

Written Testimony of Elvin Daniel
Before the Committee on the Judiciary, United States Senate
Hearing on VAWA Next Steps: Protecting Women from Gun Violence
July 30, 2014

Thank you, Chairman Whitehouse, Chairman Leahy, Senator Grassley and the members of the Judiciary Committee, for holding this important hearing, and for the opportunity to speak with you this morning.

My name is Elvin Daniel. I am a salesman for Blackhawk Industrial, a large distributor of industrial supplies and equipment. I am a proud Republican and Constitutional Conservative. I'm a hunter. I own multiple guns and I enjoy shooting them with my family and friends. I am a strong supporter of the Second Amendment and a member of the NRA. And I also believe in sensible gun laws. I know that common-sense gun laws that protect public safety go hand in hand with the Second Amendment.

I am here today to speak for my sister, Zina, because she is not here to speak for herself. Zina loved life. All she wanted was to be a good mother to her two girls. She loved Disney World, Rick Springfield, and helping other people. She was a beautiful person and so full of goodness.

On October 21, 2012, I received a phone call that no one should ever have to receive, telling me that Zina had been shot and killed by her estranged and abusive husband. We later learned that the shooter had bought the gun through Armslist.com, an irresponsible Internet site that does not require background checks. It has been nearly two years since Zina was murdered and it is heartbreaking to know that our weak gun laws continue to allow dangerous abusers to buy guns without background checks.

Zina was married for 13 years to the shooter. She eventually left him because he abused her, physically and mentally. However, he continued to terrorize Zina, slashing her tires while she was at work, and threatening her physically. Zina went to court and obtained a domestic violence restraining order, telling the judge that his threats “terrorize[d] her every waking moment” and that she “[didn’t] want to die.”

Under federal law, this domestic violence restraining order prohibited the shooter from buying or owning a gun. If he had tried to buy a gun from a licensed gun dealer, he would have been required to take a background check. He would have failed that background check, and the gun store wouldn’t have sold him a gun.

But he didn’t go to a gun store. Instead, he logged onto Armslist and posted an ad saying he wanted to buy a gun. Within hours, he found an unlicensed seller with a .40-caliber FNH handgun for sale. Just two days after the restraining order was issued against him and entered into the National Instant Criminal Background Check system, the shooter met the unlicensed seller in a McDonald’s parking lot. He handed over \$500 and walked away with that handgun – the gun you see here, photographed by police in the spa where they recovered it after he murdered my sister. To this day, I am convinced that the shooter deliberately bought the gun from an unlicensed seller because he knew he couldn’t pass a background check—and that if he hadn’t been able to buy this gun, Zina would still be alive.

The next day, the shooter stormed into the spa where Zina worked in Brookfield, Wisconsin. He shot and killed Zina, murdered two other women, and injured four others before killing himself.

I have to live the rest of my life knowing that a simple background check might have stopped that gun sale and saved my sister’s life.

Now, I am helping to care for my two nieces, who lost their mother and who will have to grow up without her.

I'm here today for Zina. But I'm also here because stories like Zina's happen every day because of the serious gaps in our gun laws that continue to put women's lives at risk. I believe that we can find a way to protect women from gun violence and still protect the Second Amendment rights of law abiding gun owners.

How Can We Keep Women Safer in this Country?

I would like to share with you a little bit more about what I've learned about domestic violence and our gun laws. I believe that there are two steps that Congress should take to save women's lives:

1. Require background checks for all gun sales; and
2. Keep guns out of the hands of abusive dating partners and stalkers.

Guns, Violence against Women, and Federal Law

America's weak gun laws failed Zina, like they fail too many other American women every year. On average, 48 women are shot to death every month by a current or former husband or boyfriend.¹ Like Zina, more than half of women murdered with guns were killed by intimate partners or family members.²

There are two major gaps in federal law that allow dangerous abusers to obtain guns. First, in most states, abusers like Zina's estranged husband can avoid a background check by buying guns from unlicensed sellers. This includes most gun sales on popular websites like Armslist. So even though Zina had a restraining order that made her estranged husband a prohibited purchaser, he was easily able to buy a gun by going online to Armslist and finding an unlicensed seller.

Background Checks

Gun owners like me are used to background checks — we do a background check every time we buy a gun at a store or from a dealer. They're easy, they're quick, and they prevent guns from being sold to criminals. In fact, I bought a gun last year and passed a background check – it only took me a few minutes and was so easy. I don't understand how anyone can say background checks interfere with Second Amendment rights.

Many of my friends are gun owners and through our conversations, I know that they have no problem with background checks because they know that background checks save lives. And here is how we know that they save lives: Sixteen states go beyond federal law, and require background checks for all handgun sales. In those states, someone like Zina's estranged husband can't avoid a check by finding an unlicensed seller online. In those 16 states, 38 percent fewer women are shot to death by intimate partners.³

In the states that don't require background checks, people who are legally prohibited from having guns can get around background checks by buying from unlicensed sellers they meet online or at gun shows. Increasingly, these prohibited people are turning to the Internet and sites like Armslist to buy guns without background checks. For example, one investigation of Armslist by Mayors Against Illegal Guns found that every year tens of thousands of criminals and abusers like my sister's killer are buying guns online and that Armslist alone facilitates an estimated 25,000 gun sales every year to individuals who are prohibited from gun ownership.⁴ The study also found that one in 30 prospective gun buyers on Armslist had criminal histories that made it illegal for them to buy a gun, and one in five prohibited purchasers seeking to buy a gun had a domestic violence conviction. These numbers reveal that criminals and other

dangerous people with prohibiting records are flocking to the Internet and websites like Armslist to avoid background checks.

Last Spring, a majority of Senators voted to extend background checks to all online gun sales, as well as other commercial gun sales made at gun shows or through classified ads. The proposal was a bipartisan, common-sense measure that would have saved lives in communities across the country. Unfortunately, it didn't pass.

Because of the failure to pass this common-sense measure, criminals and dangerous abusers like my sister's killer are still able to buy illegal guns from unlicensed sellers with no strings attached. I urge the Senate to pass this critical public safety measure.

Stalkers and Dating Partners

Another gap in our gun laws is that federal law does nothing to keep guns out of the hands of abusive dating partners or convicted stalkers. Even if an abuser is convicted of a misdemeanor for stalking his victim or for assaulting his girlfriend, he could pass a background check and legally buy a gun from a licensed dealer.

“The Protecting Domestic Violence and Stalking Victims Act of 2013,” S.1290, introduced by Senator Amy Klobuchar last year, would close these gaps in the law and protect women's lives. It would ensure that the federal laws that block abusers from having guns cover dating situations and people convicted of all stalking crimes. This makes sense to me – especially because more women in the U.S. are killed by dating partners than by spouses.

Passing this bill would strengthen our federal gun laws and protect women from deadly violence. I urge the members of this committee to promptly report it out of committee for consideration by the full Senate.

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I want to repeat something that I said earlier, because I think it's important. I've owned guns all my life and I strongly believe that the Second Amendment gives me—and every other law abiding gun owner—the right to own and use guns. And I also know that prohibiting dangerous people from buying guns is just common-sense and does not infringe on my Second Amendment rights as a law abiding gun owner.

Like too many other Americans, my family knows first-hand the devastating impact of allowing dangerous people easy access to guns. I am grateful for the opportunity to speak for my sister and tell her story. She was an amazing person, a loving mom and a terrific sister.

For nearly two years now, my family has lived a nightmare, and it is one that will never end. Every happy family milestone is now covered with sadness. Mother's Day is now a day to survive rather than a day to celebrate, because we know that Zina isn't here to watch her girls grow up. She won't be there to take pictures of her youngest daughter dressed up to go to the prom, or to congratulate her when she graduates from high school, or to dance with her girls at their weddings. Those moments will be happy and sad all at the same time for my family.

I am committed to honoring Zina's memory by working as hard as I can to reduce the number of women whose lives are cut short by preventable and senseless acts of gun violence.

Too often, the debate over gun laws and domestic violence are impersonal and stuck in politics. This is not a Republican issue or a Democrat issue. This is an issue of basic common-sense that if ignored will continue to have deadly consequences. Since the background checks bill failed last year, 1,320 women have been shot to death by intimate partners.⁵ You have the power to pass the laws that we need to keep our mothers, daughters, sisters, and girlfriends safe, and so I am here today to ask you to remember Zina when you think about whether you will take action on this issue.

Thank you for your time and for the opportunity to speak with you today. I would be happy to answer any questions that you might have.

¹ U.S. Dep't of Justice, Federal Bureau of Investigation, Supplementary Homicide Reports, 2011.

² U.S. Dep't of Justice, Federal Bureau of Investigation, Supplemental Homicide Report, 2011. According to FBI data, there were 1,221 gun murders in which a woman was the lead victim. Of these, 649 were killed by an intimate partner or immediate family member — 53% of the total. This data likely undercounts the phenomenon because in many other cases law enforcement cannot confirm whether a shooter and victim were intimately involved.

³ Mayors Against illegal Guns, Felon Seeks Firearm: No Strings Attached 7 (Sept. 2013).

⁴ See generally Mayors Against illegal Guns, Felon Seeks Firearm: No Strings Attached (Sept. 2013).

⁵ FBI Supplementary Homicide Reports indicate that, on average, 578 women are shot to death by intimate partners in the U.S. each year. At this rate, 1,320 American women were shot to death by intimate partners between April 16, 2012 and July 30, 2014.