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3 February 2013

Citizen's Response To SB-281 "Firearm Safety Act of 2013"

"New laws will not alter or eliminate the possibility of another mass shooting." Joseph Biden, Vice President of the United States (January 31, 2013)

This sums up the heart of the current gun control discussion and brings to light several facts. I will start with the positive and put forward that some representatives in government are trying to do the right thing and correct a wrong. They have the best of intentions. Like all folks in legislative branches of government they believe legislation is a solution in and of itself. This is both flawed and dangerous as there are ample gun laws that are already on the books and are simply not enforced. This path is made even more troublesome as Sandy Hook events are horrific and evil and are acts that cannot be prevented or stopped as they are performed by madmen that cannot be understood.

The second reason is more negative and is politics. Maryland already has some of the strictest gun laws in the country and the Governor is going for more in order to solve what problem here in Maryland? Although homicides were up in 2012 over 2011 they are still declining as seen in the national trends. Baltimore is still in the top 10 most dangerous cities in the country according to the FBI and Maryland has some of the most aggressive gun laws. Politics can be the only reason this can be occurring here in Maryland. As an aggressive gun law state the Governor should be touting his success vice implying he has not done enough and needs to do more. This is predominantly a left state and he has full control and should be able to show how successful strong gun control is. The fact is gun control is predominantly a political tool and when used as such nothing good comes from it. Case in point is Chicago. And Baltimore. But when having gun control discussions with political positions facts are seldom important.

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According to FACTCHECK.org (<http://factcheck.org/2012/12/gun-rhetoric-vs-gun-facts/>) both the CDC and the FBI have seen declining murder rates involving firearms since 2007. The FBI further breaks down guns crimes into two additional categories; robbery and aggravated assaults. Both of these categories have also seen declining numbers.

These decreasing numbers are in stark contrast to increasing numbers of firearms sales over the same time period. FACTCHECK.org cites the Graduate Institute of International and Development Studies in Geneva's Small Arms Survey that reflects gun ownership in the United States rising from an estimated 230 million in 2001 to 270 million in 2007. The BATF (<http://www.atf.gov/statistics/>) reinforces these numbers by showing total firearms produced in the United States at 3.5 million in 1998 and growing to 6.1 million in 2011. The FBI (http://www.fbi.gov/about-us/cjis/nics/reports/20121203_1998_2012_monthly_yearly_totals.pdf) reflected a similar trend in background checks by growing from 892,840 in 1998 to a staggering 16.8 million in 2012.

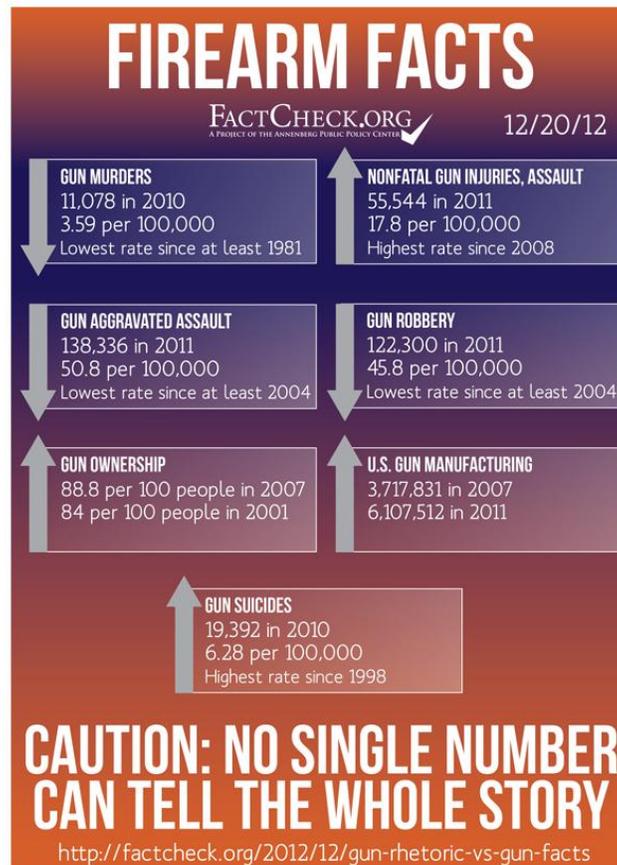
The background check is also an interesting statistic from another perspective of the discussion – universal checks. From 1998 until 2012 almost 158 million back ground checks occurred by the FBI. That is a lot of gun owners and sellers following the law.

To be fair, injuries and suicides from firearms have increased. These are unfortunate and are preventable. First, with an increase in firearm sales first time owners and even old salts are injuring themselves through use at higher rates. This is to be expected and can be corrected with training programs. Second, suicides with firearms are more likely to be successful with a firearm than any other method. Several studies completed by Miller, and Hemenway (<http://www.hsph.harvard.edu/hicrc/firearms-research/gun-ownership-and-use/>) have shown that gun ownership increases risk of suicide. These studies also show that most cases people doing this are using a pistol vice an assault rifle or a shot gun. Again, this is a mental health issue and suicidal people without receiving treatment are still going to try and hurt themselves. How they do it should be the focus, instead the focus should be on the core problem – lack of access to mental health care.

The table below from FACTCHECK.org succinctly points out that no single fact tells the whole story. We need to look at all aspects of the problem. There is no conceivable way for anyone in government to be pushing for solutions at this point when all the facts are not even know.

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What is amazing is that there are hundreds of millions of gun owning citizens and sellers in this country who DO the right thing every day. They follow the laws. They act responsibly. They pay their taxes. They do the increasingly stupid and silly things legislatures want them to do so the legislatures can say they did something. These citizens do it for because they believe in the 2nd Amendment, or they believe in the fundamental right to protect themselves and in increasing numbers they lack faith that the government can protect them.

We punish these people. We ignore the inner city criminals that kill a “Sandy Hook” number of citizens every weekend in cities like Chicago and Baltimore. And we reward the extremely rare madmen by keeping them in the media by allowing them to create discussions like these. And yes, they are rare given the size of our population, the limited mental health tools available and the sheer numbers of weapons/tools available to them. Again, this speaks to the innate goodness of America and the 99.99% of her citizens.

Those are the facts before we even get into the constitutional issues and the “un-reality” of assault weapons and “assault” magazines. The above alone should be enough to prevent ADDITIONAL firearm

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laws and bans that will not prevent these rogue killers from being exceptions to societal norms and doing the unthinkable.

Let's now deal with reality and work on intellectual honesty and talk definitions. There is no definition for assault weapon. Every weapon by its very nature is designed to perform an assault on someone or something. An "AR" or Assault Rifle is the civilian version of the M-16/M-4 family of military rifles used by the United States military and some law enforcement agencies. The difference is the military versions can fire three round bursts meaning every time the trigger is pulled three rounds will be fired. These are classified as machine guns and are illegal for civilian use. The civilian version assault rifles are semi-automatic and fire a single round every time the trigger is pulled. These weapons are functionally no different than any other semi automatic weapon (as seen below).



<http://www.assaultweapon.info/>

To be fair one can perform modifications to make any of these automatic. That is illegal and already covered by multiple federal and state laws. The focus on characteristics such as folding stocks, pistols grips, etc. can only be classified as outright silly and reflect the ignorance of the authors of the legislation as they have literally nothing to do with the lethality of the weapon but serve to make the weapons more ergonomic and natural feeling to the shooter. The second most offensive portion to this legislation is the lack of analysis which is reflected in the fact that assault weapons make up less than 2% of gun crimes in this great country (http://www.sas.upenn.edu/jerrylee/research/aw_final2004.pdf).

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Again, this reaffirms that the citizens who overwhelmingly own these types of weapons have the ability to follow the EXISTING laws. In the case of Sandy Hook the shooter was illegally in possession of the weapons.

As to magazines, this is even more incredulous. You have already shown your ignorance in this debate. VP Biden said a double barrel shotgun was sufficient. As most Americans I immediately asked what if there is more than one or two bad guys? Then we talk about 10 rounds or 7 rounds or 3 rounds magazines or... The young lady in GA miles out in the country shot her intruder with her revolver five times (she missed once). He ran away before they caught him. He was on probation. She was using a .38. This is not unheard of. Law enforcement deals with this scenario all too often. The human body can absorb serious damage if on drugs or just hopped up on adrenalin. We see this in combat as well. With a sitting congress with the smallest percentage of combat veterans ever this is even more egregious. Lastly, at Columbine Eric Harris did not care about the magazine limit. He just brought more magazines. In fact he brought 13 with him. A determined shooter can reload very fast whether it's a 10 round or 30 round, or even a 5 round.

A lot of intellectual dishonesty has been spoken about hunting and sports shooting and assault rifles. I do have friends that hunt with assault rifles. These are actually very good varmint weapons and are used extensively for smaller game. And yes they are fun to shoot (as is all weapons), so there are legitimate sports aspects to these weapons. Then there is the home defense. This again comes to personal choice. I have a Mossberg 500 breacher shotgun that I use with a .40 S&W pistol. I go into detail here so you understand I am a professional. For the uneducated I used a similar shot gun as a US Navy Explosive Ordnance Disposal Technician. It was a good tool for IEDs and booby traps as well as a close in weapon. At home I keep 5 rounds in it with the chamber empty. In the middle of the night if I hear an intruder I let the intruder hear me slide a round in because that when it dark that is the most frightening sound in the world (It also gives teenagers a chance to declare that they are sneaking in). But I have friends that own assault rifles and they prefer them. Others prefer pistols. There are so many variables that no legislative body can make a broad legislative one size fits all home defense position.

Lastly, I have heard the argument that these are military weapons and citizen should not have access to these. This is spoken in complete ignorance to the 2nd Amendment and that is what makes this legislation so offensive. The 2nd Amendment reads,

"A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed."

Militia is not the National Guard or our local law enforcement. One must look at the Constitution with textual integrity and view it with other documents of the time. When The framers of the Constitution referred to the equivalent of a National Guard they uniformly used the term "select militia" and distinguished this from militia. In all other cases the framers used militia conceptually as a universally armed people, not to any specific organized government unit.

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The 2nd Amendment is the amendment that protects all others and is an integral part of our checks and balances system of governing. The founding fathers saw this as an unalienable right linked to the preservation of life, liberty and property. James Madison wrote'

"The right of the people to keep and bear arms shall not be infringed, a well armed and well regulated militia being the best security of a free country..."

This security is for both ones home against criminals and our borders against foreign enemies. But it is also meant to protect us against our government. The real and most critical reason behind why we should maintain a legal right to assault weapons is simply because that is what the government uses to arm its mainline troops, most law enforcements agencies and its security apparatus to protect its members with. This also applies to 30 round magazines. This is not about the "government has F-16s so I should to". It is about a measured approach to what the government would reasonably use if it turned on its own citizens. This is also about the citizens' right to finally say "enough" if it feels as a body it needs to rise up and take back the county from a government that has usurped it's authority at the expense of the people. If the government's main weapon were to change from the assault rifle than the citizens should be allowed access to that weapon system in order to balance the power and keep the government in check. This is fundamentally what the 2nd Amendment is about. It is not muskets, or pistols to protect my house, or a one shot rifle to hunt with or any of the other myriad silly discussion that the media has propogated over the last 8 weeks.

It is a historical fact that governments who seek to control their people start with disarming them. If the government is willing to spend this much time banning a specific "weapon class" that is less than 2% of the problem and has more pressing matters drives a citizen to wonder why the government is not going after all firearms next. Maryland is better than this. Our representatives need to know this and remember it. Law abiding gun owners should not have to pay for the crimes of the few.

This goes back to the statement above from the Vice President of the Unites States who just completed a review of the issue and still made the above statement. Part of government's role in times of tragedy is to show leadership and remove emotion and move forward with measured steps after careful analysis. This informs the country that the government has control. Moving forward on gun control when it has been proven not to work and the country wants a comprehensive solution is not just wrong but criminal. This is just another reminder to the citizens of this great country of why the 2nd Amendment truly exists...

For demographic purposes I am an Independent voter and a retired member of the US Navy. I pay a lot in taxes. I am NOT a member of the NRA. I am a consultant for the Department of the Army. I own several guns all of which you are trying to make illegal (making me a criminal) or want me to pay more taxes on. This angers me because I have the unalienable right by birth and shed blood to bear arms for this great country to both protect it and my family.