

Chairman Clippinger and Committee Members:

I write in opposition to the proposed bill, HB0004. I oppose this bill first because the bill puts the safety of Maryland residents at risk by making it more difficult to exercise the right to self-defense. Secondly, the data used by advocates of this type of legislation to try to disprove the danger of burdening the right to self-defense suffers from serious methodological problems. Third, the exceptions to the bill are written in a much more narrow fashion than what is implied by the sponsors.

The Right to Self-Defense is Would be Impaired by this Legislation if Passed

American Citizens have the individual right to keep and bear firearms for self-defense. This fact is enshrined in the Second Amendment to the Constitution. The fact that the Second Amendment protects an individual right has been acknowledged by the Supreme Court.

And this right is for good reason. Many Americans use firearms for self-defense, and even the likelihood of a potential victim being able to act in self-defense with a firearm serves as a powerful deterrent to gun crime. Recently, a would-be mass shooter in Texas was stopped by a private citizen carrying a concealed firearm. Many storeowners in L.A. used semi-automatic rifles to guard their stores during the L.A. riots. And tens of millions of Americans keep firearms to protect their home from home invaders, often the very type of firearms that this proposed legislation would make more difficult to obtain.

This bill, if passed, would serve as an impediment to obtaining a rifle or shotgun for self-defense. First, it would make it more expensive for Maryland residents to purchase these firearms by requiring them to pay the cost of having a background check conducted. Second, it would replace an easy transaction between friends with a difficult, time-consuming hassle that the parties likely do not even know how to do. Third, it creates substantial delays whenever the results of a background check do not come back in a timely manner. In fact, these barriers are so

burdensome to people trying to transfer shotguns and rifles that when Governor Martin O'Malley pushed for similar legislation several years ago, he made extensive efforts to convince the public that this legislature was NOT going to go after the types of weapons it is now targeting with this legislation. These barriers would result in fewer Maryland residents having the means to defend themselves, and less deterrence to those who would do them harm.

The Burden of Proof is on the Bill's Supporters to Show Beneficial Effects Which are Greater than the Impact of Limiting the Right to Self-Defense

The fundamental right of American Citizens to have a firearm for self-defense has been widely acknowledged by members of both major political parties, including many advocates of gun control, including President Barack Obama Jr. and Vice President Joe Biden.

If there is an individual right to own a firearm for self-defense, then it follows that for any limitation on them, the burden of proof must lie on those advocating for restrictions. Indeed, there would hardly be anything fundamental about fundamental rights if the default was that limitations would pass without proof, and these rights would be upheld only to the extent those advocating for them could prove them. So the legislature should not merely assume or speculate that the lives lost by limiting self-defense in this bill would be outweighed by lives saved; lawmakers should insist that those supporting HB0004 prove such a claim.

While no one that I am aware of has *explicitly* taken the contrary position, we often see advocates of limitations on the right to a firearm implicitly assume that those advocating gun rights bear the burden of proof, in spite of their affirmations that there is a fundamental right of Americans to keep and bear arms for self-defense. HB0004 is based off of last year's proposed bill, SB 737. During the testimony to support the bill, the sponsor did not offer any empirical evidence that the net effect would be saved lives, but instead referred to a fictional movie from

1978, and when asked about the data being used to support the bill, the sponsor simply said “I don’t have the data in front of me.” She then went on to dismiss any cost to gun-owners as if it the concept of self-defense had never occurred to her in the first place, framing instead that these cost were to be weighed *against* public safety rather than being a part of the consideration of their effect on public safety.

Purported Evidence for This Type of Legislation Contains Methodological Flaws That Defeat the Argument

While often framing the issue of gun rights as though it’s merely an a priori given that their policies cannot be counter-productive to solving the problem they’re aimed at, there are sometimes attempts to argue empirically that restrictions similar to the ones being considered in this bill. These primarily rely on two methodological problems: using a zero-order correlation to assume causation, and relying on gun-death statistics rather than total homicides.

The first lesson taught in a freshman level statistics class is that an anecdote does not show a statistically discernable correlation, and the second is that a statistically discernable correlation does not mean causation. In arguments against gun rights, opponents will often bring up anecdotes to prove gun rights are correlated with higher violent crime, and that gun rights thus cause higher violent crime. It should be sufficient to say that’s not how statistical analysis works. I will add, however, that the anecdotes are often to countries that had much lower violent crime than the United States long before the restrictions had been put in place. For example, the United Kingdom had violent crime one sixth that of the United States before putting in place extensive firearm restrictions. After that, crime began to steadily rise in the U.K. while it continued to drop in the U.S., until the U.K. implemented massive increases in police forces. But even after the increases in police forces, the ratio between the two countries’ crime rates

remained less than before the restrictions. And in Australia, perhaps the most commonly cited anecdote, crime dropped at a slower rate after the firearm restrictions were put in place than it did in the U.S. during the same time period. None of that proves, of course, that the restrictions caused the relatively high crime rates, but it does show how meaningless the anecdotes used by opponents of gun rights are.

When an actual rigorous statistical analysis is attempted to show that gun control is not counter-productive, it relies on showing some policy's effect on "gun deaths," or "gun crime," without any reference to total murder, total violent crime, or total suicide rates. What this means is these analyses count a gun murder or suicide converted to another method as good as one prevented, and ignores self-defense against other methods of attack. So, if under the current bill, someone does not get a firearm because of the increases monetary cost, or because of the increased difficulty, or if he is delayed to wait for the results of the background check, and then someone kills that person with a knife because he had no way to defend himself, this method of analysis says that's not a cost of this policy that has to be outweighed. And if someone is prevented from defending himself against a shooter, this method of analysis says that someone who would have shot himself instead hanging himself is a gain that weighs as much as that loss.

Given the severity of these methodological errors, these cannot be said to meet the burden of proof that supporters of gun control have.

The Exceptions To The Bill Are Written In A Much More Narrow Fashion That What Is Implied By The Sponsors

5-204.1(A) of the proposed bill is held up as though it provided exceptions that covered the cases were it is most glaringly obvious that it is unreasonable to expect someone to comply with the requirements of this bill to transfer a firearm. There is an exception for family members,

but only immediate family members, and an exception for temporarily loaning a firearm, but only when the lender is right there with the borrower the entire time. So if someone wanted to lend a rifle to his cousin for a hunting trip that his cousin is going on, but the gun owner is not, then he is prohibited from doing so until he first researches how to legally comply with this bill, then find a licensed dealer, go to the dealer with his cousin, pay to have a background check done, and then wait however long it is until a the background check is completed. All to comply with a bill held up by supporters as having exceptions for the type of non-commercial, personal transactions described in this example.

But the most egregious case of a too-narrowly defined exception is the case for someone facing a threat of danger who wants to borrow a firearm quickly to protect herself. Here, someone cannot give her or even lend her the firearm unless it's actually during the attack. Someone who is being threatened with violence in the near future could not plan for the approaching attack by borrowing a rifle from her cousin or non-relative friend because the threat is not "imminent." This non-exception is so unreasonable that the sponsor of last year's version of this bill had to interpret it much more broadly than the text of the bill really is when pressed by a committee member.

Due to the forgoing problems, I urge the committee to reject HB0004.