



A publication of  Colorado Community Media

Considering the steps to gun violence

Ryan Dunn

May 11, 2021

In the wake of the March 22 shooting in Boulder, Colorado Community Media reporter Ryan Dunn spoke to gun safety activist Shannon Watts about the state of firearm legislation in Colorado. To gain a more complete perspective on gun safety issues in Colorado, Dunn also spoke to David Kopel, research director of the Independence Institute and adjunct law professor at the University of Denver.

Kopel is the author of 17 books — including “The Truth About Gun Control” and “Things You Can Do to Protect Your Gun Rights” — and more than 100 scholarly articles published in journals from Harvard, Yale, the University of Michigan, University of Pennsylvania, Johns Hopkins, Brown University, and others.

He is also an adjunct scholar with the Cato Institute, a libertarian think tank in Washington, D.C., and the vice chair of the Colorado State Advisory Committee to the U.S. Commission on Civil Rights.

Their conversation has been slightly edited for clarity.

The suspect in the recent King Soopers shooting in Boulder is a 21-year-old recent graduate of Arvada West High School. How does a young person carry out a shooting like this?

David Kopel: It’s the same unanswerable question of why anyone chooses extreme evil. Why did dictators in the 20th century murder over 200 million defenseless unarmed victims? The answer isn’t “mental illness,” because the vast majority of people with mental illness — even severe schizophrenia — are not violent or homicidal. The answer isn’t “Islam,” because the vast majority of American Muslims are tolerant and law-abiding good citizens.

The defendant has a criminal history and has been characterized as “mentally unstable” by family members. How was he still able to purchase a gun?

Whatever the family knew was never communicated to authorities. It’s possible that if someone had come forward, an order might have been entered against him possessing firearms. Even then, people intent on mass murder are the most difficult to prevent from acquiring guns, because the crimes are usually planned long in advance, so there’s almost always time for a criminal to acquire firearms on the black market. The United States tried alcohol bans for decades, and those failed. The federal “war on drugs” that started in 1911 is still going on and may have caused much more harm than it prevented. The prospects for success of gun bans are even dimmer, since

there are over 400 million guns in the United States; alcohol and drugs are consumables that get used up and have to be replaced, whereas firearms do not.

There are a lot of mass shootings that people have never heard about because a law-abiding citizen with a firearm shot the criminal before lots of people could be killed. The Boulder store that the criminal attacked happened to be in a community where the criminal's risk of being confronted by an armed citizen was relatively low, compared to many other locations in Colorado.

The defendant was found with nine magazines over the legally specified capacity of 15 rounds. How do over-capacity magazines work, and how do gun owners get access to them despite their legal status?

“Over-capacity” is an incorrect term. Most of the magazines that are banned in Colorado are standard magazines that are made by the firearms manufacturer for the particular firearm — such as the 17-round standard magazines for the Glock 17 pistol. Law-abiding citizens choose standard magazines for exact same reason that law enforcement officers do: the lawful protection of self and others. I've filed briefs in the U.S. Supreme Court, Colorado Supreme Court, and other courts on behalf of the National Sheriffs Association and most Colorado sheriffs. As the sheriffs explain, when defenders have less reserve ammunition, they must fire fewer shots. This increases the danger that the criminals will injure the victim. Even most defensive shots by law enforcement officers miss, and a single hit is usually not enough to stop a criminal immediately. Because criminals decide the time and place for attack, a victim has to be able to deter or repel multiple assailants solely with the ammunition available in a single magazine.

The legislative sponsors of the 2013 magazine ban parroted the words of the gun prohibition lobbies by claiming that standard magazines “were designed to have one purpose and that is to kill large numbers of people quickly. and have “no purpose in our community. They're used for war.” This is hate speech against the many good people, including law enforcement officers, who own and use such magazines for lawful defense.

How has the COVID-19 pandemic affected gun violence?

The lockdowns, forced isolation, and replacement of human interaction with screen time have had deleterious effects on the mental health of many millions of people. Again, the vast majority of people with mental problems are not violent, but for the very small number who are borderline, aggravating their problems can push them over the edge. The same has been true for substance abuse, domestic violence, and other crimes, some of which involve guns and some not.

How would you describe the current state of gun legislation and gun culture in Colorado?

Colorado has a long and constructive culture of lawful gun ownership, going back to pre-territorial days. Then, as now, plenty of good people owned standard magazines and used them for lawful defense against violent attackers. Cities such as Denver, which knew that local law enforcement couldn't protect everyone all the time, recognized the right of people to protect themselves.

The current anti-gun legislation is very Trumpian. After the San Bernardino murders, candidate Trump announced his plan for a ban on Muslims entering the United States. This was malicious lashing out at an entire group that supposedly should be punished for the heinous crimes of two

people. Some of the proposed new Colorado bills are in that same vein. This includes the bill to allow persecution of gun owners in cities where such persecution is politically popular.

The proposal to prohibit lawful handgun carry on university campuses by licensed adults who have passed background checks and safety training amounts to turning Colorado schools into safe zones for rapists and mass shooters. The last time such a ban was proposed, in 2013, it was defeated by the testimony of Amanda Collins, who explained how the prohibition on licensed carry at the University of Nevada-Reno resulted in her being raped in a parking garage.

Legislators who say they want to reduce sexual assaults on campus should think twice before depriving victims of the means of effective defense.