

COMMENTS FOR LEGISLATIVE PUBLIC HEARING ON ASSAULT WEAPONS

Good morning Chairman Horne, committee members, presenters, and fellow citizens of Nevada:

My name is Michael Evans and I reside in Reno. I am a 60's era Marine Vietnam veteran and a retired Warden and law enforcement trainer with the California Department of Corrections (CDC), having served in law enforcement for a quarter of a century.

During the course of my career in law enforcement, I trained departmental and external agency staff (including the USFS, US military, four state corrections departments, and numerous local, county and state law enforcement agencies) in Ethics, Leadership, the Use of Force, Firearms and Impact Weapons, Chemical Agents, Weaponless Self-Defense, Riot and Crowd Control and Tactical Operations. For five years, I was the departmental training coordinator for the CDC's thirty-two institutional based SWAT teams.

While I do not claim to be an expert, I am eminently qualified to discuss these matters; and, I would like to take a few moments of your time to comment on the issue before the committee.

As relates to assault weapons and their availability to the public, three general areas deserve consideration. They are (1) the nature of the society, in which we live, and the government's responsibility and authority within that society; (2) the lessons of history and human nature; and (3) the effectiveness of gun-control laws, as opposed to an armed citizenry.

In as much as discussions of this topic are frequently marked by histrionic sophistry, specious rhetoric, and hyperbole, I will endeavor to keep my comments factual and ask that the committee use logic and reason in considering the input from the citizens of Nevada and in tendering any subsequent decisions.

1. Government Authority and Responsibility:

Effectively there are only two social conventions: RULE OF LAW, which establishes rules of conduct within a social order to govern the conduct of citizens and ANARCHY, in which there is no order and the strong are at liberty to prey upon the weak.

The rule of law requires respect for the principle of law and the willing compliance of the citizenry. When any individual determines any law(s) is/are non-applicable to him/her and acts in violation of established law, he/she becomes an anarchist. When large numbers of the populous act in violation of established law, the social order is placed upon a slippery slope leading to the abyss of anarchy.

American society is purportedly a rule of law society. The founding fathers created the Constitution to establish American rule of law, provide a framework for government, and most importantly consecrate the rights of the people, including the 2nd Amendment, which stipulates the people have the right to keep and bear arms.

Advocates of gun control frequently label citizens who defend the Constitution as extremists and/or kooks. In as much as America is a rule of law social order, whose Constitution for the past 200 plus years has provided the foundation for that social order; I would suggest that those who seek to rewrite the Constitution by legislative or judicial fiat, are the extremists. Extremists, who by their very repudiation of the Constitution and change methodology established within, embrace anarchy.

Government is a tool established by the people of a social community to administrate the affairs of the citizenry and protect their natural rights. It, therefore, belongs to the people. Government is not the grantor of those rights, nor does it have the authority to abridge those rights.

The legitimate function of government is to protect those rights and insure a stable social order by protecting law-abiding citizenry from those who would violate their rights, either foreign or domestic, by establishing system of laws that supports those rights, a police force to enforce those laws and a court system to hold violators accountable to the law.

Those rights include the rights of life and liberty, as well as the rights of personal property and the fruits of our individual labors; incumbent with those rights is the right to defend them.

The principle of the right to self-defense is a well-established precedent of American jurisprudence. An equally well-established precedent in American jurisprudence is the principle the government has no affirmative duty to protect individual citizens, but rather the society as a whole.

By logical extension, as self-defense is legally and morally viable concept, which the government has no duty to provide, it falls to the citizen to provide that defense. Also by logical extension, a government that prohibits the individual from exercising the right of self-defense and/or removes the means to provide such defense is negligent, in the least, and criminally complicit in the most,

by virtue of another well established principle of American jurisprudence; i.e., an individual or entity who knowingly aids, abets, or facilitates a crime becomes an accessory to that crime..

2. History of Human Evolution and Nature: Attributed to Santayana: "Those who do not remember the past are condemned to repeat it."

Humankind's evolution is marked by a history of conquest of people(s) against people(s). That conquest has generally been driven by the quest for power and/or dominance or the acquisition of resources, however, also has often resulted from differences, be they sociological, cultural, political or theocratic. It has included the conquest of other nations for the expansion of territory and resources or to eliminate contrasting cultures, as well as strife and ethnic cleansing between internal national entities and sects to enforce their viewpoints and establish dominance. **Minorities, in a numerical, as opposed to a racial/ethnic, sense, have little recourse against the majority in non-rule-of-law societies.** On a social level, criminal elements, either individual or group, within a social order prey upon other citizens to acquire the property of others or do harm to them.

Man seeks (Maslow's hierarchy) and has a right to safety and security and threats to safety and security generate the emotional response of fear. The fear of danger and the unknown is natural; and, when coupled with the appropriate logical, non-emotional response it is appropriate and healthy.

Evil exists. It does not matter whether it is viewed from a theocratic or secular/social perspective. The fear of our fellow men is predicated by experience and the history of mankind's conquest against other men.

The fear of government is also a product of history; and, the inherent fear of government is not without reason, when the abuses of governments against their peoples and others are considered.

There is a virtual laundry list of genocide perpetrated on the peoples of Russia (10M Ukrainians), China (est. of 35-100M), Germany (6M Jews & est. 21M total), Cambodia (1.5-2M) Ruanda (.8M), Uganda (.3M), Turkey (1.5M Armenians). In virtually all of these cases, those people were slaughtered by their most often totalitarian governments after being disarmed.

The history of colonial expansion is replete with the subjugation and/or extermination of indigenous peoples (1507 – Pizarro exterminates Incas; American military extermination of Native Americans at Sand Creek and Wounded Knee). **There are numerous examples of peoples having been enslaved by their governments. e.g., the Soviet Gulags, and for those who contend it couldn't happen here, during WWII, the U.S. government placed Japanese American citizens into interment camps, as well as rounded up of American citizens of German and Italian decent.**

One need only consider the two following quotes to understand the basis of that fear.

"When the Government fears the people there is liberty. When the people fear the Government there is tyranny."
Thomas Jefferson, author of the Declaration of Independence and Third U.S. President

"If someone is so fearful that, they're going to start using their weapons to protect their rights, makes me very nervous that these people have these weapons at all."
Representative Henry A. Waxman (D-CA)

3. It is illustrative to consider the effectiveness of gun-control laws in reducing crime and violence, as compared to evidence of crime suppression in jurisdictions where free citizens possess firearms.

The ineffectiveness of the thousands of gun laws on the books in preventing crimes should provide some insight into what further legislation will accomplish. Those laws to the 10th or even 100th power will not alter the criminal mindset nor will it modify the behavior of those with mental aberrations. Instead, it will simply place the honest citizen in more jeopardy from the predators; and, in all probability make criminals of them. In addition, it should be noted, that the majority of government entities do not have the resources to enforce the existing laws, let alone additional ones.

The operative question is "who is the criminal - the honest law-abiding citizen or the anarchist who chooses to prey upon them?"

A plethora of factual evidence, derived over decades from law enforcement statistics and other research, derides the idea that stricter controls make people safer. A detailed, fully documented and footnoted presentation of that evidence is available at www.GunFacts.info.

If controls on guns make society safer, it is ironic the vast majority of the most horrendous, heinous crimes, as well as mass murders committed with firearms, have occurred in purportedly gun free environments or jurisdictions with extremely strict gun controls, e.g., schools, courthouses, Scotland, Scandinavia, Chicago, and Washington D.C.

By contrast, areas with reasonably non-controlling gun laws, such as Switzerland, have reduced crime and violence. There is a wealth of data from law enforcement statistics, research and studies to support the fact that societies where free people are armed crime rates have fallen, ergo people are safer.

It is estimated that 2.5 million crimes are prevented annually by armed citizen, the vast majority, without a shot being fired. One needs only to recall the news coverage of Korean business owners on rooftops during the Los Angeles riots following the Rodney King verdict to ascertain the effectiveness of armed defenders during civil insurrection. Numerous studies conducted with convicted felons reflect that those individuals will not, with rare exception, confront an individual they know to be armed or enter a domain where they believe the occupant is in possession of a firearm.

There are cultural and sociological components to the question of violence perpetrated by man against man, as well as fundamental truths the proponents of extended gun control legislation choose to ignore or obfuscate. Those proponents choose to disregard history and human nature and advocate for treating the symptom with ineffective laws, which punish and endanger the law-abiding citizenry, rather than recognize the true nature and cause of the problem and seek to apply strategies to hold wrong-doers accountable and refine the social culture in which we live.

Laws are broken by those who have no respect for the rule of law or the dignity of their fellow human beings. An individual with the intent to harm others will find the means, whether it be a firearm, knife, pipe bomb, baseball bat, automobile or jet airliner; and, will do so regardless of the laws in place.

An individual in fear or jeopardy will find the means to protect him/herself, even when such means are restricted by the government. There are many historical examples ranging from the Okinawan people development of weapons from farm implements when the Shogun banned samurai swords to the citizens to the Ukraine, who resisted their armed oppressors with farm implements and rocks. Unfortunately, the outcome in the latter instance was predicable.

The reality is, simply stated; you do not bring a knife to a gunfight!

A citizen has a right to utilize whatever means and tools available to defend him/herself, including the so called "assault weapons." (The fact is semi-automatic weapons are not assault weapons. That misnomer accurately applies only to fully automatic weapons possessed by law enforcement and the military.)

Such defense can be effective only if it is of a sufficiency that the citizen has the ability to overcome the force brought to bear against them. If you question the fact that formidable adversaries exist in today's society, simply consider the Beverly Hills bank robbery a few years back or the existence of heavily armed drug cartels and street gangs.

Appropriately, In the face of such odds, law enforcement no longer relies on the six shot .38 caliber revolver. They have transitioned to larger caliber semi-automatic pistols with large capacity magazines, as well as carrying high capacity semi-automatic rifles and shotguns in their vehicles.

In closing, I contend that in a free, rule of law society, law abiding Americans, who are under the law tasked with defense of themselves, their families, and their property, deserve to be able to choose weapons that are sufficient to meet and overcome legitimate threats; and the Government, having no affirmative duty to protect the citizen, has no legal, moral or ethical right to restrict an individual's means to affect such defense.

Thank you for your time and consideration of these points.

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