

A Guide to Defending Stronger Gun Safety Laws

by Tom Mauser

In order to present a case for enacting stronger gun laws, it's important not only to make one's case, but also to be able to defend existing gun laws, including the new common sense gun safety laws passed in Colorado in 2013. One requires that all gun purchases and transfers first undergo a background check; the other limits the size of gun magazines to 15 bullets. Gun rights activists have criticized and tried repeatedly to repeal these laws.

The purpose of this paper is to help you defend gun safety laws with information and effective responses. Below are brief responses to some of the most common arguments put forth by gun rights activists against the 2013 laws—as well as against other gun safety laws.

The reality is that a majority of Americans support the right to bear arms—yet they also support the need for restrictions. It's important to reach out to those people in “the moveable middle” rather than waste too much time debating with extreme gun activists whose positions may never change.

Responses to Common Arguments Against Colorado's Gun Laws

1. *“These gun laws won't stop gun violence.”*
 - a. Nobody can claim that any law will stop **all** gun violence, especially in the U.S., where there are over 265 million firearms, and such easy access to them. It's ridiculous to insist that the test of any gun law would be its ability to “stop gun violence.” Instead, we need laws that can **reduce** and **prevent** gun violence.
 - b. It seems the only solution offered by gun activists is to add more guns and allow them anywhere. Americans are **already** heavily armed, and there's no evidence that has reduced gun violence. We have by far the highest rate of gun ownership, the easiest access to guns and the weakest gun laws among major industrialized nations —and it's no coincidence we also have, **by far**, the highest gun death rate among them.
2. *“Criminals won't go through a background check.”*
 - a. Nonsense! They **DO** go through background checks! In 2016, 7,881 people in Colorado tried to purchase a gun and were stopped because they were **prohibited purchasers** (felons, people under a restraining order, mentally disturbed people, and fugitives).
 - b. Twenty-four of them had been convicted of, or arrested for, homicide; 133 for sexual assault, and 17 for kidnapping!
 - c. Yes, prohibited purchasers **do** try to purchase guns, sometimes because they are stupid criminals or are “testing” the system—but they are **stopped**. The system **works**! Why would we throw that system away and let dangerous people buy a gun?!?
 - d. About 40% of gun purchases are through “private” sales—that is, sold through a want ad or on the internet, rather than through a federally licensed gun dealer. Imagine going to an airport and seeing 40% of passengers allowed to bypass security! Then why would we let 40% of gun sales happen without a background check?

3. *“Criminals will always be able to get a gun somewhere anyway.”*
 - a. Well, if we make it **easy** for them, sure they will. Instead, let’s make it **harder** for them. That’s why Colorado passed a law requiring more thorough background checks—to make it harder for the “bad guys” to get firearms.
 - b. By this logic (that criminals will get guns anyway), we shouldn’t require buyers of alcohol to show identification. After all, we all know some teenagers are going to get booze **anyway**, right? No, as a society we don’t make it easy for them, even though we know some teens will find a way to get alcohol. We enact laws to make it **difficult** for them.
4. *“If you ban all guns...” “If you confiscate the guns of law abiding citizens...”*
 - a. Wait a minute! Who’s talking about banning or confiscating all guns? What bills have been introduced that would ban or confiscate all guns? There are none! If you are not a felon, or a spouse abuser or a mentally disturbed person, you have a right to buy a gun and will pass a background check. No law-abiding citizen in Colorado has had their guns taken away by the laws passed in 2013.
 - b. This talk of banning or confiscating people’s guns is just a distraction, a scare tactic, extreme hyperbole, and an attempt to get people stirred up and angry.
 - c. How in the world would the government go about confiscating 265 million firearms?!?
5. *“Well, Nazi Germany confiscated guns from the Jews!”*
 - a. Yes, the Nazis confiscated the guns of Jews and other enemies, but gun ownership levels were far lower than in today’s America. Are gun activists suggesting that Jews, a minority group, could have escaped persecution and death, and overcome the Nazis, simply by having firearms? (If so, those activists are greatly and callously underestimating the full range of tragic persecution the Jews faced under the Nazi regime and are distorting history!)
6. *“We need guns to protect ourselves from a tyrannical government, like that of Hitler or Stalin.”*
 - a. No, it’s the **vote** that’s protected us from a tyrannical government.
7. *“Colorado’s magazine limit took away our 30-round magazines, which are a part of our firearms, and therefore took away our ability to defend ourselves!*
 - a. Existing magazines were **not** taken away; they were “grandfathered in” for the original owner. New purchases and transfers are now limited to magazines holding 15 or less rounds. This law was passed because many Coloradans were shocked by the carnage done with the 100-round drum used at the Aurora theater – where 70 people were injured or killed in 90 seconds. Many Coloradans don’t want their streets and public places turned into war zones.
 - b. How often do citizens need a 30-round magazine to protect themselves?!?
8. *“Why should I have to use two 15-round magazines to shoot rather than one 30-round?”*
 - a. Because a few seconds can save lives in a mass shooting. The shooter in the Tucson massacre was stopped during the few seconds it took for him to reload. So, would you want 15 shots fired consecutively or 30? Aren’t 15 lives worth saving?
9. *“I can reload a magazine in a couple of seconds.”*
 - a. *Perhaps you can, but that doesn’t mean every mass shooter can do the same, especially in a stressful situation. Shouldn’t we make it tougher on shooters in order to save lives?*
10. *“These laws violate our Second Amendment rights! They are unconstitutional!”*

- a. Individual citizens do not rule on constitutionality, our courts do. The U.S. Supreme Court, a conservative one, recently ruled in *Heller vs D.C.* that the Second Amendment conveys an individual right to bear arms but it did **not** strike down most existing gun control laws. In fact, it signaled that existing laws were acceptable so long as they were not as extreme as the restrictive Washington, D.C. law it struck down. (That law largely prohibited handguns in citizens' homes.) In essence, the Court ruled the Second Amendment does not provide an **absolute** right to bear arms, just as the First Amendment's right of free speech does not convey a right to scream "Fire!" in a crowded theater.
11. *"Mass shooters always go for the 'gun free zones' to commit their carnage."*
 - a. School and workplace shooters choose their target not because it's a gun free zone but because it's **their** school or workplace! Many of these shooters don't care if there are armed people at the target location because they are mentally disturbed or not thinking rationally; also, many are suicidal or want to be killed in a shootout.
12. *"None of these gun control laws would have stopped Columbine or Aurora or Sandy Hook."*
 - a. Obviously, it's too late to stop those tragedies. But we should take steps to try to **prevent** the next tragedy. More important, these efforts aren't aimed just at mass shootings but, rather, at the more than **30** firearm murders that occur every day.
13. *"These laws prevent people from defending themselves."*
 - a. That's simply not true! It's just another fear-mongering tactic designed to get people angry and fearful. How does going thru a background check prevent law abiding citizens from defending themselves?
14. *"The Democrats couldn't even get a single Republican vote for these 2013 laws, so there was no bipartisan support."*
 - a. True, no Republicans supported the 2013 bills. They voted with the gun lobby. But when polling shows that 84% of Coloradans support universal background checks and not a single Republican legislator voted for them, it seems it's those Republican legislators who are being partisan and out of touch with the public. And let's not forget that **70%** of Colorado voters supported Amendment 22 in 2000, the ballot initiative that closed the "gun show loophole," requiring that all gun purchases at gun shows go through a background check.
15. *"The problem is mental illness, not guns."*
 - a. Let's not overstate the problem. According to the CDC, people with mental illness committed fewer than 5 percent of U.S. gun killings between 2001 and 2010. That's not to say it isn't a problem, but what bills has the gun lobby supported to deal with mental illness and its funding? It usually opposes any attempts to broaden the mental health definition that would keep guns from people like the Aurora shooter.
 - b. The gun lobby argues we need to make sure we enter the records of mentally disturbed people into government databases. We can agree on **that** point! But why do so when the gun lobby then turns around and **opposes** conducting wider background checks that would keep guns from being **sold** to those mentally disturbed people in the first place?

16. *“These laws punish and criminalize the good guys, the law-abiding citizens, not the bad guys.”*
- How are law abiding citizens being criminalized? If you’re law abiding, you’re able to pass a background check and purchase a gun. It’s the bad guys who are being hurt: we’ve made it tougher for them to obtain a gun.
 - Most people do not feel it’s punishment to undergo a security check at an airport or courtroom nor do they feel “criminalized.” They may not like security screenings, but they accept them as a shared sacrifice they make for their common safety and security.
17. *“We should enforce our existing gun laws, not make new ones!”*
- Yes, we should enforce existing laws. But who says we have to choose between the two? That’s a false choice! Why can’t we do both? How about enforcing the existing laws **and** writing new ones if needed to close loopholes and keep us safer?
18. *“Why do more background checks? It’s already illegal to sell a gun to a criminal or prohibited purchaser.”*
- Yes, it’s illegal to **knowingly** sell a gun to a criminal or prohibited purchaser. But it can be difficult to prove someone **knew** the person was prohibited. If you have to conduct a background check before selling, then you have no such excuse. Besides, how do you **know** someone isn’t a felon or a wife beater or mentally disturbed? Prohibited purchasers could obviously lie to us. That’s why we conduct a background check!
19. *“A small number of people are killed with assault weapons. Far more are killed with handguns.”*
- That’s true—but then, there are **far** more handguns than assault weapons. But a **disproportionate** number of deaths and injuries come from assault weapons, because they’re so lethal. They are the preferred weapon of mass shooters and thugs.
20. *“Guns don’t kill people, people kill people.”*
- That’s just a simplistic cliché, it’s not a constructive solution to anything. Clichés are snappy responses that are really meant to just distract people from any meaningful conversations or solutions.
 - The fact is that in gun violence there are **always** two common elements: people and guns.
21. *“The only way to stop a bad guy with a gun is a good guy with a gun.”*
- No, the best hope for stopping guys is to prevent them from getting a gun in the first place; absent that, then we should rely on trained law enforcement officers. There’s no valid evidence that heavily armed Americans are stopping “bad guys” in any significant numbers. The reality is that most armed people “freeze” in the face of a threatening situation, and that most would have a low degree of success in hitting their target—even police officers have difficulty hitting their target in such situations.
 - In many cases armed “good guys” run the risk of crossfire shootings, worsening a hostile situation, becoming yet another victim, or of being shot by police or others who were unaware that they were a “good guy.”

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Please learn about Daniel Mauser’s legacy at www.danielmauser.com