



## GOA Texas Public Comments for the House Select Committee on Mass Violence Prevention and Community Safety

**Submitted by Rachel Malone, GOA Texas Director, representing Gun Owners of America  
Friday, August 21, 2020**

Chairman Darby and Committee Members:

Thank you for the opportunity to address this topic. I submit my comments representing Gun Owners of America and our thousands of Texas members, and as an advocate for the interests of millions of Texas gun owners.

Below, I will address our observations and concerns on Duty #4 as written, and our related policy proposals. Then, I will respond to policy proposals from some of the Designated Parties. My comments also address specific questions from Chairman Darby and Representative Blanco to the Designated Parties.

### **Committee Topic: Duty #4**

Evaluate the ongoing and long-term workforce needs of the state related to cybersecurity, mental health, law enforcement, and related professionals.

### **GOA Texas Observations and Concerns**

We acknowledge that this committee was set up in response to the horrific attacks carried out by deranged individuals in El Paso and Odessa in August 2019. The loss of life was devastating to the communities and the families. We share this committee's desire for Texas communities to be safe, and for Texans to be protected against evil attackers who have no regard for the precious value of human life.

Law enforcement and related professionals can play an important role in crime reduction, including by arresting violent criminals and removing them from Texas communities. However, no matter how large or well-trained this workforce may be, it is impossible for these professionals to adequately keep everyone safe. Additionally, courts have consistently ruled that law enforcement does not have a legal duty to protect individual citizens. *(For more on this, please see my op-ed below.)*

The best way that law enforcement, mental health, and related professionals can enhance the security needs of the state is to encourage and welcome honest citizens to be their own first defenders. This increases public safety and facilitates a friendly atmosphere between law enforcement and gun owners without increasing the state's budget—an important fact to note especially in light of current economic struggles.

Additionally, mental health professionals and law enforcement must not misuse mental health "threat assessment" to wrongly target gun owners and deprive people of their gun rights. This topic arose repeatedly during the 2019 legislative session.

Gun Owners of America strongly condemns any legislation, directives, or agency or department policies that suggests anyone may be a threat based on their legal firearm ownership or use. Instead, these professionals should receive training that includes the following data on defensive gun use from a study ordered by Obama and the Centers for Disease Control (see <https://www.nap.edu/read/18319/chapter/3#16>):

- “Defensive use of guns by crime victims is a common occurrence.”
- “Almost all national survey estimates indicate that defensive gun uses by victims are at least as common as offensive uses by criminals, with estimates of annual [defensive gun] uses ranging from about 500,000 to more than 3 million, in the context of about 300,000 violent crimes involving firearms in 2008.”
- “consistently lower injury rates among gun-using crime victims compared with victims who used other self-protective strategies . . . ”

Training and policies should also acknowledge this study from 2005 by the National Academies of Science: “Some gun control policies may reduce the number of gun suicides, but they have not yet been shown to reduce the overall risk of suicide in any population.” (see <https://www.nap.edu/read/10881/chapter/9#192>)

### **GOA Texas Policy Proposals**

Policy recommended by this committee should be based on the data mentioned above showing that defensive gun use far outnumbers criminal gun use, and that victims who use a gun to defend themselves have a greater chance of escaping unscathed than those who do not use a gun. Legislative policy should focus on encouraging and enabling honest citizens to protect themselves, and reducing barriers for vulnerable citizens to carry a gun for self-defense.

One major policy that would increase Texans’ safety without increasing workforce budget is to stop requiring a permit for honest citizens to carry a gun. The permit requirement does not faze criminals, whose intent is to cause harm and destruction. Instead, it hurts the vulnerable by adding a barrier to carry that disproportionately hurts the poor and those who are more likely to live and work in more dangerous areas. Texas should join the majority of the states and stop requiring a government-issued permit to carry a handgun for those who are not prohibited from possessing firearms.

Another major policy to increase Texans’ safety without increasing workforce budget is to stop mandating “gun-free” zones. Again, these laws and signs do not hinder criminals from committing crimes, but they leave citizens more vulnerable to attacks. The vast majority of mass shootings have occurred in places where citizens were generally banned from carrying guns. (See [bit.ly/2NmzY18](http://bit.ly/2NmzY18)). Texas should stop criminalizing the carry of a gun for self-defense in our most vulnerable places. As a start, campus carry provisions should be extended to K-12 schools so that those with an LTC can carry concealed and make our schools a safer, more protected environment for our children.

### **Response to Policy Proposals from Designated Parties**

Several designated parties proposed policies that would make it more difficult for honest citizens to obtain or possess firearms, or easier for those firearms to be removed, based on the concept that firearm ownership must increase danger to society.

Instead, the committee’s proposals to the Legislature should acknowledge that firearms are used many times more often to save lives than to harm them. Just last week, the 9<sup>th</sup> Circuit Court in *Duncan v. Becerra* stated in its opinion that *“an average of 657 Americans — and perhaps up to 6,849 Americans — use guns to defend themselves every single day of the year. We take notice of this fact in recognizing*

*the fundamental right of self-defense.”* (See <https://cdn.ca9.uscourts.gov/datastore/opinions/2020/08/14/19-55376.pdf>)

Legislative attempts to make firearms ownership more difficult and firearm confiscation easier are not going to reduce crime, as shown below. On the contrary, it makes it more difficult for honest citizens to protect ourselves, and it can even allow violent crimes, including domestic violence and rape, to increase.

Instead of trying to remove the life-saving tool of a firearm from honest citizens—or discourage ownership and carry—the legislature should proactively encourage citizens to be their own first defenders, and never discourage the personal choice of owning or carrying a gun for self-defense.

### **Expanded Background Checks**

Expanded background checks were proposed, suggesting that this would make it more difficult for criminals to commit acts of violence. Unfortunately, data shows the opposite is true: expanded background check requirements do not reduce crime, but only harm honest citizens.

*Please see below for the GOA handout on Expanded Background Checks.*

### **Family Reporting for Firearm Removal & any Emergency Orders that allow Gun Confiscation**

Several related suggestions were made to the committee to facilitate government removal of firearms from gun owners based on reports that they may be a future threat. Unfortunately, this type of law—no matter what it is called—results in harm to those who have not committed a crime. This is exactly the type of law that resulted in Gary Willis being shot in Maryland based on reporting from one family member—while another family stated she was dumbfounded that he could possibly have been considered a threat. And it’s exactly the type of law that an abusive romantic partner would love to use to disarm a vulnerable woman and ensure that he can keep victimizing her.

Texas does not need this style of law that can be misused by government to disarm honest citizens or used by a domestic abuser to take away a life-saving tool from his victim.

In a 2018 study, Dr. John Lott from the Crime Prevention Research Center found the following: “Red flag laws had no significant effect on murder, suicide, the number of people killed in mass public shootings, robbery, aggravated assault, or burglary. There is some evidence that rape rates rise. These laws apparently do not save lives.”

For more details and data tables, please see Dr. Lott’s study, submitted by Felisha Bull representing Gun Owners of America, or online at <https://ssrn.com/abstract=3316573>

### **Funding for Studies**

The suggestion was made to the committee to fund research on mass violence and domestic violence. This suggestion accompanied policy proposals based on a desire to restrict access to firearms. When organizations with such policy goals promote the use of taxpayer dollars to fund research, the results are often skewed, inaccurate, and biased against gun owners. Gun Owners of America fundamentally opposes the use of taxpayer dollars to create a biased negative narrative about gun ownership.

For additional information, please see GOA’s support of the Dickey Amendment, which has historically prevented Federal tax dollars from being spent on such research: <https://gunowners.org/na12172019/>

# With Police Defunding, You Are Your Own First Line of Defense

*Op-ed by Rachel Malone. [Originally published in the Houston Courant.](#)*

You are your own first line of defense.

This is always true, but right now it may be resonating with many for the first time. Americans are generally programmed to call 9-1-1 for emergency help. But with officers stretched thin responding to spikes in criminal activity, and with calls of “defund the police,” it’s more apparent than ever that a law enforcement response may not be right around the corner.

Now is a good time to explore the fact that police do not have to protect you. And, if defending yourself is a new prospect, it’s also a perfect time to consider what you need to do to keep yourself safe.

Although “protect and serve” may be your local police department’s slogan, law enforcement does not have a legal responsibility to protect you from criminals.

The case of Jessica Gonzales is a sobering example. When her daughters disappeared from her property without prior visitation arrangements, Jessica suspected that her ex-husband had taken the girls in violation of a protective order. She repeatedly called the local police station, but the officers refused to act even after she contacted her ex-husband and confirmed his location.

Hours later, the ex-husband attacked the police station. Tragically, it was too late to save the girls from his murderous rampage. The officers found all three bodies in their father’s truck.

The [United States Supreme Court concluded in 2005](#)<sup>1</sup> that Jessica was not entitled to make the police enforce her protective order (*Town of Castle Rock v. Gonzales*, 2005). Despite the heart-breaking situation, the police did not have a duty to keep her ex-husband from murdering the daughters.

This result is consistent with previous court cases. In 1981, attackers carried out a brutal sexual assault on several women for 14 hours. Even though officers were alerted immediately to the home invasion, they did not respond thoroughly.

A D.C. court decided that the [police had no responsibility to stop the attack](#)<sup>2</sup> (*Warren v. District of Columbia*, 1981). The court affirmed the general rule that, even when a city provides police services, it has no obligation to supply protection to any particular individual citizen.

And in 1989, the Supreme Court affirmed this general rule when it declared that Wisconsin [had no duty to protect a 4-year-old](#)<sup>3</sup> from his father’s beating him to the point of severe brain damage, even though the state was aware of the risk (*Deshaney v. Winnebago County Department of Social Services*, 1989).

Other reports from around the country also show delayed or ineffective police response. In 2018, Milwaukee reported that victims of domestic violence or armed robberies routinely had to [wait 30 minutes for police](#)<sup>4</sup> to show up. That same year, a Seattle woman [had to wait 10 hours](#)<sup>5</sup> after she reported a burglary, even after she told the dispatcher she thought the criminals could still be in her house.

It’s certainly true that, even though cops don’t have a specific legal duty to protect you, there are still many who take the “protect and serve” slogan seriously. They want to help stop criminals and keep law-abiding citizens safe.

But even the best-intentioned officer cannot guarantee your safety. He or she cannot physically respond to calls for help quickly enough to save your life from immediate mortal danger.

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<sup>1</sup> <https://www.oyez.org/cases/2004/04-278>

<sup>2</sup> [https://scholar.google.com/scholar\\_case?case=9108468254125174344&q=warren-v-district-of-columbia&hl=en&as\\_sdt=2006](https://scholar.google.com/scholar_case?case=9108468254125174344&q=warren-v-district-of-columbia&hl=en&as_sdt=2006)

<sup>3</sup> <https://www.oyez.org/cases/1988/87-154>

<sup>4</sup> <https://milwaukeeens.org/2018/08/06/special-report-mpd-slow-to-respond-to-violent-crime-calls-police-data-shows/>

<sup>5</sup> <https://komonews.com/news/local/seattle-police-response-times>

A law enforcement officer may be the first *responder* on the scene *after* an incident, but you are your own first *defender* if you encounter someone who wants to do you harm.

Because police have no duty to save your life, and often no ability to do so, it should come as no surprise that your best chance of surviving a criminal's attack is to prepare yourself.

And one of the most effective ways of preparing yourself is to be armed.

In 2013, President Obama issued an executive order instructing the Centers for Disease Control (CDC) to conduct studies on firearm usage. The intent was doubtless to undermine our Second Amendment right. Ironically, the results underscored the value of self-protection.

The CDC reported that victims who used firearms to defend themselves from attackers had "[consistently lower injury rates](#)"<sup>6</sup> when compared with victims who did not have a gun. These armed victims understood that they were their own first defenders. They knew that evil could strike anytime, and that we must be ready to protect our own lives.

Being prepared to defend yourself is a serious commitment. Those who choose to carry a gun should voluntarily seek training and should regularly practice. Arming yourself is a sacrifice, but one that I believe is well worth the investment of time, money, and effort.

We can hope that we will never be a criminal's target. We can and should avoid unnecessary conflict and pursue peace where possible.

But despite our best attempts at avoidance, we will never be immune from criminals. If you are ever confronted by an attacker, I hope you are prepared to be your own first defender.

I firmly believe that you and I are safest when we are armed and ready to protect ourselves. To that end, [join me in advocating](#) for laws that restore our freedom to bear arms in Texas.

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<sup>6</sup> <https://www.nap.edu/read/18319/chapter/3#16>

# Expanded Background Checks: OPPOSE

*Gun Owners of America opposes background checks because they are unconstitutional infringements of the rights protected by the Second Amendment. Background checks do not stop criminals from getting guns, but they do cost innocent civilians their lives. [Just consider Carol Bowne of New Jersey](#) who tried to get a gun for protection ... was forced to wait several weeks during the screening process ... and was ultimately stabbed to death by the man she wanted to defend herself against.*

## **Background checks accidentally keep good guys from buying guns.**

Most background check denials are mistakes. (See [bit.ly/334ZXIk](http://bit.ly/334ZXIk).) The National Instant Criminal Background Check system is already a mess; nearly 95% of denials are false positives. So, **expanded checks are more likely to keep guns away from the law-abiding** than from criminals.

## **Background checks hurt minorities.**

Minorities are wrongly denied disproportionately to others. People are often denied because their names sound or look similar to names of the actual criminals who are baned from guns.

*“These mistakes affect certain racial groups more than others. Hispanics are more likely to share names with other Hispanics; the same is true of blacks. Because 30 percent of black males have criminal records that prevent them from buying guns, **law-abiding African-American men more often have their names confused with those of prohibited people.**” (John Lott, [bit.ly/2MdqvjF](http://bit.ly/2MdqvjF))*

## **Background checks hurt veterans.**

Over 250,000 veterans who need help handling their finances were added to NICS even though their disabilities likely shouldn't preclude gun ownership.

## **Background checks create a gun registry.**

Requiring background checks for private sales **cannot effectively be accomplished without creating a gun registry**. Gun owners will stand strong against any move toward a gun registry.

## **Background checks don't stop criminals.**

Addressing mass murders by expanding background checks wrongly suggests gun ownership is the problem when evil hearts are the problem. **Criminals will still find ways to get guns:** straw purchases, other illegal purchases, stealing, even stealing from police — or they'll use other weapons for their crimes.

*“In my book, [The War on Guns](#), I find **states with these background checks experienced an increase of 15 percent in per capita rates of mass public shooting fatalities.** They also saw a **38 percent increase in the injury rate.** Nor is there evidence that expanded background checks reduce rates of any type of violent crime, including mass public shootings, suicide, the murder of police officers and domestic violence against women.” (John Lott, <https://bit.ly/2QdUj21>)*