

Dear Representative Darby,

In America today, roughly 40% of households own guns. The estimate of guns owned by private persons exceeds 400 million, which puts the ratio of guns to population well above unity. Together and apart, these statistics represent a level of legal, civilian gun ownership that is quite high in the world today. In Canada, the figure is 22% of households, with a ratio of guns to population of perhaps 0.24. In Finland, it's estimated that as much as 50% of households are gun owning, though the ratio of guns to population is about 0.50.

American gun ownership is overwhelmingly responsible gun ownership. Much is made of the prevalence of deaths attributable to firearms in the United States, and indeed we must acknowledge that the numbers are considerable. In a recent year, roughly 25 thousand people committed suicide with guns, and roughly 15 thousand people died due to other uses of firearms, almost all of them murders or instances of self-defense. These statistics are quite comparable to those for cars, of which there are 250 million in the country. About 38 thousand people were killed in car crashes in a recent year. The overwhelming majority of gun owners and guns are, like most drivers and cars, safe and used safely. For the most part, the guns are under control. This realization must condition our policy approaches and must influence our evaluation of studies which examine outlier phenomena in an attempt to draw general conclusions about the influence of gun ownership on the public welfare.

It is perhaps especially relevant that deaths due to guns are almost never accidents — they are nearly always intentional misuses. To apply policies that treat all gun ownership indiscriminately as a risk is to imagine it is a situation like smoking. It is to turn our concepts of criminal culpability the wrong way round. We do not have laws preventing cars from having “too much” storage space, just because cars are sometimes used to carry drugs. To adopt broad, sweeping legislation aimed at reducing gun ownership across the board would be indiscriminate, unfair and incredibly ineffectual relative to the outlay of effort, so much so that we must question any such policies on the basis of the ratios alone. It would be the same as trying to treat all drivers like drunk drivers, all the time.

The committee will face many statistics of a less broadly comparative nature than those presented above. Although guns represent less danger to the ordinary American, not otherwise inclined to end their own life, than automobiles, some datasets present dramatic and alarming correlations. Indeed, one such statistic has been presented by a designated party already: it demonstrates that people with “gun access” are more than 18 times more likely to threaten another person with a gun as those without such access. One must consider these studies in context, and recognize their limitations, lest we interpret their quantitative results qualitatively and engage in a kind of circularity. It is obvious that people without access to guns don't threaten people with guns — that is not something we need a study to show. The study doesn't compare other modes of threat — even threatening someone with fists — and so doesn't provide the broad basis of comparison we need to answer questions about how guns influence threatening behavior.

Many fairly narrow and specific studies in this area follow a similar pattern. By focusing on “gun violence” or deaths due to certain kinds of guns or incidents, they can generate results that in a quantitative sense are informative but in a qualitative sense are merely self-confirming, the result of the study's definition, and not applicable to the larger public safety question. A simple and transparent example is how gun control advocates evaluate the outcomes in Australia following the 1996 Port Arthur Massacre and subsequent ban on what were styled “Military Style Semi-Automatics”. Many gun control activists remark on the reduction in firearms homicides in the following years. Yet, in the following four years, the rate of murder was little changed, sometimes higher and sometimes lower, and criminal records indicate that there were more murders in 1999 and 2000 than in 1996, the year of the massacre. Not being killed with a firearm is cold comfort to people who are murdered in other ways. The same subtlety of language and analysis could be used to show that there are benefits to banning a certain brand of Tequila or a certain line of automobiles. The number of “Prius deaths” would fall if it were made a felony to sell, transfer or drive a Prius; but this would not be due to any net improvement in public safety.

It is only when zooming out that we see the larger pattern of responsible gun ownership in the United States. Private gun ownership has long been a civic institution, associated with values of responsibility, concern for others, independence, competence and realism. The figures available to me start at 1972, and show that 40% or more of households polled as gun owning in most years. It is likely that a rate as high as that, or even higher, goes back long into US history. The concerning trend towards an ever greater number of mass shootings,

however, begins in the 1980s. The prevalence of firearms ownership did not change, and there is no particular reason to believe that the nature of firearms changed meaningfully, in the 1980s.

When we consider this timeline, we must acknowledge that high gun ownership co-existed with a low incidence of mass shootings for quite some time. It also co-exists with it presently in Finland. What is it that allows so many people to use guns safely, day in and day out, year after year? It is not just and not principally the strength of the government or the lack of dangerous implements that allows us to live safely together, but a combination of mutual concern and reasonable social norms practiced by regular people every day. The ever increasing incidence of concealed carry, for example, has not occasioned widespread incidents of negligent discharge in restaurants or people's dogs setting their guns off in their cars, because people who undertake concealed carry go through a process of learning about what they are doing, communicating with others about the safest and best way to do so, and committing to act responsibly — even in states where concealed carry is not licensed. Indeed, anyone familiar with the gun culture as a family and social institution must recognize that in most communities, at most times, anyone who learns to handle a gun as a young person goes through the same kind of process.

The way that Texas gun owners frequently object to gun free zones in — gun owners who point out that they would be defenseless in such a zone — subtly points to their connection a web of values associated with responsibility and accountability. It is a balance of realism and commitment to a good outcome that allows someone to face the possibility that a situation could present some danger, acknowledge the absence of surefire solutions, and seek to preserve freedom of action in response for themselves and their fellow citizens. Gun ownership is built not so much on a person's trust in themselves but their trust in the community of free people, of which they are a part. What we need to do is to extend and enhance — fill in at the edges — the social and community fabric of firearms handling.

This could take many forms. In Texas, we are doing some of the right things already. The LTC course creates a social process that involves learning, reflection and commitment. It also provides, as all training does, an opportunity for observation and an acknowledgement by the participant of submission to such observation. At a gun store, a gun range or a shooting class, there are usually plenty of former and current police and military personnel as participants and staff. These are exactly the people who we'd like to be doing the observing. Expanding training opportunities in the state for those who don't own guns, or don't own a certain kind of gun, prior to their purchase, would dramatically improve gun safety, improve the familiarity of the community generally with new gun owners, and create a much greater likelihood that gun stores really knew well and understood new gun owners as they came to make their first purchase — kind of like "Know Your Customer" but for guns. This is a much greater level of information and familiarity than a background check.

One way that rule-making could facilitate this is by ironing out the details of the entities that maintain the training equipment — live firearms, blue guns, laser trainers and stuff like that — and make it available for classes. A standardized trust or trust management company form could be useful in these situations, and there may be good reasons to require that the training entity and the loaning entity are formally separated. If more people could undergo a few months of familiarization with firearms, going for an hour or two a week — like martial arts — before buying their first gun, it would only enhance gun safety, and would create and require that commitment to pro-social values that every training community fosters. It would also give new gun owners plenty of time to sort through the details of how to securely store their new firearm when they get it which, if it is a handgun, is one of the most important contributions to the safety of the community that a responsible gun owner can make: it is overwhelmingly hand guns that are stolen to commit murders.

Another kind of institution that is helpful in general is what we might call auxiliaries like the Texas State Militia, auxiliary police forces and things of that nature. In those contexts, regular civilians have a chance to engage with the broader values of service and commitment to country that have so long animated American gun ownership. Military historical societies serve a similar purpose, and invite a realistic assessment of America's past military involvements. I am not, myself, familiar with the full range of such institutions in Texas.

Gun ownership is connected with a web of values of great importance to Americans, and of great importance to America. Some of these values influence our understanding of what it means for laws to be just. Perhaps the most concerning thing about many gun control proposals is not the effect on guns *per se*, but the disconnect between these proposals and our usual standards for just and appropriate state action. Where, in their zeal for gun control, the designated parties and many others have advocated for red flag laws or mental health assessments, they are asking us to substitute mental health processes for legal ones, or even to subject people

to the “court of private opinion”, supplanting any kind of transparent, accountable, appealable process. The reason not to do something like that has nothing to do with guns — these are things we shouldn’t do with regard to people’s cars or their airplanes or their computers, either. The reason is simply our commitment to rule of law — to the higher standard we have of state action in the context of liberal government. This is not to say there is no place for the input of family members or mental health professionals in helping us to identify and discourage those whose obvious instability represents a danger to themselves or others. It would even be a contradiction, to spend so many words on community information, above, and then to discount these sources of information. However, many states have gone well beyond broadening the base of information in creating processes that allow for *ex parte* decisions to determine that a person can be subject to confiscation, and even raided at gunpoint, without any determination of wrong-doing on their part. What possibility does anyone have to defend themselves against such a thing in court? By the time they get there, they have already been put to considerable trouble; their property may already have been destroyed; and no one is at any point ready to say that they, for certain, did something wrong. It seems to invert our usual standard by forcing people to come in and prove that they are innocent.

Yet, surely some method exists to bring this information to bear where it exists. The interests of gun owners, gun stores, police, people’s families — they are all aligned in this area. No one wakes up in the morning and says, let’s sell a gun to a mass shooter today. Although there is a natural tendency to centralize the information and power necessary to address a pressing matter like this one, we know the information is out there and that many people are motivated to make the right decision when faced with it. Creating the right kind of forum and the right kind of process for that kind of communication is the legislator’s art, and I hesitate to hazard a solution in the time remaining before this submission is due.

What I can ask of you all, though, is to keep things in perspective. Gun ownership in Texas is widely practiced and widely practiced safely. Where we can improve, we ought to; but we can not let this go so far as shifting the burden of proof. We don’t live in a country where people need to show that what they do is good; what we ask is that restrictions be measured, minimal and clearly targeted. The gun control advocates, designated parties among them, who advocate blanket restrictions to suppress gun ownership, show both an indifference to justification and to the principle that policy be limited and targeted in its effect. Governing a large kingdom is like cooking a small fish — and governing a large state is like that, too.

Kind Regards,
Jason Dusek

US gun ownership: [Statista](#)

CA gun ownership by household: [Canadian DoJ](#) (Discusses Finnish statistics.)

AU firearms deaths: Australian Institute of Criminology: [Australian Institute of Criminology](#)

AU murders: [Australian Institute of Criminology](#)

US mass shootings: [Wikipedia](#) (Lists only “notable” mass shootings; offers a qualitative indicator of the trend.)