

Duty 4 Citizen Analysis and Rebuttal of Mark Barden's Written Testimony

Introduction:

Mass violence is an extremely sensitive and volatile subject, which is a popular topic of discussion among citizens of Texas, as well as in other states. Some states have experienced multiple episodes of mass violence¹, which leaves their citizens wary of being targeted themselves². Whether or not citizens live near the scene of the most recent act of mass violence, they expect their legislatures to act in the best interests of the citizens and their children. This desire to ensure safety is natural to humans and needs to be addressed. However, any and all legislation directed at curbing mass acts of violence must be weighed against the invasive nature of the programs proposed by the designated representatives of this committee, as well as the possible impact upon lawful citizens' natural right to self-defense and privacy of personal transactions.

Notably, this committee lacks any designated representative to speak for lawful gun owners and/or owners of other defensive weapons. The bias on the part of the designated representatives is overtly antagonistic against personable responsibility, and active self-defense in crisis situations³. Moreover, the designated representatives seek to further prejudice the mind of this committee to enact putative solutions, in search of contrived problems, and that prescribe a jobs program for people with social science degrees⁴ to probe, manipulate, and form guilt driven consciences in school children as well as adults.

Critique of Mark Barden's Testimony and Proposed Solutions

Mandatory Universal Background Checks

Without a doubt, it is impossible to fathom the depth of Mr. Barden's grief over the loss of his youngest son Daniel. Further, the community of Sandy Hook will forever feel the pain of the fateful day that his son, and so many others were needlessly killed. It is also commendable that Mr. Barden has devoted his energy to seek solutions directed at ending school massacres. Irrespective of that and other mass killing tragedies this country has suffered, it does not make Mr. Barden a policy expert, nor are all of his proposals grounded in fact.

Some of Mr. Barden's proposals might work well and are definitely worth further examination. Others fall flat on their face and should be rejected outright. Part of Mr. Barden's technique used in forming his proposals, is to utilize vaguely defined terms, which are broadly applied to ensnare as many potential violators as possible, based upon his unsupported personal conclusions⁵. Mr. Barden suggests in pertinent part that:

"Because one of the most salient dangers facing students in community is gun violence, requiring private sellers of firearms to use the public safety tools available to them — such as background checks — is directly aligned with the promotion of responsible gun ownership. Specifically, closing the loophole permitting private gun sales between absolute strangers without a background check ever taking place, eliminates one avenue available to those most apt to misuse

¹ [https://en.wikipedia.org/wiki/List_of_rampage_killers_\(familicides_in_the_United_States\)](https://en.wikipedia.org/wiki/List_of_rampage_killers_(familicides_in_the_United_States))

² <https://thefederalistpapers.org/us/el-paso-hispanics-take-concealed-carry-classes-arm>

³ See Barden Testimony, *Policy Solutions* Pp 4-5 (Barden disregards armed teachers and staff as a potential violence deterrent.)

⁴ Ibid. *Mental Health Professionals* et seq Pp 3-5

⁵ Ibid. *Recommendation* 2 p 5

the Second Amendment to harm children. It is also an urgent need because on any given summer day in Texas, more than 2,000 guns are available for sale or trade between strangers via an online marketplace⁶.” (italics added for emphasis)

The forgoing statement on its face seems noble and unquestionable, and is no doubt intended to pluck this legislature’s heartstrings. However, analyzing Mr. Barden’s unsupported claims and unproven conclusions, will likely force an honest inquest to come to form a contrary opinion. First, Mr. Barden states conclusively that “...one of *the most salient dangers facing* students in community is *gun violence*...” This statement is proffered without support from any credible social survey, that isn’t tainted with leading questions, targeted polling samples, or neutrality of the survey takers. Nonetheless, he expects this committee to adopt his personal conclusion that such is the case.

Additionally, Mr. Barden asserts conclusively that background checks are “...directly aligned with the promotion of responsible gun ownership:” again stating his personal opinion, without citing any source for this belief. Here, Mr. Barden fails to consider the wider implications of his belief in the propriety of background checks for firearms purchases. The same is also erroneously echoed, in this citizen’s opinion by the National Rifle Association. By making this assertion Mr. Barden, in harmony with the NRA and other gun control advocacy groups, presumes felonious guilt and irresponsibility upon anyone desiring to conduct a private transaction, when purchasing presumably legally owned firearms.

Simply stated, no one should have to prove their innocence to exercise a key component of their natural right to armed self-defense. Further, there is ample evidence to suggest that the NICS (National Instant Check System) is susceptible to both erroneous approvals as well as denials^{7,8}. No doubt Mr. Barden would refuse to submit himself to any background check, before presenting his questionable conclusions to this committee. After all, irrespective of the potential danger of an ostensibly beneficial legislative proposal, Mr. Barden hopefully seeks to do no one any harm. Regardless of Mr. Barden’s intent, innocent people have lost their lives due to waiting periods and background check denials.⁹

Not content, with the dubious benefit of universal background checks and disregarding their known harmful consequences, Mr. Barden goes on and asserts in part:

“Through this lens, while Sandy Hook Promise firmly believes closing the stranger-to-stranger loophole will help increase students’ safety in their communities, we also believe students deserve to feel safe in their communities¹⁰,” and continues

“An immediate step toward increasing community safety, especially that of students, is to pass legislation requiring a completed background check on gun sales between strangers.”

Here, Mr. Barden reiterates his lack of regard for the free exercise of fundamental rights, and ensures the reader understands that the particular right of individual self-protection is subordinated, by his desire to make sure students have an abstract sense of “safety,” as if actual safety is attainable through his proposals. Despite Mr. Barden’s sincere desire to make students “feel safe,” criminals who are intent on committing harm, will not

⁶ Ibid

⁷ <https://www.npr.org/sections/thetwo-way/2017/11/06/562320017/the-texas-church-shooter-should-have-been-legally-barred-from-owning-guns>

⁸ <https://oig.justice.gov/reports/ATF/e0406/exec.htm> , *Some Denied Persons Are Subsequently Determined by the ATF Not to Be Prohibited*

⁹ <https://drgo.us/universal-background-checks-waiting-periods-are-dangerous/>

¹⁰ See Barden Testimony p.5 *Workforce Needs*

be deterred by Mr. Barden's desire, nor by unenforceable laws, which criminals will disobey with reckless abandon¹¹.

ERPO's Under Any Other Name

Not content with burdening lawful citizens with erroneous, presumptuous and harmful background checks, Mr. Barden insists on yet another due process denying strategy, which he describes in the following:

“Crisis Aversion and Rights Retention Orders (CARR) can help. Similar to Extreme Risk Protection Orders, they are designed to facilitate action before a firearm is misused (and the right to bear arms permanently lost). Plus, in the shadow of a school shooting, students will often talk about the signs and signals they observed; sign and signals which suggested a tragedy was looming. CARR can facilitate timely intervention when those signs become evident and provided reasonable access to licensed mental health professionals, the person in crisis can receive the help they need and deserve.”

Practice and intent hardly ever meet as partners in a world where social engineers perceive there is no limit to the efficacy of their untried ideas, which are unrestrained by any respect for the enumerated rights, within either the Texas¹² or the US Bill of Rights¹³. Mr. Barden freely discloses that his proposed Crisis Aversion and Rights Retention Orders (CARRO), are “designed to facilitate action before a firearm is misused. Here, Mr. Barden once again finds himself in agreement with the NRA (The US' foremost gun control advocacy group), and interestingly President Trump. However, no matter who or whom Mr. Barden, knowingly or accidentally finds himself aligning with, the end result is the same: The rights of the accused do not rise to notional consideration, when compared to facilitating “action.” In the words of President Trump, “Get the guns first. Due process later.” Unfortunately, this has become the attitude of a growing chorus of well-intended, but not forward thinking individuals.

Accordingly, there are few legislative proposals that eviscerate the intended protections of our sacred rights than ERPO's. ERPO's and now their proposed sister CARRO's, authorize law enforcement authorities to flagrantly disregard virtually every enumerated right within the Bills of Rights^{12, 13}. Perhaps the 3rd Amendment being excepted, there is no single right that is protected under these proceedings. Moreover, ERPO's have already resulted the tragic loss of life, as a result of the strong-armed tactics of SWAT and other enforcement teams, in their execution^{14, 15, 16}.

In conclusion, this citizen doesn't believe that the foregoing arguments against Mr. Barden's legislative proposals will move the needle against the tide of emotionalism that drives the desperate search for solutions to violent crime. Murder has been an unfortunate aspect of human existence since the beginning. Mass murder, only multiplies the tragedies suffered by society. Nonetheless, there is nothing new under the sun and the Founding Fathers were not ignorant of nor insulated from the horrors of evil people¹⁷. Thankfully, they were forward thinking in amending the US Constitution with the Bill of Right, which provide a guiding light both personally and governmentally, to help us retain the high ground in times of crisis. Having said that, I am proud

¹¹ <https://www.psychologytoday.com/us/blog/keeping-kids-safe/201602/my-conversations-sue-klebold> at unnumbered ¶ 8 “but we shouldn't forget that Eric [Harris] and Dylan [Klebold] knew exactly what they were doing, that they planned their attack for a long time, and that they committed premeditated murder.” Peter Langman Ph.d

¹² <https://statutes.capitol.texas.gov/SOTWDocs/CN/htm/CN.1.htm>

¹³ <https://www.archives.gov/founding-docs/bill-of-rights-transcript>

¹⁴ <https://www.washingtonexaminer.com/opinion/the-enforcement-problems-with-gun-grabbing-red-flag-laws-are-even-worse-than-you-think>

¹⁵ <https://www.washingtontimes.com/news/2019/aug/6/red-flag-laws-bring-loads-problems/>

¹⁶ <https://thefederalist.com/2019/08/06/red-flag-laws-not-good-solution-mass-shootings/>

¹⁷ <https://www.archives.gov/founding-docs/declaration-transcript>

to have raised my right hand and sworn to protect and defend our Constitutions from all enemies, foreign or domestic.

It is with humility that I submit to this Committee, my opinions that are based upon, experience, education, practice in living in the last of the great free societies of this world. Therefore, I request equal consideration be granted to my assessment of the challenges facing us as Americans. I apologize for the non-authoritative form of this submission, arising from the lateness of notice to me, for its writing.

Respectfully Submitted.

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