

Testimony of Carl R. Stevenson before the House Judiciary Committee on HB 2536
Upper Darby, Pennsylvania
August 10, 2010

Greetings and Introduction

Mr. Chairman and Members of the Committee, thank you for the opportunity to testify before the Committee today in opposition to House Bill 2536 - regarding the so-called "Florida loophole." I have testified before the Committee before (on HB 40) and appreciate the opportunity to appear before the Committee again.

My name is Carl R. Stevenson and I reside at 4991 Shimerville Road in Emmaus, Pennsylvania.

I am a former law enforcement officer (in Colorado), a holder of a Pennsylvania License to Carry Firearms, an avid hunter and shooting sports enthusiast, a strong supporter of the Second Amendment, the founder of a gun rights advocacy group called the Pennsylvania Self-Defense Rights League, and I am currently an independent candidate for the 134th District seat in the Pennsylvania General Assembly.

While I make no pretense of speaking on their behalf today, I am also an active member of the following gun-related organizations:

- The National Rifle Association (NRA) - Life Member
- Gun Owners of America (GOA) - Life Member
- Jews for the Preservation of Firearms Ownership (JPFO) – Life Member
- Front Sight Firearms Training Institute – Legacy Life Member
- National Association for Gun Rights (NAGR) – Member
- United States Concealed Carry Association (USCCA) – Member
- Upper Milford Field and Stream Association – Member

Needless to say, I believe strongly in the firearms and self-defense rights elaborated in the Second Amendment to the US Constitution and the Pennsylvania Constitution.

I am here today to voice my opposition to House Bill 2536 and respectfully urge you all in the strongest terms to refuse to allow this bill to proceed towards enactment. HB 2536, if enacted, would be yet another unnecessary and ineffective example of the creeping infringement of our Constitutional right to keep and bear arms.

Self-defense is a Natural, Inalienable Right

Self-defense is, and has throughout the history of civilization been, recognized by theologians, scholars, law-makers, the broad body of the citizenry, and the founding

documents of this nation and this Commonwealth¹ as an inalienable right, given to all people by the Creator.

This inalienable right is necessary to maintain our civilization because without the right of self-defense, we would be totally at the mercy of those criminals amongst us who, unlike most, have no reservation about employing violence against us.

Self-Defense is an Individual, Personal Responsibility

Some people will say, “*We have no need to defend ourselves in today's society; we have the police to protect us.*” This is – not to disparage the best efforts of our police – a fallacy for several reasons.

First, neither the government nor any of its agencies has a duty to protect the individual citizen from crime or harm. If a citizen is harmed by a criminal during the commission of a crime, he/she cannot hold the police or the courts responsible. (And if he/she is killed, neither can their family, not that payment of damages would, in either case, “make things right.”)

In *Warren v. District of Columbia* (1981), the D.C. Court of Appeals ruled, “*official police personnel and the government employing them are not generally liable to victims of criminal acts for failure to provide adequate police protection. . . a government and its agents are under no general duty to provide public services, such as police protection, to any particular citizen.*” In *Bowers v. DeVito* (1982), the Seventh Circuit Court of Appeals ruled, “[T]here is no constitutional right to be protected by the state against being murdered by criminals or madmen.”

And even if they did have a responsibility to protect everyone, the police do not have enough resources (manpower, patrol cars, etc.) to be everywhere at all times. Thus, as a practical matter, they simply can't protect everyone. It is not practical to provide enough police to protect everyone at all times – nor do I believe it would be desirable to expand our police forces to that extent even if it were possible.

Because of criminals' strong preference for acting in the absence of law enforcement personnel and their relative assurance – due to an over-abundance of restrictions on the ability of law-abiding citizens to possess weapons – that most victims are unarmed and defenseless, the unfortunate reality is that, in the vast majority of cases, the police arrive “after the fact” and are limited to investigating and trying to apprehend the perpetrator(s) after the damage is done. This is of virtually no practical value to the victims of violent attacks.

¹ Right to Bear Arms Section 21.

The right of the citizens to bear arms in defense of themselves and the State shall not be questioned.
(emphasis added)

Because of the reality of police response times, the unfortunate truth is that “Dial 911 and die.” is, in far too many cases, a truism that has been proven over and over again.

Thus, it is clear that the individual free Citizens of the United States must be, and must be empowered to be, responsible their own safety and well-being. House Bill 2536 is a step in exactly the wrong direction with respect to allowing Pennsylvanians to exercise that right and responsibility.

The “Florida Loophole” is a Frantic Fabrication of the Imagination of the Gun Control Left

The so-called “Florida Loophole” – the entire basis for HB 2536 – is a frantic figment of the imaginations of gun control radicals.

Florida and Pennsylvania have reciprocal arrangements for recognizing each other’s concealed weapons permits. I have carried my weapon in Florida under that reciprocal arrangement with no greater ill effects on Florida or its crime rate than Pennsylvania suffers when I am here (in other words, NONE, in either case).

Do Florida licensees (regardless of residence) carry their weapons here under that same reciprocity arrangement? I am sure that some do. Do significant numbers of them perpetrate violent crime here or otherwise harm Pennsylvania? Of course not!

Would Florida revoke a non-resident’s license for cause? Of course they would! Issuing licenses to carry firearms to non-residents cannot reasonably be construed to be a “cash cow” for Florida, and I think it’s a good bet that Florida would resent the implication that they are in the business of selling licenses to carry concealed weapons to out-of-state criminals in order to generate revenue.

Finally, both states conduct background checks, but the proponents of HB 2536 neglect to mention that Florida additionally requires fingerprints and proof of having completed an approved firearms safety training course and also has a substantially higher license application fee, so assertions to the effect that “getting a license from Florida is like pulling the prize out of a box of Cracker Jacks” are absurd on their face.

This bill’s proponents appear to claim in their histrionics in the press that Florida has issued about 3,000 licenses to Pennsylvanians, with the unreasonable and unrealistic implication that many, if not most – and probably all – are criminals seeking a more lenient venue in which to obtain a license to carry a firearm for the purpose of committing heinous crimes in Pennsylvania. This would be nothing more than preposterous if it were not clearly a fabrication intended as an excuse to further infringe our Constitutional rights.

“Gun Control Laws” Should Be Called “Victim Disarmament Laws”

Most importantly, gun control laws simply do not work. In fact, quite the opposite, despite the milk and honey, sweetness and light “get rid of guns and crime will disappear” rhetoric of anti-gun groups.

Violent crime is 81 percent higher in states that do not have laws allowing concealed-carry than in those that do. Robbery is 105 percent higher and murder is 86 percent higher where law-abiding citizens are denied the right to carry concealed guns. Moreover, the FBI’s annual crime figures for all 3,054 counties in the United States over a recent 15-year period show that states with the largest increases in gun ownership also had the largest drops in violent crimes.

The evidence is overwhelming, based on data gathered over the last couple of decades, that the one strategy that offers the best hope of curtailing crime and the misuse of guns is swift and strong punishment of violent offenders, not in disarming potential victims. It may seem strange to some advocates of more gun-control laws that going after the guilty offers more promise than going after the innocent, but that’s what the facts show.

However, in their misguided efforts to disarm law-abiding citizens, “gun control” advocates claim, “everything will be so much better if we just enact more ‘reasonable’ gun control laws.” That is so demonstrably false as to be ludicrous, were it not the stated grounds for infringing one of our most important, supposedly inalienable rights.

The Facts Show That Law abiding Citizens CAN be Trusted With Guns (even with licenses issued by Florida ...)

The arguments advanced by the proponents of HB 2536 are easily and overwhelmingly refuted by the experience in the 40 states that allow individual citizens to carry firearms for protection. This experience over many years illustrates that average citizens permitted to carry firearms for self-defense have been *remarkably* responsible. In fact, in the 36 states that have “shall issue” right to carry laws, violent crime dropped dramatically after those laws took effect.²

Rather than attempting to make Florida some sort of scapegoat in an effort to enact more unnecessary and ineffective gun control laws like HB 2536 here in Pennsylvania, this Committee should find Florida’s experience with concealed weapons permits enlightening and compelling as an argument *against* laws like HB 2536

According to the latest statistics, Florida has issued more concealed weapons carry permits than any other state (due to its large population and having had a right to carry

² *More Guns, Less Crime*; 2nd edition; John R. Lott, Jr.; The University of Chicago Press; ISBN 0-226-49364-4

law since 1987). In addition, Florida reports its permit statistics statewide (most right to carry states do not) and Florida is the only state that currently reports permit revocations due to gun crimes by permit-holders. From October 1987 through the June 2010, Florida issued more than 1.8 million permit, but revoked only 167 (0.00923% – *that's less than one one-hundredth of one percent!*) due to gun crimes by permit-holders.

Importantly, self-defense WORKS. Analyzing National Crime Victimization Survey data, criminologist Gary Kleck found, “*robbery and assault victims who used a gun to resist were less likely to be attacked or to suffer an injury than those who used any other methods of self-protection or those who did not resist at all.*” Kleck and Marc Gertz found that guns were used for self-protection about 2.5 million times annually.³

Marvin E. Wolfgang, self-described as “*as strong a gun-control advocate as can be found among the criminologists in this country,*” who at one point wanted to “*eliminate all guns from the civilian population and maybe even from the police,*” said, “*The methodological soundness of the current Kleck and Gertz study is clear. I cannot further debate it. . . . I cannot fault their methodology.*”

The point of this is that all of the experience of the past 20 plus years indicates that:

- The wailings of radical anti-gun groups notwithstanding, average citizens are *remarkably* responsible with firearms and *can and should* be trusted to take a larger measure of responsibility for their own self-defense;
- Enabling citizens to provide for their own self-defense both reduces their risk of death, serious injury, or other victimization and reduces crime and the costs thereof to society overall.⁴

Additionally, it is both interesting and enlightening to note a couple of additional facts from government statistics:

- While nation-wide the majority of the 2.5 million estimated annual civilian gun uses to foil crime result in no shots being fired, never the less, in a typical year average citizens exercising their right of self-defense legitimately and justifiably kill 2,000 to 3,000 criminals – three times the number killed by police. This is not because average citizens are “trigger happy” – it’s simply because as the would-be victims, they are present at the crime scene “as it goes down” when the threat is present and before the perpetrator has made good his attack and escaped.
- Furthermore, in the entire United States during a year, only about 30 people are killed by private citizens who mistakenly believe the victim was an intruder or aggressor. By comparison, police accidentally kill as many as 330 innocent individuals annually (a factor of 11 more, despite their lower numbers compared

³ *Armed Resistance to Crime: The Prevalence and Nature of Self-Defense with a Gun*; Gary Kleck and Marc Gertz; Journal of Criminal Law and Criminology 86 (Fall 1995)

⁴ *More Guns, Less Crime*; 2nd edition; John R. Lott, Jr.; The University of Chicago Press; ISBN 0-226-49364-4

to armed private citizens).⁵ It is reasonable to attribute this higher error rate for police to the fact that, through no fault of their own and the behavior of criminals, they almost always arrive “late in the game” to a crime scene, making it more difficult for them to determine “who’s who” in the heat of the moment on those comparatively rare occasions while a crime is still in progress when they arrive. The private citizen (the would-be victim) on the other hand, acting in self-defense, has a much greater ability to accurately ascertain who the perpetrator is.

To summarize this point, average citizens have demonstrated through their behavior under right to carry laws that their exercise of the to carry firearms has been *remarkably* responsible, and Florida’s record is exemplary. HB 2536 is a classical “solution in search of a problem.” It is a sham by the gun control community to enact “one more” “reasonable gun control law.” What additional unnecessary, ineffective law(s) will they propose next week?

Gun Control Laws SIMPLY Do Not Work

Laws that restrict the ability of law-abiding citizens to have the means of self-defense do nothing to reduce violent crime – in fact, common sense and all available statistics show that such laws increase the incidence of violent crime by providing a larger supply of defenseless victims to the thugs who would perpetrate such crimes. The nationwide statistics arguably indicate that, rather than enacting more restrictions, legislators should be looking for ways to encourage responsible, law-abiding citizens to exercise their right to carry firearms for self-defense.

On the other hand, criminals, by definition, care nothing for gun control laws and will always be able to obtain them through the black market – remember how the prohibition of alcohol promoted a thriving criminal enterprise. Learn from the old adage “If you keep doing the same thing over and over again, don’t be surprised when things keep coming out the same way over and over again.” Over the past 30 years, it is estimated that approximately 20,000 gun control laws have been enacted throughout the United States – infringing our Constitutional right to keep and bear arms in defense of ourselves and the state – and to what effect?

An open-minded, objective study will reveal to anyone willing to accept the truth that in every case, crime in general and violent crime in particular, has dramatically increased in those jurisdictions with the most onerous and restrictive “gun control” laws and it has decreased where law-abiding citizens are not disarmed by government at the urging of liberal feel-gooders and radical gun control groups.

It is, in my view, the ultimate in hypocrisy for the gun control radicals to repeatedly ignore the facts and refer to these infringements as “reasonable gun control laws” as they repeatedly and increasingly chip away at our rights in their misguided attempt to advance their agenda of citizen disarmament.

⁵ *Ibid.*

Conclusion

As stated above, average citizens have demonstrated remarkable responsibility in their carrying of firearms for self-defense, as evidenced by the overwhelming body of data from the past two decades in 36 states with “shall issue” right to carry laws.

Florida (the gun control radicals’ “excuse” state) has an exemplary record of managing its licensing process over the course of more than 30 years, with a miniscule number (less than 0.01%) of all of its more than 1.8 million issued licenses requiring revocation for gun crimes over the period from October 1987 through June 2010.

House Bill 2536, an unnecessary restriction on the rights of the People, would only inconvenience law-abiding citizens, and would fail to achieve its stated purpose in any event were it enacted because its basic premise is fatally flawed. Criminals do not obey gun control laws. Just as prohibition did not stop alcohol consumption, gun control laws will never stop criminals from obtaining and using guns illegally. Such laws only inconvenience and infringe the rights of law-abiding citizens. They simply do not dissuade criminal activity in any meaningful way – in fact, the facts show that crime increases as more stringent gun laws are enacted.

Again, I respectfully urge you all in the strongest terms to refuse to allow this unnecessary, ineffective, and unconstitutional bill to proceed.

Thank you again Mr. Chairman and Members of the Committee for affording me the opportunity to testify on this matter today.

Carl R. Stevenson