

Thank you for the opportunity to provide comments and feedback to Chairman Darby, Representative Blanco, and to the members of the House Select Committee on Mass Violence Prevention and Community Safety. My name is Kenneth L. Cleghorn, and I am a retired soldier with an active duty career that was split almost evenly between the U.S. Army Military Police Corps and the infantry. The month after I retired from the military at Fort Hood, I started my second career as a Texas peace officer, and I also retired from that profession. I have a Bachelors of Science in Criminal Justice, a Master of Criminal Justice Degree; and at the time of my second retirement, I held a Texas Master Peace Officer certification and had approximately 2,000 training hours on file with the Texas Commision on Law Enforcement. I would like to express my opinion on red-flag laws, expanded background checks, and other measures to restrict our ability to keep and bear arms.

Two things I learned during my professional careers are that you need to be able to protect yourself because the police probably won't arrive in time to save you if your life is in danger, and that the only effective response to an armed assailant is a firearm. These observations are based on having arrived at a number of violent crime scenes after the victim had already been injured or even killed and having personally been in a gunfight. I have also arrived at crime scenes where potential victims had armed themselves and were able to fend off or even detain their attackers; and in at least one incident in the city where I worked, I recall one victim who armed himself and killed his armed assailant. Another incident that has stuck with me over many years was listening to an incident via the scan function on my police radio where a 911 dispatcher was trying to get deputies to help an unarmed woman who was home alone in her rural residence. The dispatcher told the deputies that the woman had no weapons in the house and that she had advised her to hide from the man who was actively kicking down her front door, and the patrol units were advising that they were at least 15 minutes away. I never heard the eventual outcome because I was sent on my own call in the city where I worked.

I've been lucky in that I have trained for active shooter drills, but I've never had the misfortune of responding to one in real life. I did have the opportunity to work with some people who responded to the Killeen Luby's massacre that occurred the year before I started as a Texas peace officer, and the stories they told of what one man with two common handguns was atrocious. I've also seen the crime scene video and have read written accounts of that shooting and one thing that sticks with me is that nobody besides certain government employees such as myself could have legally carried a concealed weapon into that restaurant so George Hennard was able to execute two dozen unarmed victims. I've also read an account where one of those victims, also a retired soldier, came from cover to try to intervene and was shot and killed. His wife and daughter were trying to escape toward the rear of the restaurant at the time that he was killed, but his wife turned back and was later executed at his side. The daughter, Suzanna Gratia Hupp, was a local veterinarian who didn't have the handgun she sometimes carried in her purse in spite of the laws in place at the time. Hupp went on to be elected as a Representative to the Texas House and was instrumental in passing the Texas concealed carry law.

My opinion of expanding the restrictions on gun ownership is that they will only restrict the rights of law-abiding citizens to arm themselves for their own protection. My experience is that criminals will always find a way to get a gun, and I arrested a number of people over the years who were felons in possession of firearms. One that comes to mind is a man who I had the opportunity to testify against in Federal Court in Waco. At the time of his arrest, he was in possession of two weapons that he'd used to kidnap a young male Fort Hood private who he later sexually assaulted at gunpoint. It may not sound like it, but the young man was very lucky because his assailant who left him on a Killeen streetcorner, had already served almost three decades in the Texas penitentiary. At the time of the aggravated kidnapping and aggravated sexual assault, he had a warrant out for having violated his parole on his original murder charge that he'd been imprisoned for. He should have never been able to acquire a firearm, but the guns he used in his crimes were stolen from a friend. I won't go into an extensive history of the incident, but in 1994 I was one of three officers who were involved in a running gunbattle with an aggravated robbery suspect who we eventually shot and killed. He also had a parole violation warrant out of New York after spending 17 years in a New York prison before fleeing to Texas to stay with his sister. Coincidentally, the firearm he used in that crime was also stolen; but in this case, it was taken from his brother-in-law who was an active duty soldier on Fort Hood. In neither of these cases would expanded background checks - that at least one of your invited Designated Parties favors - would have stopped these men from obtaining guns. Additionally, at the time of both of these crimes, it was still illegal for law-abiding Texans to concealed carry a handgun for their own protection.

Lastly, I'd like to touch briefly on so called "red-flag laws" that deprive citizens of their rights to possess their firearms before they have committed any crimes. This flies in the face of the Constitution and laws that I swore oaths to defend by denying U.S. citizens their right to due process. I've also read accounts of abuse of these laws that have taken place in states that already have these types of laws. All it takes is one complainant who is willing to exaggerate, misconstrue what somebody else said, or even blatantly lie to extract vengeance on somebody they have a grudge against. Unfortunately, false reports are also something that peace officers routinely deal with; and in the case of red flag laws, they could be the agents who deprive somebody of their natural right to be armed to protect themselves on the word of somebody who was less than truthful. A good example of this can be found by googling Stephen Nichols. He was an elderly combat veteran and retired police officer who had his weapons seized after a bystander filed a report that he'd threatened to perpetrate a mass shooting at the Massachusetts school where he worked as a crossing guard. In reality, he'd been having a conversation with a friend wherein he said that he disagreed with the local School Resource officer at the school where he was working as a crossing guard. It was later worked out but it didn't stop his rights from being violated and his property from being seized.

Again, I would like to thank you for giving me this opportunity to testify, and I look forward to doing so in-person in the future.