourist destination, caused a
8 4% drop in tourism in its aftermath.⁷⁸ Estimates indicate that insurance companies may
9 ultimately pay over \$1 billion due to the shooting.⁷⁹ The massive economic harm from
10 mass shootings alone provides any needed justification for the statute. *See Pena v.*
11 *Lindley*, 898 F.3d 969, 982 (9th Cir. 2018) (upholding a “microstamping” requirement
12 against a Second Amendment challenge, and noting that the “legislature found that
13 microstamping technology improved the accuracy of ballistic identification ‘without
14 requiring the manpower and expense associated with the creation and maintenance of a
15 ballistic image database containing millions of images.’”); *Silvester*, 843 F.3d at 829.

16 Overtime for first responders and investigators constitutes one immediate,
17 significant cost. For the Las Vegas shooting, these exceeded \$2 million dollars, a sum
18
19

20 ⁷⁵ See Gaby Galvin, *Las Vegas Shooting Will Likely Cost Millions*, usnews.com (Oct. 5,
21 2017), [https://www.usnews.com/news/articles/2017-10-05/las-vegas-shooting-victims-](https://www.usnews.com/news/articles/2017-10-05/las-vegas-shooting-victims-facing-millions-of-dollars-in-medical-expenses)
22 [facing-millions-of-dollars-in-medical-expenses](https://www.usnews.com/news/articles/2017-10-05/las-vegas-shooting-victims-facing-millions-of-dollars-in-medical-expenses).

23 ⁷⁶ *Id.*

24 ⁷⁷ Mark Follman, et al., *The True Cost of Gun Violence in America*, motherjones.com
(Apr. 15, 2015), [https://www.motherjones.com/politics/2015/04/true-cost-of-gun-](https://www.motherjones.com/politics/2015/04/true-cost-of-gun-violence-in-america/)
25 [violence-in-america/](https://www.motherjones.com/politics/2015/04/true-cost-of-gun-violence-in-america/).

26 ⁷⁸ *Financial Toll of the Las Vegas Massacre*, Giffords Law Center, available at
27 [https://lawcenter.giffords.org/wp-](https://lawcenter.giffords.org/wp-content/uploads/2018/09/Giffords%E2%80%94Financial-Toll-of-the-Las-Vegas-Massacre.pdf)
28 [content/uploads/2018/09/Giffords%E2%80%94Financial-Toll-of-the-Las-Vegas-](https://lawcenter.giffords.org/wp-content/uploads/2018/09/Giffords%E2%80%94Financial-Toll-of-the-Las-Vegas-Massacre.pdf)
[Massacre.pdf](https://lawcenter.giffords.org/wp-content/uploads/2018/09/Giffords%E2%80%94Financial-Toll-of-the-Las-Vegas-Massacre.pdf).

⁷⁹ *Id.*

1 ultimately reimbursed by the federal government—that is, American taxpayers.⁸⁰ After
2 the 2012 Sandy Hook shooting, the U.S. Department of Justice reimbursed organizations
3 and agencies providing direct support to victims, first responders, and the community
4 over \$1.5 million.⁸¹

5 The estimated costs to Virginia and U.S. taxpayers following the 2007 Virginia
6 Tech mass shooting exceeded \$48 million.⁸² Those costs include \$38.7 million paid by
7 Virginia Tech (a public university), and \$8.8 million paid by the State of Virginia.⁸³
8 They include a settlement with victims’ families and injured survivors; salaries for 11
9 additional full-time Virginia Tech police department employees; salaries for four
10 additional full-time mental health professionals; renovations to classroom doors and
11 locks; and the cleanup, relocation, and renovation of Norris Hall, where most of the
12 murders occurred.⁸⁴ Also, although the exact cost information was unavailable, the report
13 estimated that the cost of treating 17 people who were shot but survived in 2007 was
14 \$1,190,000, and that 49% of this cost would have been paid for by taxpayers.⁸⁵

15 Another major, though less common, cost is the expense of prosecuting a surviving
16 mass shooting suspect. One investigation found that “[j]ailing, evaluating and
17

18 ⁸⁰ Gary Martin, *Feds Will Reimburse Nevada \$2 Million for Las Vegas Shooting Costs*,
19 reviewjournal.com (Jun. 25, 2018), <https://www.reviewjournal.com/crime/shootings/feds-will-reimburse-nevada-2m-for-las-vegas-shooting-costs/>.

20 ⁸¹ *Attorney General Holder Announces 1.5 Million Reimbursement Support Efforts to*
21 *Victims of Sandy Hook*, U.S. Department of Justice (Dec. 17, 2013),
<https://www.justice.gov/opa/pr/attorney-general-holder-announces-15-million-reimburse-support-efforts-victims-sandy-hook>.

22 ⁸² Anthony Green & Donna Cooper, *Auditing the Cost of the Virginia Tech Massacre*,
23 Center for Am. Progress (Apr. 2012), available at https://cdn.americanprogress.org/wp-content/uploads/issues/2012/04/pdf/vt_gun_control.pdf.

24 ⁸³ *Id.* at 6. The federal government paid roughly \$3.6 million in grants; this amount was
accounted for in the total for the University. *Id.*

25 ⁸⁴ *Id.* at 4-5. The one-time costs to the University alone amounted to at least \$17 million.
26 *Id.* at 7-13. This figure excludes increases to “base costs,” or “traditional, ongoing
university costs that increased significantly based on university decision making as a
27 result of the shooting.” *Id.* at 7.

28 ⁸⁵ *Id.* at 17-18.

1 prosecuting . . . [the Aurora, Colorado shooter] cost taxpayers at least \$3 million.”⁸⁶
2 Another found that legal proceedings for the Aurora shooting exceeded \$5.5 million
3 before trial had even begun, including expenses related to the large pool of 9,000
4 prospective jurors called for the case.⁸⁷

5 School shootings lead to costs for improving school security. Since the 1999
6 Columbine shooting, the federal government has allocated at least \$811 million to help
7 school districts hire security guards, including \$45 million since the Sandy Hook
8 shooting.⁸⁸ According to the trade magazine *Campus Safety*, approximately 90 percent of
9 American school systems have made security enhancements since the Sandy Hook
10 Shooting.⁸⁹ In Sandy Hook itself, millions of dollars were spent hiring two assistant
11 principals, seven new substitute teachers, and additional security guards, and increasing
12 nursing hours at the school.⁹⁰ Grants from the U.S. Department of Education for these
13 efforts to rebuild the staff totaled \$6.4 million.⁹¹

14 CONCLUSION

15 The worst mass shootings are perpetrated by a single person with an assault
16 weapon—a weapon of war, designed to be uniquely devastating. While mass shootings
17 make up a small percentage of gun violence in U.S., they are responsible for outsize
18 societal effects. These effects include mental health disorders and symptoms, increased
19

20 ⁸⁶ See Jordan Steffen & John Ingold, *Aurora theater shooting trial cost taxpayers at least*
21 *\$3 million*, denverpost.com (Apr. 19, 2016), <https://www.denverpost.com/2016/04/19/aurora-theater-shooting-trial-cost-taxpayers-at-least-3-million/>.

22 ⁸⁷ See Mark Follman, *Aurora Mass Shooting Cost More Than \$100 Million*,
23 motherjones.com (Apr. 2014), <https://www.motherjones.com/kevin-drum/2015/04/aurora-mass-shooting-cost-more-than-100-million/>.

24 ⁸⁸ See Mark Follman, et al., *The True Cost of Gun Violence in America*, motherjones.com
25 (Apr. 15, 2015), <https://www.motherjones.com/politics/2015/04/true-cost-of-gun-violence-in-america/>.

26 ⁸⁹ *Id.*

27 ⁹⁰ See Dave Altimari, *Sandy Hook Two Years Later: Where Is the Aid Going*,
28 *courant.com* (Dec. 14, 2014), <https://www.courant.com/news/connecticut/hc-sandy-hook-shooting-two-years-later-20141214-story.html>.

⁹¹ *Id.*

1 fear and anxiety in the broader public, and the huge economic costs to individuals and
2 taxpayers. By prohibiting ownership of this very narrow group of dangerous weapons,
3 instruments used in mass shootings, the state simply seeks to promote and protect the
4 health and well-being of its constituents. Those considerations suffice to satisfy the
5 requirements necessary for the statute to withstand constitutional challenge. For the
6 foregoing reasons, Brady respectfully requests that the Court deny Plaintiffs' Motion for
7 Summary Judgment.

8 Dated: May 9, 2019

Respectfully submitted,

9
10 /s/ Devon Mobley-Ritter

11 Rukesh A. Korde
12 rkorde@cov.com
13 Jazzirelle Sepulveda
14 jsepulveda@cov.com
15 COVINGTON & BURLING LLP
16 One CityCenter, 850 Tenth Street, NW
17 Washington, DC 20001-4956
18 Telephone: + 1 (202) 662-6000

15 Devon Mobley-Ritter (SBN 309439)
16 dmobleyritter@cov.com
17 Joseph Dalia (SBN 316439)
18 jdalia@cov.com
19 COVINGTON & BURLING LLP
20 3000 El Camino Real
21 5 Palo Alto Square
22 Palo Alto, CA 94306-2112
23 Telephone: +1 (650) 632-4700

24 Attorneys for *Amici Curiae* Brady and
25 National Association of Social Workers
26
27
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