

Statement of Senator Orrin G. Hatch  
Before the Subcommittee on the Constitution, Civil Rights and Human Rights  
“Proposals to Reduce Gun Violence”  
February 12, 2013

Thank you, Mr. Chairman. Two weeks ago, I participated in the full Judiciary Committee’s hearing on what American should do about gun violence. In the statement I submitted for the record at that hearing, I said that legislation in this area must meet three criteria. First, legislation must be consistent with the Constitution in general, and with the Second Amendment in particular. Second, we must draw on the experience of past legislative efforts. Third, we must examine the causes of this problem, not simply its symptoms. Legislation that fails to meet all three criteria will be ineffective and a disservice to victims and their family members.

These criteria bear repeating because this hearing narrows the focus to actual legislative proposals. When I look at the list of proposals offered by the Johns Hopkins Gun Policy Summit, I see item after item that fail one or more of these criteria. And one of the most significant things about this list is what is not there – anything other than guns.

I question whether there actually is a specific, separate, unique category called *gun violence*. Rather than focusing exclusively on the particular tool used to commit violence, we should be exploring violence in our society more generally.

Like President Obama’s list of executive actions, this Johns Hopkins list urges the federal government to approach gun violence as a public health problem. The obvious intent is to encourage the American people to think one day about guns the way they think today about cigarettes. That is a seriously flawed strategy. There is no constitutional right to smoke, there is a constitutional right to keep and bear arms. There is no safe way to smoke, there are many safe ways to use firearms. Cigarettes can take lives, firearms can save lives.

Other items on the list are also troubling. It defines anyone under 21 as a “high risk individual” who should be prohibited from purchasing or even possession a handgun. Tell that to the thousands of young people in the armed forces who are using firearms every day to defend freedom around the world.

With freedom comes the potential for tragedy. In a free society, we simply cannot ensure that danger will disappear, that violence will never occur, that lives will never be lost. But freedom itself is not the problem. I urge my fellow citizens to help make our country a better and safer place and to preserve the fundamental rights that keep us free.