

Response Prepared for:
The House Select Committee on Mass Violence Prevention and Community Safety

Duty 4

Ron

August 19, 2020

Dear Committee: I would like to thank you for the opportunity to comment, and for taking the time to read my comments and consider them as the Committee and House make policy decisions, in particular as they impact the rights of Texans to keep and bear arms.

With reference to the subject Committee discussion, I was particularly alarmed by a handful of statements that have been submitted. I will enumerate those and introduce some alternative facts in response:

Problematic statements I have read that have been issued in response to Duty 4:

Dr. Temple's Testimony:

- 1) "Individuals who had access to guns, compared to those with no such access, were over 18 times more likely to have threatened someone with a gun." It goes on to read, "Limiting access to guns, regardless of any other mental health status, demographics, or prior mental health treatment, is the key to reducing gun violence."
- 2) "Background checks should be enacted and enforced that prevent people with a history of violent behaviors from accessing firearms."
- 3) We should, "Restrict Firearm Access to Stalkers and Dating Violence Perpetrators."
- 4) "Laws should be strategically implemented that empowers family members to prevent dangerous behaviors, such as laws that permit authorities to temporarily remove dangerous weapons from people who are a threat to themselves or others based on family reports."

Comments of Mark Barden:

- 1) "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 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 marketplace."

- 2) "If a family is concerned their loved one is at risk of harming themselves or others, but no crime has been committed, there is little they can do to protect that loved one or the public. 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."

My comments:

In general, there are a few very problematic themes in the responses of these two Gentlemen, which I would like to highlight and respond to:

- 1) Usurpation of personal responsibility and handing over of that to the government in fact increases gun violence rather than reduces it. Taking the examples of violence perpetrated by evil-doers in the cases of school shootings, we find that schools (as with other establishments) are "gun-free" zones. It should be obvious to even the most casual observer, that declaring a "gun-free" zone does not keep those who wish to do harm from bringing any instrument (a gun in this case) into that zone. He/she will carry that gun into the zone, unphased by a sign hanging on the door that the area is a "gun-free" zone. By contrast lawful gun owners (perhaps teachers, parents, administrators) who themselves may be gun-owners WOULD respect the law, and as such elect to leave his/her gun at home. This type of policy essentially says to the evil-doer, "Come on in and do what you want. We are unarmed and easy targets here." This is clearly a counter-productive idea, and bad policy. "Gun-free" zones should not only not be expanded, but should be eliminated.
- 2) "Red flag" gun confiscation laws fly in the face of the time tested, fundamental, jealously guarded principles of Due Process and Innocent Until Proven Guilty. To go down a path of taking away one's constitutional rights on the grounds that "we believe them to be of concern" or "they might do something wrong" would be to turn on its head all of what the justice system in this country, and in the great State of Texas, is all about.

In addition to obvious points made above, there is much empirical data to refute the ideas put forward by Dr. Temple and Mr. Barden. I cite only a few below:

- In their research, codified in the paper *Do Red Flag Laws Save Lives or Reduce Crime?*, John R. Lott, Jr. President of the Crime Prevention Research Center, and Carlisle E. Moody of College of William and Mary and Crime Prevention Research Center concluded that, "Red flag laws had no significant effect on murder, suicide, the number of people killed in mass publish shootings, robbery, aggravated assault, or burglary. There is some evidence that rape rates rise. These laws apparently do not save lives." The comprehensive research was conducted looking at 13 states which had implemented such laws at the time and included study of these laws being in effect for a combined total of 36 years. It is quite a definitive conclusion grounded in a great amount of data. I encourage the committee to have a read.

- In his November 2019 paper, *Come and Take It, What Will and What Will Not Improve Public Safety in Firearm Violence Prevention*, Derek M. Cohen, Ph.D., looked at various approaches, including, among others, Expanded Use of Background Checks and Restrictions on gun and ammunition ownership, possession, and use. Looking at firearm ownership in Texas, having increased from 1998 to 2018, homicides, according FBI statistics have dropped significantly during that same period, including homicides with handguns, rifles and shotguns. Looking at open carry restrictions, he concludes that, "There is no evidence that open carry restrictions have any effect on any form of violent crime", and in fact Texas being one of the highest (if not the highest) gun-owning state, "Is the safest it has been in a generation". He notes that "Common gun control proposals often penalize law-abiding gun owners while failing to improve public safety."
- Expanding background checks will not solve the problem of violence. With regard to expanding background checks, nearly 95% of denials are false positives. Expanded checks are more likely to keep guns away from the law-abiding citizens. They do not stop criminals. Criminals are not buying their guns from FFLs or from legitimate private dealers, they are buying them on the streets or stealing them. In his book, *The War on Guns: Arming Yourself Against Gun Control Lies*." John Lot's research observed that "states with these background checks experienced an increase of 15% in per capita rates of mass public shooting fatalities. They also saw a 38% increase in the injury rate." Finally, background checks hurt minorities as they have been proven to be denied disproportionately to others.

While all law-abiding citizens can agree that mass violence, or violence on any scale, must stop and we all must work together to secure that reality, many of the ideas put forth to this Duty are not only misguided, they are not grounded in fact, and indeed would cause more harm than good. These must be rejected as viable solutions to the problem, that ultimately stems from an evil heart, not from the presence of guns, or anything else.

On a more personal note, I myself am a recent first time gun owner and I will tell you that in the past two months I have had conversations with many people I know, and have read much more about people around the state and around the country who have also recently become gun owners. The singular reason given is fear about the unrest and mass violence going on across this great country, very little of it with guns, but instead with rocks, fire, and fists. Some politicians are lining up behind an ideology of "defund the police." There is never a right time to take away Americans' and Texans' 2nd Amendment right, and that is certainly clear at a time like this. The number of Americans and Texans who own guns now have increased dramatically in the past four months because they now understand their lives depend on it, and no doubt these new gun owners will have strong opinions regarding policies that lean toward limiting their 2nd Amendment rights.

Thank you for your time in reading my thoughts and the facts presented.