

**Written Testimony of Mayor Nancy R. Rotering Before the
U.S. Senate Committee on the Judiciary
“After the Highland Park Attack: Protecting Our Communities From Mass Shootings”
Wednesday, July 20, 2022, 10:00 a.m.**

Good morning, Chairman Durbin, Ranking Member Grassley, and distinguished members of the Senate Judiciary Committee. Thank you for inviting me to discuss with you the need to make policy changes at the federal level to reduce or eliminate the possibility of another horrific mass shooting like the one we experienced in Highland Park, Illinois, two weeks ago on the Fourth of July.

My name is Nancy Rotering, and I am the Mayor of Highland Park, Illinois, a peaceful, suburban town that approximately 30,000 people call home, nestled on Lake Michigan, about 25 miles north of Chicago. As the Mayor, I am horrified that my hometown has been added to an ongoing list of communities recovering from the trauma and violence of a mass shooting. This list should not exist.

It all still seems so unreal. I experienced first-hand the violent attack of a shooter with an assault weapon opening fire on my community’s families, friends, and neighbors during our traditional Fourth of July parade. Seven people were murdered, with more than 48 others shot and injured, including one eight-year-old child who is, as I speak, fighting for his life. If he lives, he will be permanently paralyzed. And a two-year-old is now orphaned because both of his parents, who were holding his hands at the parade, were murdered by gunfire. The 21-year-old-shooter used a Smith & Wesson M&P 15 semi-automatic rifle.¹

This isn’t the first time this has happened in the United States, but I hope you will agree, it should be the last. Similar events with shooters using assault weapons and large-capacity magazines have occurred many times throughout our country, with examples as follows:

¹ https://www.chicagotribune.com/news/breaking/ct-highland-park-parade-shooting-injured-victims-survivors-20220716-bu6du2zkwverroa2ddarqpmjqm-story.html?utm_source=newsletter&utm_medium=email&utm_campaign=Breaking%20News&utm_content=861657983556

On June 1, 2022, five people were murdered, three of whom were hospital staff, and 10 injured during a mass shooting at St. Francis Hospital in Tulsa, OK. The 45-year-old shooter used an AR-15-style semi-automatic rifle.

On May 24, 2022, 21 people were murdered (19 children and two staff members), and 18 others were injured during a mass shooting that took place at Robb Elementary School in Uvalde, Texas. The 18-year-old shooter used an AR-15-style semi-automatic rifle.

On May 14, 2022, 10 people were murdered, and three others were injured during a mass shooting in a grocery store in Buffalo, New York. The 18-year-old shooter used an AR-15-style semi-automatic rifle.

On March 22, 2021, 10 people were murdered, including an on-duty police officer, during a mass shooting that took place in a grocery store in Boulder, Colorado. The 21-year-old shooter used a Ruger AR-556 semi-automatic pistol.

On August 3, 2019, 23 people were murdered, and 23 others were injured during a mass shooting at a Walmart in El Paso, Texas. The 21-year-old shooter used an AK-47-style semi-automatic rifle.

On February 15, 2019, five people were murdered, and at least six others were injured, including five police officers during a mass shooting at the Henry Pratt Company in Aurora, Illinois. The 45-year-old shooter used a .40-caliber semi-automatic pistol with a large-capacity magazine.

On October 27, 2018, 11 people were murdered, and six others were injured during a mass shooting at the Tree of Life synagogue in Pittsburgh, Pennsylvania. The 46-year-old shooter used an AR-15-style semi-automatic rifle.

On February 14, 2018, 17 people were murdered (14 students and three staff members), and 17 others were injured during a mass shooting at Marjory Stoneman Douglas High School in Parkland, Florida. The 19-year-old shooter used an AR-15-style semi-automatic rifle.

On November 5, 2017, 26 people were murdered, and 22 others were injured during a mass shooting at the First Baptist Church in Sutherland Springs, Texas. The 26-year-old shooter used an AR-15-style semi-automatic rifle.

On October 1, 2017, 60 people were murdered, and approximately 867 were injured during a mass shooting at a music festival in Las Vegas, Nevada. The 64-year-old shooter used 24 firearms, including AR-15-style and AR-10-style semi-automatic rifles.

On June 12, 2016, 49 people were murdered, and 58 others were injured during a mass shooting at the Pulse Nightclub in Orlando, Florida. The 29-year-old shooter used a MCX-style semi-automatic rifle.

On December 2, 2015, 14 people were murdered, and 24 others were injured during a mass shooting at the Inland Regional Center in San Bernardino, California. The 28 and 29-year-old shooters used AR-15-style semi-automatic rifles.

On December 14, 2012, 26 people were murdered (20 children and six staff members), and two others were injured during a mass shooting at the Sandy Hook Elementary School in Newtown, Connecticut. The 20-year-old shooter used an AR-15-style semi-automatic rifle.

This list should not exist. And it does not exist in any country that bans civilian access to assault weapons. It has become an unacceptable fact of life that mass shootings will continue to occur in our country. The American public fails to live freely if it lives in fear while watching a parade, going to a grocery store, attending school, enjoying a concert, worshiping, playing in a park, and more.

My fellow mayors across our great nation fear that it is not “if” but “when” a mass shooting will hit our towns. As Mayors and municipal leaders, we are on the front lines of public safety. We constantly strategize the worst-case scenarios -- we conduct tabletop and active shooter drills. The US Conference of Mayors has sessions on what to do in and following a mass shooting

incident. In January 2020, Mayor Jenny Durkan of Seattle was at that conference when she got the call. A mass shooting was occurring in her city.

There is a 198-page post-mass shooting handbook that is shared among mayors, coordinated by Dayton, Ohio Mayor Nan Whaley who wrote the two-volume work: the 24-hours post-shooting “Protocol” and the rest of your life “Playbook.” I received this book from several sources within hours of the mass shooting in my hometown.

July 4, 2022 started off as a perfect summer day in Highland Park. It was 10:00 am and the Children’s Bike and Pet parade had just concluded. I joined my City Council colleagues to kick off our Independence Day Celebration parade. Nearly 3,000 people gathered along the parade route. Moms, dads, grandparents, and children of all ages were there. Our theme after a two-year pandemic-related hiatus was “What is Your Superpower? Community!” The sun was shining, flags were waving, and we were all dressed in red, white, and blue. We were ebullient. As a former Highland Park High School band mom, I gave a shout-out to the marching band as we passed and continued down Central Avenue. We waved to neighbors and friends, calling so many out by name. In the middle of the block, I looked to my left and waved to my husband, family friends, and Jerry Adler, a Korean War Veteran seated on the reviewing stand, knowing that I would join them shortly. I shouted out to Angel, a pancake house server, whose family was lined up on the curb in front of the restaurant as they always are year after year. What I didn’t know at that moment was that just to my right, on a one-story rooftop, a shooter was preparing to murder and injure parade goers and traumatize and alter our community forever.

We continued through the intersection, and I thanked Police Commander Jerry Cameron for being there. We started heading down the hill, and then I turned to my Council colleagues and questioned why the band had stopped playing music and was only playing a cadence. Tat tat tat tat tat. I then noticed the band teacher, Josh Chodoroff, sprinting down the hill on the sidewalk followed by a sea of blue shirts and khaki pants of running band members, some with tubas still entwined around their bodies. I couldn’t understand why they were running when we still had half of a parade route to complete. I didn’t realize until four days later, that I hadn’t been hearing a drum cadence, I had heard the shooting. 83 rounds in under a minute.

My cell phone buzzed. It was my husband, Rob. Then our City Manager Ghida Neukirch. They delivered to me the news that no mayor should ever hear. There was a shooter on the roof of our local cosmetic store. He had shot dozens of rounds throughout the crowd. Someone was lying on the ground next to our local outdoor camping store. People were shot in front of our beloved pancake house. Bodies were scattered on the ground in the heart of our city.

No. Not us. Not today. “Not if, but when” had arrived on my doorstep.

As fire and police vehicles roared up the hill towards us, we pivoted to an emergency evacuation. My Council colleagues and I ran to either side of the street and screamed for people to run west, it was an emergency evacuation. There was an active shooter. “Leave your chairs! Leave your belongings! Run! Run!” we screamed. The adults stared back, not comprehending what we were saying. The children and teens, however, understanding that this wasn’t a drill, sprang into action immediately and yelled to their families to leave everything and run. We now know that 22-year-old Cassie Goldstein told her mom Katie to run, but Katie was instantly hit in the chest. Cassie said that she bent down and told her mother she loved her, but she couldn’t stop because the shooter was still shooting everyone next to her. She kept running and continued to safety, hiding behind a garbage can, leaving her mother on the ground until the shooting stopped. Cassie returned to find her mother lifeless.²

We cleared the parade route and headed to a nearby park where the afternoon’s festivities known as Fourth Fest were to occur. Volunteers from our Park District were busy setting up booths and tents for family fun. We fanned out, screaming that there was an active shooter and that people needed to run for cover. Then, with the shooter still at large, we headed towards safety, taking shelter in a nearby friend’s house. I called my husband, unclear if the Council and I had been targeted, and we agreed that the family needed to leave our house immediately and go into hiding. It was then that I received a text from a neighbor with a photo of a toddler, with ruddy cheeks and tears, clutching a blanket. Did I know whose child this was? How could we find the

² <https://www.nbcchicago.com/news/local/i-told-her-that-i-loved-her-daughter-recalls-final-moments-with-mother-killed-in-highland-park-shooting/2875824/>

parents? People were hiding in an underground garage, passing him around wondering why no frantic parent was screaming for their missing child. We called the area hospitals, but no one was panicked, trying to locate a baby. Later, a picture showed two-year-old Aiden McCarthy with dried blood on his legs, socks, and tiger sneakers. No one was frantically looking for him because both his mother and father had been killed. He had been found under his father's lifeless body and carried to safety. Aiden's mother and father were shot to death protecting their two-year-old son from being murdered.

Illinois Governor JB Pritzker and I have attended the funerals. We've heard a lot about family, fond memories, special hobbies, and inside jokes. Jacki Sundheim's love of knitting. Dreams, celebrations (Eduardo Uvaldo missed his 70th birthday on July 8), loss, heartbreak, pain, agony. We met widows who begged for details. Linda Straus asked "Was he unconscious? Was he alone?" "No, Police Commander Gerry Cameron did CPR and stayed with him the entire time." Mrs. Uvaldo told me about how hot shrapnel melted into her arm and her grandson's leg and has been told by medical personnel that it may come out eventually or stay with them for the remainder of their lives. Several of Nicolas Toledo-Zaragoza's grandchildren attended his funeral on crutches, gunshot victims in physical and emotional agony as the impact of gunfire on their grandfather required a closed casket. They were all sitting with him and experienced first-hand the gory effect that this ammunition, with this velocity, has when hitting a human head.

And though privacy laws prevent a listing of gunshot survivors, some of those stories are widely known. Against her doctor's orders, local school superintendent Dr. Keely Roberts left a hospital immediately after surgery to be with her eight-year son Cooper, whose shredded esophagus, ripped liver and severed spinal cord continue to threaten his life. His twin Luke was shot in the leg.

Liz Roberts Turnipseed was shot in the pelvis as she stood with her three-year-old daughter Sonia and husband Ian. A bullet entered and exited her body, grazing her major organs. Ian ran with Sonia in his arms and handed his only daughter off to strangers who carried her to safety and cared for her as Ian ran back to Liz. Upon his return, our County Sheriff John D. Idleburg was holding gauze on her wound until she was rushed via ambulance to the hospital. She has

shrapnel in her leg, may never walk unassisted again, and has years of both physical and mental therapy ahead of her as does Ian.

Dozens of others have long painful roads to recovery ahead of them. Some will never fully recover. Others will bear physical scars and severe trauma-induced mental health challenges for the rest of their lives. In the days following the mass shooting, nearly 1,200 people a day sought trauma counseling at our high school. Victims support specialists from the Department of Justice and the FBI tell us that counseling will be needed by some forevermore.

The impact of one man with an assault weapon and three 30-round magazines on my community is immeasurable. The human toll. The unspeakable grief and fear are palpable on our streets. The hours of surgery and then recovery. The loss of innocence and trust. How do we safely gather again as a community? Our vigil last week included not only a minister, a rabbi, and bagpipers, but also SWAT teams, rooftop sniper teams, officers from surrounding communities, the Illinois State Police. It also included thousands of traumatized community members.

Our children are expected to return to school in a month. They and their parents are questioning whether they will be safe. They are frightened to go back to school. They are frightened to play outside. Many never want to go to a parade again. For the rest of their lives, they will look over their shoulders, ready for another active shooter, thanks to the drills our society has normalized. Playing outside is normal. Back to school is normal. Fear of a shooter is not normal, but now in Highland Park and so many other American communities, it is.

Why is this ok? Again, and again and again.

These military-grade weapons are specifically designed to destroy human beings quickly and efficiently within seconds - dozens at a time. We know that the military has strict requirements in place for its personnel who use these weapons, including extensive background checks, training, and safe storage requirements. But in civilian life, people can obtain these weapons legally, in some states with no background check, no training, no safe storage requirement, and no permit. The Highland Park shooter blew 15 rounds into the roof flashing of his knee-wall hiding place

before he could even figure out what he was doing with his legally obtained weapon, designed for military use.

The U.S. Department of Justice describes the weapons of choice for mass shooters as "semiautomatic firearms with a large magazine of ammunition that were designed and configured for rapid fire and combat use" and which are exceptionally deadly firearms capable of firing far more bullets, far faster than non-assault weapons. Assault weapons have immense killing power which amplifies the deadly will of a person seeking to kill others. Bullets from weapons such as handguns typically pierce straight through a target, medical experts say. By comparison, weapons such as the AR-15s used in many mass shootings can liquefy organs because of their much higher projectile speeds. The damage is much greater in children, as the surface area of their organs and arteries is smaller.³ Further, police report that their Kevlar vests are not able to withstand the impact of these bullets and do not protect them. Our police personnel are out-gunned by AR and AK assault weapon-bearing shooters. Should we find better vests? Better guns? How many Americans want to live in a military state? Is this living in freedom? Not if...when.

Highland Park had the uniquely American experience of a Fourth of July parade turn into what has now become the uniquely American experience of a mass shooting. What does this say about our nation?

The impact of the Highland Park shooting rippled throughout communities across the Chicagoland area as they immediately canceled their festivities due to the uncertainty and fear that an armed and dangerous fugitive remained at large. We came to understand that Madison, Wisconsin was spared when the shooter showed up at another Fourth of July gathering after fleeing Highland Park. He later informed police that he changed his mind, stating he "did not have a plan."

³ <https://www.npr.org/2022/06/06/1103177032/gun-violence-mass-shootings-assault-weapons-victims>

We regulate many dangerous things in our society to minimize risks to ourselves and others. We regulate the use of dynamite, dangerous chemicals, certain pharmaceuticals, and other items that are useful, but in the wrong hands are too dangerous for ordinary use.

Most residents of advanced nations shop for food, worship, attend school, go to the movies, sit in the park, enjoy concerts, and walk down the street free of fear of gun violence. Now, many residents of Highland Park and other towns and cities across America will forever question the wisdom of celebrating our nation's freedom at a parade. How is **this** freedom?

How do we stop this threat to our American freedom? Congress must take action. You must take action.

- **Ban assault weapons and large-capacity magazines**

- We need to reinstate a Federal Assault Weapon and Large-Capacity Magazine Ban. Combat weapons have no place on our streets, in our markets, in our houses of worship, in our schools, or at our parades.

On June 24, 2013, six months after 20 children and six staff members were murdered in Newtown, Connecticut, at the Sandy Hook Elementary School, the City Council of Highland Park, Illinois, under my leadership as Mayor, exercised an extraordinarily narrow option afforded to local governments by the State of Illinois and passed a local ban on assault weapons and large-capacity magazines. Regrettably, the Illinois State legislature declined to adopt a statewide ban on assault weapons and large-capacity magazines, and they significantly limited the ability of local governments to do so. In Highland Park, we knew that a federal ban or at least a statewide ban would be far more effective, but a local ban was our only option. The State gave us a 10-day window within which to consider and adopt an assault weapon and large-capacity magazine regulation. At that time, I made the statement that **failing to take this immediate action would cancel any future opportunities to limit access to these military-style firearms** because our ordinance was all that was permitted under the law. This action reflected the

values of our community. Don't other Americans value safety from mass shootings? How many more mayors will receive the post-mass shooting handbook before reasonable action is taken?

Our ban was challenged under the Second Amendment and upheld. Judge Frank Easterbrook commented in a ruling issued by the United States Court of Appeals for the Seventh Circuit “...*assault weapons with large-capacity magazines can fire more shots, faster, and thus can be more dangerous in aggregate. Why else are they the weapons of choice in mass shootings? A ban on assault weapons and large-capacity magazines might not prevent shootings in Highland Park (where they are already rare), but it may reduce the carnage if a mass shooting occurs.*”

“Plaintiffs nonetheless contend that the ordinance will have no effect on gun violence because the sort of firearms banned in Highland Park are available elsewhere in Illinois and in adjacent states. But data show that most criminals commit crimes close to home.” These prescient comments by Judge Easterbrook explain exactly why assault weapons are unique in their threat level and why despite our best intentions, only a federal ban will be effective in reducing these violent attacks.

Judge Easterbrook continued, *“The best way to evaluate the relation among assault weapons, crime, and self-defense is through the political process and scholarly debate, not by parsing ambiguous passages in the Supreme Court’s opinions. The central role of representative democracy is no less part of the Constitution than is the Second Amendment: when there is no definitive constitutional rule, matters are left to the legislative process. See McCulloch v. Maryland, 17 U.S. 316, 407 (1819).”*⁴ As Judge Easterbrook states, it is up to legislators to take necessary action on assault weapons and large-capacity magazines.

⁴ *Friedman v. City of Highland Park*, 784 F.3d 406, (7th Cir. 2015).

On December 7, 2017, the United States Supreme Court declined a writ of certiorari and allowed the Seventh Circuit opinion to stand. Since then, I have urged Illinois legislators to allow all municipalities the ability to ban assault weapons and large-capacity magazines. And since Uvalde, I have been speaking with Illinois legislators about a state-wide ban. But let's be clear, Illinois is surrounded by states with far more lenient gun laws. A quick trip to Indiana or Missouri provides easy access to banned weapons in Illinois. We are only as safe as the weakest gun laws in our nation.

In 1994, the U.S. Congress passed the Federal Assault Weapons Ban (“**AWB**”), a United States federal law that prohibited the possession and sale of assault weapons and large-capacity magazines (limited magazines to 10 rounds). During the ten years it was in effect, the likelihood of mass shooting deaths dropped by 70%.⁵ Several constitutional challenges were filed against provisions of the ban, but all were rejected by the courts. The AWB expired in 2004, in accordance with its sunset provision, and attempts to renew or replace the AWB have been unsuccessful.

Currently, eight states and Washington, D.C. prohibit assault weapons. Federal appellate courts have decided four cases concerning the Second Amendment and assault weapons, each time reaching the same conclusion: assault weapon bans are constitutional (the D.C. Circuit upheld the District of Columbia's ban in 2011, and the Second Circuit upheld New York and Connecticut laws in 2015, the Seventh Circuit upheld Highland Park's local ordinance in 2015, and the Fourth Circuit upheld Maryland's ban in 2017).

⁵ Charles DiMaggio et al., “Changes in US Mass Shooting Deaths Associated with the 1994–2004 Federal Assault Weapons Ban: Analysis of Open–source Data,” *Journal of Trauma and Acute Care Surgery* 86, no. 1 (2019): 11–19.

- **Ban purchase of assault weapons by persons under 21**
 - Implement an age restriction to purchase an assault weapon. A person should be at least 21 years of age to purchase these firearms with narrow exceptions to this restriction (e.g., 18-year-olds with valid hunting licenses are able to purchase certain long guns that are not considered assault weapons).

- **Strengthen red flag laws**
 - Red flag laws allow law enforcement, family members, employers, coworkers, and school employees to file a Gun Violence Restraining Order (GVRO) against an individual suspected of being a danger to themselves or others. The GVRO temporarily prohibits a person at risk of harming themselves or others from possessing firearms. Strengthening these laws puts the power to save lives in the hands of the American public.

- **Reduce or eliminate immunity for gun dealers**
 - Repeal the Protection of Lawful Commerce in Arms Act. Hold the gun industry accountable for the harm caused and incentivize the gun industry to ensure consumer safety.

For example, California Governor Gavin Newsom signed a bill this month ensuring that individuals - as well as the state and local governments - can pursue civil claims against gun industry members for their dangerous, irresponsible, or negligent actions. California's measure creates a code of conduct that features various safeguards intended to reduce gun violence, authorizing lawsuits for violations by the state attorney general, city attorneys, and individual citizens. California now joins NY, NJ and DE that have also passed similar laws to ensure that the gun industry is not above the law.

- **Require safe storage**

- All gun owners should be required to make their homes and communities safer by storing their guns securely. Responsible gun owners know this means storing guns locked, unloaded, and separate from ammunition.

Guns are the number one killer of children in the United States. More children than military and police personnel are killed by guns annually.⁶ Research shows secure storage practices play a vital role in reducing the risk of gun violence. Storing firearms securely protects children and adults by preventing unintentional shootings and gun suicides.⁷ Safe storage needs to be required.

- **National background checks**

- Background checks are the foundation of any comprehensive gun violence prevention strategy. Current federal law requires that background checks be conducted whenever a person attempts to buy a gun from a licensed gun dealer. This is to ensure that the buyer is not legally prohibited from having the gun.

While federal law requires background checks for all gun sales by licensed gun dealers, it does not require background checks for guns sold by unlicensed sellers, like non-dealers who sell guns online or at gun shows. This loophole enables people with felony convictions, domestic abuse restraining orders, and other people with prohibiting histories to buy guns with no questions asked. The loophole should be closed, requiring background checks on all gun sales—not just on the sale of firearms from licensed gun dealers.

⁶ <https://www.statesman.com/story/news/politics/politifact/2022/06/07/fact-check-firearms-leading-cause-death-children/7529783001/>

⁷ <https://www.everytown.org/solutions/responsible-gun-storage/>

Second Amendment rights conversations need to return to a point where common sense prevails, where public safety is prioritized, and where Americans can go to school, to the store, and to a hometown Fourth of July parade without fear of dying in a mass shooting. The safety and security of the American people cannot wait. While we cannot eliminate every threat, we do have the ability to take action and eliminate combat weapons from our neighborhoods.

Today is the day to start saving lives.

Thank you for your time.