



Auditing the Cost of the Virginia Tech Massacre

How Much We Pay When Killers Kill

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Introduction and summary

Five years ago, on April 16, 2007, an English major at Virginia Tech University named Seung-Hui Cho gunned down and killed 32 people, wounded another 17, and then committed suicide as the police closed in on him on that cold, bloody Monday. Since then, 12 more spree killings have claimed the lives of another 90 random victims and wounded another 92 people who were in the wrong place at the wrong time when deranged and well-armed killers suddenly burst upon their daily lives. This carnage includes the very recent killing by Ohio high school student T.J. Lane of three of his fellow students with a gun he took out of his grandfather's barn, which also wounded two others.¹ Lane's revolver held 10 bullets, and he fired all 10. As we went to press, still another spree killing took place on a university campus where at least seven were killed and three wounded. This most recent spree killing—the 13th, including Cho's rampage at Virginia Tech five years ago—occurred at a small religious college near Oakland, California, called Oikos University.²

What links these tragedies? It's simple: histories indicating dangerousness combined with the lack of adequate gun control. Cho had a history of mental illness but was able to bypass the national gun purchase background check system and buy two weapons to accomplish his meticulously planned spree killing. He also bought a number of high-capacity magazines, which supersized his weapons. Well-armed, he was able to commit his carnage in no more than 15 minutes, pausing in between his two attacks.

The human toll of this, the worst spree killing in recent American history, is incalculable, but there are financial costs that can be calculated. In March 2012 a state court jury in Montgomery County, Virginia, found that Virginia Tech was negligent and awarded \$4 million each to two families of victims. The lawsuit was based on the families' allegations that the lives of the students could have been saved if the university warned the campus community more quickly after the first of the two killings, which took place on the same morning.³ The damage award may be reduced to \$100,000 for each family due to the state's cap on damages. But as we go to press, the issue of the damages is being argued by the parties before the trial court judge. Further, whether the university appeals the verdict is still an open question.

In a completely different legal action, the U.S. Department of Education fined the university \$55,000 under the Clery Act, which requires universities to give notice of dangers affecting students. The university appealed, the U.S. Department of Education rejected the appeal, and subsequently a federal administrative court judge in April 2012 ruled in favor of Virginia Tech.⁴

These possible courtroom costs, however, pale in comparison to the cost of negligence due to the failure of ambiguous gun control laws alongside the lack of any genuine effort by federal or state officials to clarify the laws so that state police and courts can enforce them to the fullest extent of the law. This lack of enforcement of poorly written laws enables mentally ill people to pass background checks and purchase guns legally even if they have a history indicating dangerousness, including those found by courts to be mentally ill or subject to orders of confinement to a mental health facility. This breakdown in our legal system results in the inestimable loss of life and its horror and consequence.

Sadly, we can calculate this cost another way. Another outcome of the lack of gun control is the taxpayer's bill for a spree killing. In this report we share the findings of our survey of the monetary costs incurred as a result of this murderous rampage at Virginia Tech five years ago. This paper assesses this cost at \$48.2 million for the taxpayers of the United States and the commonwealth of Virginia, and for Virginia Tech, a public university. This report also demonstrates how the background-check system, still rife with loopholes, failed to protect American citizens from an armed and dangerous Seung-Hui Cho, costing innocent lives—many of them young ones.

The loss of one innocent life to a mentally disturbed shooter should be reason enough to close the gaping holes in the system that permit gun purchases and access to high-capacity magazines that can cause such mayhem. The Virginia Tech tragedy drives this point home in the most dramatic of ways because of the sheer number of deaths and extraordinary financial costs. For this reason, we recommend several commonsense measures designed to curb gun violence without taking a single gun away from the great majority of Americans who have the right to own a weapon. These measures are detailed in main pages of our report, but briefly we recommend:

- Completing state compliance with requirements to post appropriate mental health records in the National Instant Criminal Background Check System⁵

- Establishing clear reporting guidelines for when and how mental health records are required to be posted in the National Instant Criminal Background Check System so that states can be held accountable for compliance
- Requiring a full background check in all gun transactions, including private sales at gun shows and those online, so that dangerous people cannot purchase guns legally in these nontraditional venues
- Fully funding state technology efforts to comply with the federal background check system requirements
- Requiring states to comply fully with the protocols of the National Instant Criminal Background Check System or taking away their federal funding if they do not
- Mandating federal compliance with a proposed presidential executive order directing all agencies to submit records to this instant background check system and certifying that they have done so twice yearly to the U.S. attorney general

In addition we offer two other recommendations for Congress to enact arising from the lessons of Virginia Tech:

- Outlawing high-capacity bullet magazines
- Requiring campuses to establish a threat assessment process

Taking these commonsense steps would go a long way toward ending the spree killing rampages that continue to haunt our nation.

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