

Testimony of John H. Bolgiano, Jr., submitted to the Texas House of Representatives
Select Committee on Mass Violence Prevention & Community Safety

“If it saves one life...” This phrase is often used to support various measures such as “red flag laws” or Extreme Risk Protection Orders. These measures seek to stop a potentially dangerous individual from gaining access to firearms, yet fall far short of any meaningful action in reducing harm. In one state, Maryland, the attempted seizures of firearms directly resulted in the deaths of the subjects of the seizures.

Even in a “successful” ERPO, the subject’s firearms are removed yet the individual, now made even angrier by the seizure, is left in the community with full access to other items. Does this stop mass violence? They are free to purchase a few gallons of gas, swing by a pool supply store for chlorine, or stop at the local feed store for enough ammonium nitrate to level a city block. Does this limit domestic violence? They are still free to shop the kitchenware aisle at H-E-B for a nice sharp knife, pick up a baseball bat at Academy, or choose between a hatchet or a hammer at Home Depot.

The mistake made in these “solutions” is their focus on the tool used rather than the problems of the individual. Firearms are not magic talismans, which influence those with evil in their hearts to take a life. A firearm is a tool. Conferring on them some fetishistic power to cause misdeeds is the exact opposite of an “evidence-based solution.” Some think there is an epidemic of violence tied to firearms ownership. An honest glance at both crime and suicide statistics and the number of gun owners will show there is no causal relationship.

Firearms are used more often to protect life and property than to take it. The number of times per year an American uses a firearm to deter a home invasion alone is 498,000.¹ You are far more likely to survive violent assault if you defend yourself with a gun.² For the state of Texas to place barriers in the way of honest citizens seeking effective tools to safeguard their lives would be a grave error.

One “solution” trumpeted by those wanting more gun control is the idea of a “Universal Background Check.” This scheme has multiple problems. To start, they will not be universal. Criminals do not obtain their firearms through legal channels. Between 40-78% of guns used in crime are obtained through theft, trade for drugs, or straw purchasing.³ Effectiveness depends on the ability to reduce straw purchasing, requiring gun registration and an easy gun transfer process.

¹ *Estimating intruder-related firearm retrievals in U.S. households, 1994*. Robin M. Ikeda, *Violence and Victims*, Winter 1997

² *The Value of Civilian Handgun Possession as a Deterrent to Crime or a Defense Against Crime*, Don B. Kates, 1991 *American Journal of Criminal Law*

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Summary of Select Firearm Violence Prevention Strategies, Greg Ridgeway, Ph.D.,

Is the necessary registration to make Universal Background Checks effective even a possibility? Canada thought so when they attempted it in 1998. The Canada Firearms Center quickly rose to 600 employees and the cost of the effort climbed past \$600 million. In 2002 Canada's auditor general released a report saying initial cost estimates of \$2 million (Canadian) had increased to \$1 billion as the government tried to register the estimated 15 million guns owned by Canada's 34 million residents.⁴ Plagued by cost overruns, serious errors in accuracy, and simple noncompliance by local officials and gun owners, Canada finally shelved the attempt in 2011. If this bold initiative failed in Canada, a country lacking our 2nd Amendment protections, it is unlikely to be successful in the United States, much less in Texas.

If the true goal of this committee is to find ways to increase the safety of Texas citizens, there are several solutions available which do not curtail our rights:

1. Constitutional Carry – allow anyone who can legally possess a firearm to carry it outside the home, either openly or concealed, while maintaining a permit system for reciprocity purposes.
2. End Gun Free Zones - Current law prohibits carry of firearms in certain places. This creates an unsafe environment where only criminals are armed. Repealing “gun-free zones” allows honest citizens tools to defend themselves and others.
3. Allow licensed carry in schools – From FBI Active Shooter studies, armed citizens were successful at stopping the Active shooter 75.8% of the time (25 incidents) and were successful in reducing the loss of life in an additional 18.2% (6) of incidents. In only 2 of the 33 incidents (6.1%) was the Armed Citizen(s) not helpful in any way in stopping the active shooter or reducing the loss of life.⁵

Deputy Director, National Institute of Justice, January 4, 2013.

⁴ *Canada Tried Registering Long Guns---And Gave Up*, Daniel Fisher, *Forbes*, January 22, 2013.

⁵ *Armed Citizens Are Successful 94% Of The Time At Active Shooter Events [FBI]*, Jacob Paulsen, Concealed Carry, September 18, 2018. Accessed from: <https://www.concealedcarry.com/news/armed-citizens-are-successful-95-of-the-time-at-active-shooter-events-fbi>