

Jonathan Lowy, [Global Action on Gun Violence](#)

I want to talk tonight about rights, choice, and hope.

When we hear guns debated, it's often framed as a fight between gun control and gun rights.

Well, the most important, most fundamental right that people have is the right to live.

Peyton Brewer-Ross had a right to live.

Bill Brackett had a right to live.

Lucille & Robert Violette had a right to live.

That does not mean they had a guarantee that they would escape any accident or illness.

But it means they had a right to a government that did what it could to keep them safe.

That is not just rhetoric. That promise is the foundational guarantee of our country.

The Founding document of our country, the Declaration of Independence, announced that all people are endowed with the right to Life, Liberty and the Pursuit of Happiness.

And, critically, the Founders did not suggest that it was up to individuals to secure those rights. Rather, the Declaration explained that it is Governments that are instituted "to secure these rights." Indeed, the Founders announced that people had the right to alter or abolish the government when it became "destructive of these ends."

To be clear, I am not calling for revolution here.

I am calling for a return to first principles.

America's first freedom is not, as the NRA likes to say, a right to guns.

America's first freedom is the right the Founders actually announced first: the right to life.

And our government's most fundamental obligation is to secure that right to live – that includes protecting the right to live from gunfire.

The right to live, free from gunfire, is also consistent with the Constitution, at least with a correct reading of it. The Supreme Court has consistently held that the exercise of individual rights must be constrained when they endanger public safety — that is, when the right to live is threatened.

The First Amendment, for example, entitles people to shout fire, but not if it places people at risk of being trampled in a crowded theater.

So even if there is a constitutional right to guns, that right cannot infringe on the right of people to not be shot.

But the Second Amendment was never intended to entitle people to private guns for private purposes. As former Chief Justice Warren Burger said, "the real purpose of the Second Amendment was to ensure that state armies, the militia, would be maintained for the defense of the state."

The idea that the government is obligated to protect the fundamental right to live is not simply an American principle: it is universally recognized.

International human rights law recognizes both the right to live, and the responsibility of governments to protect that basic freedom.

Just as a government is not permitted to massacre its people, a government may not tolerate the repeated massacre of its people.

International human rights law requires governments – including the United States – to take affirmative measures to prevent injury and death.

That is the premise of the human rights action you saw in the film.

My organization, Global Action on Gun Violence, filed the [Lawsuit for Survival](#) on behalf of Manny and Patricia Oliver and their son Joaquin, who was killed in the Parkland high school massacre. We filed it in the Inter-American Commission on Human Rights, a body of the Organization of American States. We claim that U.S. gun policy violates its obligations under the American Declaration on the Rights and Duties of Man is the charter document of the Organization of American States, to which the United States belongs.

That Declaration provides that “every human being has the right to life, liberty and security,” and nations are obligated to “prevent and respond” to injurious actions by private actors.

It is not simply wrong for the United States to prioritize gun rights over human rights. It is against the law.

Our human rights action – what we call, the Lawsuit for Survival – seeks a ruling that the United States is required under human rights law to implement measures to protect the right to live free from gunfire.

That includes, at a minimum, doing what the rest of the world does in regulating guns.

That means keeping weapons of war off the streets and out of civilian hands.

That means requiring that people establish that they can safely use a gun before they are entrusted with one.

That means joining the world community in elevating the right to live over the right to guns.

The gun massacres in Lewiston or Parkland would not happen in most of the world. Because other governments do not tolerate the repeated slaughter of their people in gun massacres.

One mass shooting in Dunblane, Scotland in 1996 led the United Kingdom to tighten already tight gun laws, and buy back thousands of weapons. The U.K. has not suffered a mass shooting since.

One mass shooting in Australia that killed 35 led the government to ban the semi-automatic rifles that were used and to require a genuine reason to own a gun. When a smaller shooting using handguns killed 2 people 6 years later, handgun laws were tightened more.

After one mass shooting in New Zealand, it took weeks, not years to ban the guns used in the massacre, and they tightened already tight licensing and registration laws. The government spent over \$65 million dollars to buy back banned weapons.

If the U.S. took similar action to prevent mass slaughter of its people, our gun laws would have been tightened after 17 were killed and 31 were injured in the University of Texas tower shooting . . . in 1966.

Or after the San Ysidro McDonald's shooting that killed 22 and wounded 19 ... in 1984.

Or the Columbine high school shooting that killed 13 and wounded 24 in 1999.

That is long before the hundreds of gun massacres that have occurred in more recent years like the Las Vegas music festival, the Orlando nightclub, the Aurora movie theater, Virginia Tech University, Sandy Hook, Sutherland Springs, El Paso, Uvalde.

And Lewiston.

The toleration of these massacres – and the far more numerous gun deaths and injuries in smaller-scale shootings – is not a mistake. It is a choice by the gun industry and our political leaders.

When assault weapon massacres repeatedly occur, the gun industry chooses to continue to market them indiscriminately, using the fear of an unlikely ban to sell more.

Politicians are faced with the choice: protect the ability of companies to sell and profit from assault weapons, or protect people who may be injured or killed from those guns.

When ATF reports that guns are trafficked to the criminal market via bulk sales and repeat purchases and by 5% of gun dealers who sell about 90% of crime guns. But gun manufacturers choose to continue to use those dealers and allow those practices so they can profit off the criminal market.

Legislators are faced with the choice: allow the gun industry to profit from practices that have long been associated with trafficking, or protect people from criminal gun possession.

While gun violence has hit record levels, most of the steps Congress has taken over the past 20 years has loosened regulation and accountability.

Congress let the assault weapon ban lapse. It enacted PLCAA to create special protections from lawsuits for the gun industry that no one else has. It created unique exceptions to the Freedom of Information Act to shield gun data.

Our government has sided with the right to shoot over the right to not be shot.

It has favored gun industry profits over the lives of its people.

As we argue in the Lawsuit for Survival, that conflicts with the U.S.'s obligations under human rights law.

Not only does U.S. gun policy cause a human rights crisis, it is spreading. The US gun epidemic is now a regional or global pandemic.

The weak laws of the U.S. enable and facilitate gun trafficking to countries that choose to have strong gun laws, but cannot stop the flood of guns from the U.S.

Mexico has strong gun laws and one gun store in the entire country — and it's located on a military base. But Texas alone has more than 6,000 gun dealers. Many dealers in Texas, Arizona and elsewhere willingly sell dozens of assault rifles and thousands of rounds of ammunition to obvious traffickers who bring US guns across the border to arm the cartels.

70 to 90% of crime guns in Mexico are trafficked from the US. They lead to over 20,000 gun deaths a year in Mexico, spur migration back to the U.S., and facilitate drug trafficking that leads to fentanyl overdose epidemic in the U.S.

None of that could happen without weak U.S. gun laws and a reckless U.S. gun industry that prioritizes profits over people.

The same weak laws and dangerous business practices fuel trafficking of guns to the Caribbean, creating chaos in Haiti, which the UN is now trying to stop, and gangs in Jamaica and elsewhere.

It's no accident that over half of gun deaths in the world occur in just 6 countries in the Americas, one of which is the US.

And the [top 10 highest rates](#) of gun homicides are in the Americas too — most if not all get most of their guns from the US. Gun violence is spiking in Canada too, from US guns. And some of those guns come from here in Maine. In 2020 Canada suffered its worst mass shooting ever, in which 22 people were killed in Nova Scotia. Some of the guns used came from Maine, one an AR-style assault rifle purchased at a gun show.

But the people of Canada, or Mexico, or Jamaica do not have a vote on the gun policies that affect their nations.

Indeed, Congress refuses to even enact the laws that vast majorities of Americans want to protect themselves.

But there's reason for hope.

I founded Global Action on Gun Violence because after working on gun violence prevention in the US for decades, I came to believe that new pressures from the international community could make a huge difference.

For one, the rest of the world is standing up to the US gun industry and our weak laws with a boldness and clarity we don't often see in the U.S.

The government of Mexico has done something that the US has refused to do – Mexico is the first nation in the world to bring a lawsuit against the U.S. gun industry to stop them from facilitating the trafficking of guns.

And five countries in the Caribbean and Latin America openly supported that lawsuit.

Mexico brought a second suit against several gun dealers in Arizona for their contribution to trafficking.

GAGV and I are counsel for Mexico in those cases.

If successful, those suits will force the gun industry to stop engaging in business practices that facilitate gun trafficking, like supplying the 5% of dealers who sell 90% of crime guns, or allowing bulk sales commonly used by traffickers.

That will benefit the US as much or more than Mexico. As a Boston Globe headline about the suit said, "America won't solve its gun problem. Maybe Mexico will do it for us."

GAGV and I also are foreign legal counsel in a Canadian lawsuit for victims of a mass shooting. That case is not limited by the special gun industry protections imposed in the US by PLCAA, so it can achieve more accountability than domestic US cases.

International human rights tribunals are increasingly active. In addition to our Lawsuit for Survival, the Inter-American Court on Human Rights is

hearing witnesses later this month on an action by Mexico seeking an opinion regarding the human rights law of gun manufacturers and sellers and the obligation of states to provide victims of gun industry negligence judicial remedies – which essentially asks if the Protection of Lawful Commerce in Arms Act violates human rights law.

The Boston Globe, again, headlined an op-ed I co-wrote about that action, “If the US can’t fix its gun policy, maybe an international lawsuit can.”

We are also actively speaking to the United Nations and other international conferences, where there is growing recognition that US gun policy is causing global crises, so demands global pressures and solutions.

The U.S. gun industry and government have never before felt such pressures from the international community and human rights tribunals, and I believe they will make the difference. The U.S.’s foreign policy and human rights agenda will be harmed if it continues to violate human rights law and damage other nations by its gun policies.

There are positive trends domestically too. There’s growing recognition by politicians that gun control is a winning issue. And young people are elevating gun violence as a top priority issue.

These international pressures, combined with the dedicated work by people in this room, and like-minded people across the country, there is much reason for hope.

Two closing points.

One is something I’ve learned working on gun violence prevention for 26 years: The time to act is now.

The gun lobby’s strategy is always to delay, to argue that we can’t discuss gun policy too close to a shooting. That isn’t done out of respect for the victims: it’s a calculated strategy to run out the clock until attention turns to other issues.

The time to act was 20 or 30 years ago. As the saying goes, the best time to plant a tree was 20 years ago. The next best time is now.

Two, to realize peace, we must visualize peace. So in closing, I want to recall a day of peace, November 11, that was this past Saturday. Kurt Vonnegut, a great champion of peace, wrote:

“When I was a boy, * all the people of all the nations which had fought in the First World War were silent during the eleventh minute of the eleventh hour of Armistice Day, which was the eleventh day of the eleventh month.**

It was during that minute in nineteen hundred and eighteen, that millions upon millions of human beings stopped butchering one another. I have talked to old men who were on battlefields during that minute. They have told me in one way or another that the sudden silence was the Voice of God.”

Here’s to the day when the guns go silent.

Thank you