

Second Amendment

The Issue

In the wake of recent shootings in Odessa, El Paso, Sutherland Springs, and Plano, many Texas gun control proponents have demanded that state leadership “do something” in the hopes of preventing future tragedies. However, these demands often redound to a clear violation of an explicit right enumerated both in the United States and Texas constitutions—the individual right to keep and bear arms for lawful self-defense—while failing to empirically demonstrate the positive change the proposed policy changes seek to achieve.

Proactively punishing lawful firearm owners for the criminal actions of an infinitesimally small minority will not produce the results gun control advocates seek. In truth, a robust background check system already exists that screens most weapons transactions. Once these checks are duly performed and satisfactorily passed, records of these transactions are retained by dealers for 20 years. Further retention requirements or state-level collection of these federal inquiries would be tantamount to creating a registry.

Such calls for broad disarmament is willfully ignorant of several hundred years of history, stretching from the sealing of the Magna Carta at Runnymede through the dark period of the Jim Crow South, in which the Second Amendment was the sole guarantor of individuals’ natural rights and liberties.

Furthermore, the state is experiencing its lowest level of gun violence in a generation. Despite doomsday prognostications, rates of both homicides and aggravated assaults using a firearm have been steadily declining over the past two decades. However, recent civil unrest in many major metropolitan areas have seen intense, localized spikes in violent and property crime. A collective disarmament scheme would put at risk many of those in vulnerable communities unable to be helped by stretched resources.

This is not all welcome news, however. Suicides—the primary type of fatal gun violence—have been increasing in Texas per capita, and suicides using a firearm have increased as well. Yet, suicides in which a firearm is used as a percentage of all suicides have decreased over the same period. This suggests that secondary interventions, such as mental health supports, would likely produce better results than policies that seek to interfere with lawful gun ownership.

Rather than targeting law-abiding firearm owners, public safety resources can be used to pursue and prosecute violent crime that terrorizes innocent people and stymies economic development. Ensuring cooperation between state and federal authorities that prioritizes violent crime interdiction is the most promising method of suppressing gun violence.

The Facts

- Texas’s crime rate is the lowest it has been since 1965. Similarly, violent crime in Texas is at a 40-year generational low with 410.8 incidents per 100,000 residents, a rate not seen since 1977. This trend follows a decades-long aggregate decrease in both violent and property crime rates.
- The percentage of total homicides committed with a firearm in Texas has been trending downward as well. There have been declines across all major categories of firearm homicide. During the preceding two decades, a handgun has been used in an average of 46.53% of all homicides, while rifles and shotguns were used in 3.57% and 4.10%, respectively. For handguns, the highest use was 54.55% in 2005; the lowest was the most recent year, 2018, at 40.12%.
- Both nationally and in Texas, the predominant cause of death involving a firearm is suicide. The suicide rate in Texas, both with firearms and other methods, has been increasing. However, the percentage of suicides in which a firearm is used has been slightly decreasing.
- Between 1998 and 2018, the number of concealed handgun licenses issued has increased 568%. Despite this increase, the above numbers and trends hold, suggesting waning malicious firearm violence trends are not an outlier.
- In response to high profile mass killings in Odessa, Sutherland Springs, El Paso, and Plano, Texas, Governor Abbott convened two meetings of the Texas Safety Commission. The final work product of these discussions, titled the *Texas Safety Action Report*, includes recommendations on background check expansions, reporting of stolen guns requirements, ammunition and ownership limitations, and gun violence restraining orders (GVRO). There is little evidence of reductive impact of the Texas Safety Commission’s recommendations to address mass casualty shootings: gun violence restraining orders, “Red Flag Laws,” background check expansions, reporting of stolen guns requirements, ammunition, or ownership limitations.
- Ultimately, the only way to truly stop mass shooters from acquiring weaponry through legal means would be a system so intrusive and cumbersome that nearly all law-abiding citizens would be ensnared as well.

Recommendations

- Resist all efforts to further diminish the Second Amendment rights of lawful gun owners.
- Resist all efforts to establish a public or *de facto* registry of firearm owners.
- Reduce and eliminate barriers for law-abiding Texans to carry weapons and defend themselves outside of their homes

- Ensure government resources are appropriately spent on initiatives proven to reduce gun violence, not harass law-abiding firearm owners.
- Support laws that empower law enforcement and prosecutors to pursue focused deterrence strategies targeting organized, violent crime.

Resources

- [“Web-based Injury Statistics Query and Reporting System,”](#) Centers for Disease Control (Accessed Oct. 2, 2019).
- [*In the Lawful Defense of Himself or the State: The Historical Underpinnings of the Second Amendment*](#) by Derek Cohen, Texas Public Policy Foundation (June 2020).
- [*Come and Take It: What Will and What Will Not Improve Public Safety in Firearm Violence Prevention*](#) by Derek Cohen, Texas Public Policy Foundation (Nov. 2019).
- [“Crime in the United States 1998-2018,”](#) Tables 3, 20, and 22, Federal Bureau of Investigation (Accessed Oct. 1, 2019).
- [“Federal Denials: Reasons Why the NICS Section Denies,”](#) Federal Bureau of Investigation (Accessed Oct. 1, 2019).
- [*Texas Safety Action Report*](#), Office of Governor Greg Abbott (Sept. 2019).
- [“Effects of Background Checks on Mass Shootings,”](#) Rand Corporation (Accessed March 2018).
- [“How Gun Policies Affect Suicide,”](#) Rand Corporation (Accessed Oct. 1, 2019).
- [“The Effects of Background Checks,”](#) Rand Corporation (Accessed March 2018).
- [“The Effects of Lost or Stolen Firearm Reporting Requirements,”](#) Rand Corporation (Accessed March 2018).
- [“Demographic Reports on Licenses, Applications and Certificates,”](#) Texas Department of Public Safety (Accessed Oct. 1, 2019).