

PROTECT MINNESOTA

Responses to Frequently Raised Gun Lobby Objections

As of January, 2018



BUT that would be unconstitutional because the Second Amendment cannot be infringed. No constitutional right is absolute. In the Heller decision, Justice Antonin Scalia wrote: “Like all rights, the rights secured by the Second Amendment are not unlimited. Nothing in our opinion should be taken to cast doubt on longstanding prohibitions on the possession of firearms by felons and the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as schools and government buildings, or laws imposing conditions and qualifications on the commercial sale of arms.” So, according to the Supreme Court, the government can set limits on WHO can possess a gun, WHERE guns can be carried, WHICH guns can be sold and WHO can sell them.

BUT conditions can't be placed on a constitutional right. The Supreme Court has consistently upheld the “clear and present danger” standard that says one person’s constitutional rights end where another’s health and safety begin. Thus, we have freedom of speech in America, but can’t yell fire in a theater. We have freedom of religion, but can’t wear a burka that covers the face in our driver’s license photo. We have freedom of assembly and peaceful protest, but can’t protest on interstate highways. We have the constitutional right to marry a male or a female of any race, but in Minnesota, you can’t marry anyone under the age of 16, even with their parent’s approval--and are required to pay for a marriage license. We have freedom of mobility to travel public roadways, but can’t drive a golf cart on the freeway, and are required to pay for and complete a driver’s education course, pass a test, pay for the driver’s license and car insurance, and follow all traffic regulations.

BUT it's a slippery slope from there to registration and confiscation of all guns. Federal law expressly prohibits the use of the National Instant Criminal Background Check System (NICS) to create any system of registration of firearms or firearm owners. Minnesota State Law prohibits the collection of ANY data regarding legal gun ownership. The Supreme Court has determined that the Second Amendment protects the rights of individuals to own firearms. A bill to overturn the Second Amendment would need to be approved by both houses of Congress by a two-thirds super-majority and then ratified by three-fourths of state legislatures. And with 310 MILLION guns in the United States, where would confiscation efforts even start?

BUT guns don't kill people, people kill people. People with guns kill peoples, and at an alarming rate. The people who are taking over 36,000 American lives every year are not using brain waves or the evil eye. They are using guns—which kill more people than all other methods of killing put together. If we want to reduce gun violence we need to focus on guns.

BUT the problem isn't guns, it's mental illness. Mental illness is only a factor in interpersonal (non-suicide) gun violence 4% of the time, while the possession of a gun is a factor 100% of the time. Mental illness IS an important factor in suicide, and the first rule in preventing suicide is limiting access to lethal means. Guns are by far the most lethal means of suicide. Studies have shown that people are “successful” at committing suicide by gun 83% of the time, verses 1.5% of the time by drug overdose, and 1.2% of the time by cutting their wrists. Since 82% of all gun deaths in Minnesota are suicides, we must focus on limiting access to guns by those who are at risk of taking their own life.

BUT criminals don't obey the law. By that logic, we wouldn’t pass laws against robbery, rape, murder, tax evasion, or speeding. No law prevents all crime, but laws in general are effective at reducing crime and punishing offenders. And many gun laws aren’t directed at the criminals at all. The Federal Criminal Background Check law has prevented 2.4 million illegal gun purchases because it is directed at federally licensed firearms dealers, who are not criminals and will therefore comply with the regulation to conduct a background check before every gun sale.

BUT we need to enforce the laws we have, not make new laws. Actually, Congress has passed several laws that cripple the ability for current gun regulations to be enforced the way that they're supposed to, including laws that limit public access to crime gun trace data, prohibit the use of gun trace data in hearings, prohibit litigation against gun dealers, and restrict ATF's authority to require gun dealers to conduct a physical inventory of their firearms and otherwise comply with the law or lose their licenses. Other federal laws limit ATF compliance inspections, grant broad protections from lawsuits against firearm manufacturers and retail sellers, and prohibit the CDC from researching legal compliance.

BUT we would be safer if more "good guys" carried guns; otherwise only the "bad guys" will be armed. The sad reality is that sometimes the "good guy" with a gun becomes the "bad guy," as is often the case in situations of domestic violence and murder suicides. And even when truly good guys with guns are present during a shooting, they just confuse law enforcement, as in the case of the Dallas sniper attack. There was an armed guard at Columbine High School and another nearby the when the shooting started, and they were powerless. The same was true for the Orlando police officer who was working security at Pause Nightclub. Every credible academic study has found that more guns equal more gun violence, not the other way around.

BUT gun-free zones make good people "sitting ducks." It is a myth that mass shooters seek out gun-free zones. A recent review of all 111 high-fatality rampage shootings from 1966 to 2015 found that 84% occurred where civilians were permitted to carry guns, while only 12% occurred in gun-free zones. The other 4% occurred where police or armed security guards were present. In reality, armed civilians almost never prevent or stop rampage attacks, no matter where they occur. A 2013 FBI study found that **unarmed** civilians are 20 times more likely to stop a rampage shooting than armed civilians.

BUT we need an armed citizenry to defend against a tyrannical government. The United States military is the best trained and most heavily armed military force in the world. No matter how many guns and how much ammo you store up in your bunker, there is no possible way that a civilian, or even a civilian "militia," could hold out long against military tactics and superior weaponry. Better to elect leaders who aren't tyrants.

BUT that wouldn't stop all gun deaths from happening. Just like seat belt laws haven't prevented all motor vehicle deaths, no laws can prevent all gun deaths or injuries. But we still have seat belt laws, and speed limits, and stop lights, and all the other laws that together have cut motor vehicle deaths in half since the 1970s. We could cut gun deaths in half as well, if we addressed gun violence with the same vigor that we applied to motor vehicle crashes. Nothing will stop ALL gun deaths from happening, but we must do what we can to reduce the number of lives lost and devastated by gun violence.

BUT most gun violence is "black-on-black" and gang-related; why take away MY rights? In Minnesota, 75% or more of all gun deaths are suicides—which occur disproportionately in rural and suburban areas—and 95% of suicide victims are white. Thus the vast majority of gun violence in our state can actually be attributed to the white population. Also, every crime gun starts out as a legal sale. Somewhere along the line those legal guns are transferred to criminals. Over 60% of crime guns recovered in Chicago come from other states, so universal background checks, straw buyer prohibitions, mandated reporting of lost and stolen guns, and other laws designed to stop the interstate trafficking of illegal firearms would go a long way toward decreasing crime in that city. Finally, if you are going to talk about "black-on-black" violence you also have to be willing to talk about "white-on-white" violence, because white people are six times more likely to be killed by another white person than a person of a difference race.

BUT you're just anti-hunting. Hunters have always embraced responsible gun use and secure storage practices. If every gun owner was as responsible as the average hunter, we wouldn't have 36,000 gun deaths and 117,000 gun injuries every year in the U.S. Our concern is the 63% of gun owners who purchase hand guns and other non-sporting weapons for "personal protection" and then leave them loaded in the house or car or carry them in their purse or on their person wherever they go. A gun in the home is 22% more likely to be used to kill or injure a family member than an intruder, and thousands of guns are stolen from cars and purses every year.