

Statement by Marty Daniel
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House Oversight Committee Hearing
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Chairwoman Maloney, Ranking Member Comer, my name is Marty Daniel, founder and CEO of Daniel Defense. I am grateful for the opportunity to work with you, and to join with Americans across the country in attempting to find effective solutions to combat the unacceptable increase in violent crime in our country, including the evil acts in Uvalde, Buffalo, and Highland Park that prompted these hearings. I am sharing my views today to help ensure that the voices of law-abiding citizens and gun owners are understood by this Committee.

I am concerned, however, that the stated and implied purpose of this hearing is to vilify, blame, and try to ban over 24 million modern sporting rifles currently in circulation that are lawfully possessed and commonly used by millions of Americans to protect their homes and loved ones, to safely sport shoot with family and friends, and to put food on the table as licensed hunters.¹ Effectively, this proceeding is focused on a type of firearm that was used in fewer than 4% of the homicides that involved firearms in 2019.²

Before we begin, I think it will be helpful to tell you a little more about myself, what I do, and my beliefs, in an attempt to answer some of the questions that have been raised about the firearms industry, Daniel Defense, and the products we make.

I believe in God, and my faith guides me and my family. Fundamentally, I also believe there is good and evil in our lives and what we saw unfold in Uvalde, Buffalo, and Highland Park was pure evil. The cruelty of the murderers who committed these acts is unfathomable and deeply disturbs me, my family, and my employees.

At Daniel Defense, we are, and always will be, committed to the lawful, safe, and responsible use of our products. Part of being a responsible gun owner means teaching others how to properly and safely use firearms. I believe that a child who is taught firearms safety and who is raised to respect firearms is much less likely to ever use a firearm improperly.

In fact, I believe this so firmly that my family started the Double D Foundation for the specific purpose of training young adults in shooting sports and teaching them the proper use of firearms. In my experience, and at least partly due to this training, these teenagers are some of the most mature and responsible people I have had the pleasure of knowing. Helping mentor and develop young adults is something that we should all take part in.

Lately many Americans, myself included, have witnessed an erosion of personal responsibility in our country and in our culture. Mass shootings were all but unheard of just a few decades ago.

¹ *Commonly Owned: NSSF Announces Over 24 Million MSRS In Circulation*, Nat'l Shooting Sports Found., (July 20, 2022), <https://www.nssf.org/articles/commonly-owned-nssf-announces-over-24-million-msrs-in-circulation/>.

² Fed. Bureau of Investigation, *2019 Crime in the United States Expanded Homicide Data Table tbl.8 (2019)*, <https://ucr.fbi.gov/crime-in-the-u.s/2019/crime-in-the-u.s.-2019/tables/expanded-homicide-data-table-8.xls>.

What changed? Not the firearms. They are substantially the same as those manufactured over 100 years ago. However, there is no doubt that our society has changed in significant ways. Even things as fundamental as how we communicate and interact with one another would be unrecognizable to someone living before the 2000's. So where do we start in trying to first understand and then address the relatively recent but tragic problem of mass shootings?

First, the data shows where we can best spend public resources in reducing these threats, but there are no easy answers to this difficult problem. Several recent studies by the United States Secret Service have concluded that mass shootings are preventable when appropriate community systems are in place.³ The Secret Service recommended that multidisciplinary threat assessment programs be a part of any violence prevention plan. That assessment is “designed to identify and intervene with individuals who pose a risk of engaging in targeted violence.” While this type of solution is more expensive and difficult, it is also effective and must be considered if we are truly trying to solve this terrible problem. Congress certainly took a step in that direction in the recently enacted *Bipartisan Safer Communities Act* where community mental health resources are going to be significantly expanded to help identify persons who require a prompt intervention to prevent them from harming themselves or their communities. The focus needs to be on separating the person from possible victims.

Second, we need to pay attention to a hard fact about these mass shooters. For decades, people have understood that mass murderers are motivated by the desire to get media attention and that they can get that attention by killing people. This was confirmed as a motivation of the Uvalde shooter in the Texas House of Representatives report from the Investigative Committee on the Robb Elementary Shooting.⁴ Some mass shooters have even written that if they could kill more people, they could get even more media attention than other murderers.

These murderers are deranged and evil individuals, and, in order to inflict the most damage, they will often plan attacks where they do not expect to encounter armed resistance. The U.S. Department of Homeland Security counts schools and shopping venues among its examples of Soft-Targets and Crowded Places (ST-CPs) because they are “easily accessible to large numbers of people and ... have limited security or protective measures in place making them vulnerable to attack.”⁵

Many of these soft targets have enacted strict, gun-free zone policies, with the hope of reducing the number of firearms in that area. However, extensive studies into this topic have shown that

³ Nat'l Threat Assessment Ctr., U.S. Secret Serv., *Protecting America's Schools: A U.S. Secret Service Analysis of Targeted School Violence*, Nov. 2019, https://www.secretservice.gov/sites/default/files/2020-04/Protecting_Americas_Schools.pdf; See also Nat'l Threat Assessment Ctr., U.S. Secret Serv., *Averting Targeted School Violence: A U.S. Secret Service Analysis of Plots Against Schools*, Mar. 2021, <https://www.secretservice.gov/sites/default/files/reports/2021-03/USSS%20Averting%20Targeted%20School%20Violence.2021.03.pdf>

⁴ Tex. H.R. Investigative Comm. on the Robb Elementary Shooting, *Interim Report 2022* at 29 (July 17, 2022).

⁵ U.S. Dep't of Homeland Sec., *Soft Targets and Crowded Places Security Plan Overview*, May 2018, https://www.cisa.gov/sites/default/files/publications/DHS-Soft-Target-Crowded-Place-Security-Plan-Overview-052018-508_0.pdf

94% of mass public shooters attack gun-free zones.⁶ Ultimately, gun-free zones only serve to attract bad actors and deny law abiding citizens the ability to defend themselves and their loved ones.

We saw an example of this just this month when a heroic young man named Elisjsha Dicken shot a mass murderer in self-defense and prevented the loss of untold lives at the Greenwood Park Mall in Indiana.⁷ The mall where the shooting happened had a policy against the carrying of weapons. This gun-free zone at the mall, just like gun-free zones in schools across America, did not prevent the shooter from bringing a gun into the mall. Thankfully, the hero was unaware of the mall's policy against firearms.

Congress needs to allocate additional funding to further strengthen and harden the physical security of our schools and the states need to seriously consider empowering more faculty, staff, and administrators across the country to lawfully carry concealed firearms on school grounds. We can speculate on why law enforcement did not quickly stop the threat in Uvalde, but I am absolutely certain any teacher that could have been armed that day would have acted immediately to protect his or her students. Even more important, it seems likely that the shooter would not have targeted Uvalde if its teachers were known to be armed.

Third, while firearm ownership is a tradition deeply rooted in our society and approximately 30% of Americans own firearms and an additional 11% live in a home with a firearm,⁸ it is not true that mass shootings are a unique American problem. Counting mass shootings is a difficult statistical exercise because for one thing, there is no consensus between the government and the private sector, including advocacy groups, on what counts as a mass shooting, and what doesn't. Countries such as Norway, Finland, France, and Switzerland and many others have certainly experienced horrific mass public shootings. Unfortunately, the whole world has experienced mass violence in public spaces and our focus today and into the future should be on finding solutions to prevent and deter these bad actors based on what we do know about the commonalities among these tragedies and their perpetrators.

Fourth, the type of firearm used in mass shootings is not a factor contributing to whether the shooting occurs or not. Only a small percentage of murders are committed with any type of rifle⁹ and that share has grown even smaller over time.¹⁰ The percentage of firearm murders committed with rifles was 4.8% prior to the federal "assault weapons" ban taking effect in September 1994.¹¹

⁶ John R. Lott, Jr., *UPDATED: Mass Public Shootings keep occurring in Gun-Free Zones: 94% of attacks since 1950*, Crime Prevention Rsch. Ctr. (July 6, 2019), <https://crimeresearch.org/2018/06/more-misleading-information-from-bloombergs-everytown-for-gun-safety-on-guns-analysis-of-recent-mass-shootings/>.

⁷ Eliza Fawcett, *Bystander Killed Gunman 2 Minutes Into Indiana Mall Shooting*, N.Y. Times, July 18, 2022, <https://www.nytimes.com/2022/07/18/us/greenwood-indiana-mall-shooting.html>.

⁸ Kim Parker et al., *The Demographics of Gun Ownership*, Pew Rsch. Ctr., (June 22, 2017) <https://www.pewresearch.org/social-trends/2017/06/22/the-demographics-of-gun-ownership/>.

⁹ Fed. Bureau of Investigation, *2019 Crime in the United States Expanded Homicide Data Table tbl.8 (2019)*, <https://ucr.fbi.gov/crime-in-the-u.s/2019/crime-in-the-u.s.-2019/tables/expanded-homicide-data-table-8.xls>.

¹⁰ John R. Lott, Jr., *With all the Concern about Assault Weapons, how has the Share of Murders with Rifles Changed Over Time?* Crime Prevention Rsch. Ctr. (Nov. 4, 2019), <https://crimeresearch.org/2019/11/with-all-the-concern-about-assault-weapons-how-has-the-share-of-murders-with-rifles-changed-over-time/>.

¹¹ *Id.*

Over the next ten years, while the ban was in effect, the figure stood at 4.9%.¹² And since 2004, it has been even lower.¹³ Based on these numbers, it is hard to argue that the ban did anything at all. President Biden falsely, or perhaps mistakenly, claimed that mass shootings went down during the assault weapons ban and that when the law expired “mass shootings tripled.”¹⁴ In fact, there was no drop in the number of attacks with “assault weapons” during the ban, and virtually no change in total mass shootings under the 1994-2004 ban.¹⁵ Even studies funded by the Federal Government did not find statistically significant changes in the number of attacks during this period.¹⁶

Finally, these mass shootings are not caused by the firearm or the manufacturers. This is also why I am a strong supporter of the Protection of Lawful Commerce in Arms Act. PLCAA was passed because there was a concerted attempt by gun control activists to bankrupt the manufacturing community through wave after wave of crushingly expensive litigation. That campaign continues today with these same activists attempting to create or expand exceptions to the statute. Opposition to PLCAA is premised on making firearms manufacturers responsible for the criminal misuse of their products. There cannot, and should not, be an exception to the longstanding precedent that manufacturers of legal products are not liable when their products are used for illegal purposes by third parties.

While these facts are compelling enough to better focus our efforts on reducing gun violence, there are other important considerations I also want to address to the Committee today. As I stated, personal responsibility is a central principle of my private and my business life. This is why my products exceed even the high-quality standards required by the U.S. military. Prior to my appearance, the majority staff asked for Daniel’s marketing materials. Some members of this Committee have questioned the use of military-type images in portions of our material. Our marketing is intended to appeal only to law-abiding adults. Where appropriate, we use military imagery, as veterans and supporters of the U.S. military make up a large portion of our customer base. Numerous members of the military buy our products for personal home protection because they know first-hand the quality of our products.

I have reserved for my final comment what I believe should be the controlling consideration for this Committee. America has helped provide the world’s greatest expansions of freedom in human history. Every threat to democracy and every cause of freedom the United States has ever pursued was made possible by domestic firearms manufacturers. Every day law-abiding citizens stop intruders in their homes, prevent sexual assaults, and defend the innocent against other harms

¹² *Id.*

¹³ *Id.*

¹⁴ President Joseph R. Biden, Remarks by President Biden on the School Shooting in Uvalde, Texas (May 24, 2022) (transcript available at <https://www.whitehouse.gov/briefing-room/speeches-remarks/2022/05/24/remarks-by-president-biden-on-the-school-shooting-in-uvalde-texas/>).

¹⁵ Crime Prevention Rsch. Ctr., *Biden on Assault Weapons* (May 25, 2022), <https://crimeresearch.org/2022/05/biden-on-assault-weapons/>.

¹⁶ Christopher S. Koper, *Updated Assessment of the Federal Assault Weapons Ban: Impacts on Gun Markets and Gun Violence, 1994-2003* at 96 (July 2004) (Finding that the Assault Weapons Ban had “no discernible reduction in the lethality and injuriousness of gun violence”).

through the lawful use of firearms like those manufactured by the companies represented at this hearing.

These are among the many reasons that Daniel Defense is deeply committed to the principles of the United States Constitution, including and especially the Second Amendment. Although I'm not a lawyer, I can read, and the Supreme Court in *Heller* explicitly stated that "the enshrinement of constitutional rights necessarily takes certain policy choices off the table," including those that would diminish the Second Amendment rights of law-abiding Americans such as banning common and popular gun types.¹⁷

As I previously said, I believe in good and evil, and the importance of understanding the difference between them. The underlying reasons for mass shootings, and the possible ways to intervene and prevent them, have been studied and known for years. Very few of the levers that might reduce the likelihood of mass shootings have anything to do with taking away the firearms rights of law-abiding Americans or limiting their access to certain types of firearms technology that has been widely available for over 100 years.

To close, I am appearing before you on a voluntary basis because I believe strongly in our Constitutional form of government, and the role of Congress in addressing the Nation's problems. I have respect for Congress, and I hope you will afford me the same respect as both a citizen and a manufacturer of a lawful product for responsible citizens.

¹⁷ *Dist. of Columbia v. Heller*, 128 S. Ct. 2783, 2822 (2008).