

Local Leadership in Boulder Gun Control

By John Ramsey

Summary: Compared to the ban ordinance originally proposed, there is a better path that *actually* reduces gun violence *and* brings the pro-rights and anti-gun communities together, working as allies to reduce the real problems. Some of the surface points (like raising the bar to ownership for "assault weapons" and red flag laws) overlap with much of what the anti-gun groups want. Those are concessions the pro-rights community are willing to make if other points are included, such as government working to actually reduce the *causes* of gun violence and preventing slippery slopes against responsible gun owners. This can be a transformative model that influences the national conversation and shows Boulder's true values (diversity, progressivism, pragmatism, etc). It'd be a shame to miss this opportunity.

The paradigm is broken

Like many complicated governing topics in the US, the gun violence debate has been fundamentally broken for decades. Which is why we're still having the same old problems and same old debates.

All sides are to blame.

We collectively, and particularly our political leaders, have allowed the extremists on both sides to prevent any actual progress — and it's getting worse.

It's created an arms race of irrationality while nothing actually gets accomplished. This pushes each side further and further away from center, to the point they hardly understand each other anymore, won't talk to each other, and assume each other's motives are ignorant or malicious.

This creates the extreme and immovable views that derail this conversation.

We have a rare opportunity to fix it — locally *and* nationally

The majority of both sides, when they aren't in "public posturing mode", actually agree on a huge amount. The venn diagram overlap is >80%. And almost everyone sincerely wants to reduce gun violence and the number of bad people with guns.

Why are we ignoring this rare common ground?

For example, the not-so-secret secret among the pro-rights side is that the vast majority of gun owners support common-sense measures, such as closing gun show background check loopholes and requiring gun education. They are not as black and white on all the things they posture.

But they feel they have to posture that way because the ability to end up at reasonable outcomes is broken — it's the equivalent of turning to isolationism when things get tough on the world stage. And when you give up a right, you don't get it back, so people fight over every inch.

Similarly, the anti-gun side is not as black and white. Most recognize that the world has evil in it, people have the right to defend themselves, gun violence is not caused by guns, 99.9% of gun owners are responsible and moral neighbors/teachers/leaders, etc.

So, to be able to address gun violence, we need to understand and fix the reasons *why* this debate has become more about emotion, fear, posturing, and political points rather than reason and problem solving.

For example, if gun owners fear of slippery slopes (which is a valid fear) was alleviated, they would quickly support many rational measures instead of the black-and-white approach.

Conversely, if the anti-gun crowd's fear of a wild-west NRA utopia was alleviated, they hear the pro-gun side promote the fact that there are some people who we all agree just shouldn't have assault weapons, then it's possible to have a reasonable conversation about where to draw the line while respecting the individual rights of the 99.99% of gun owners who are innocent.

But the current approach by Boulder City Council is just more of the same. Not only is the ordinance fundamentally flawed for dozens of reasons — not the least of which is it will do absolutely nothing to prevent gun violence — the way the conversation has come together is antithetical to all the values Boulder claims to hold dear, such as intelligence, inclusion, diversity, and progressive pragmatism.

Boulder can set the example, not just for Colorado, but for the national conversation. It will take a city like Boulder — a city that historically had the guts to be progressive and practical enough to see that things like the War on Drugs were similarly-worthless security theater politics.

Imagine the reasonable majority of both sides of this debate working together to enact common-sense and effective measures. That's extremely powerful, both on merit and narrative.

These critical moments to create real change require a different plane of thinking. It's often hard to recognize in the moment and requires an open and courageous mind on all sides.

Spirit

In all forms, we must be practical about what a local city ordinance can and can't accomplish.

The real magic in this approach isn't the specific skeletal points about ownership, bump stocks, and so on. It's in the subjective meat wrapped around it, such as reducing the fear of slippery slopes.

The intent is to raise the bar to ownership for the highest tier of firearms by focusing on qualified good people vs. risky bad people, while reducing the reasons that lead people to gun violence / lifting them out of the risky group.

This avoids getting stuck in the muck about ever-evolving "stabilizing" features and product technology, fighting over exempted groups, legal gymnastics and inferred intent, and so on and so on.

This relies on the gun community and recognizes the incentives are aligned. Working with gun owners is such a good thing. I could argue it's a prerequisite to solving gun problems. The gun community doesn't want guns in the hands of crazy people — even if you ignore the moral reasons, it's in their self interest, because they know each time violence occurs they lose a little bit of their rights.

Spiritually, we must balance legitimate arguments about freedom and constitutional rights (including the right to self defense) with the reality of recent legal decisions and community will. We must treat criminals as criminals and treat law-abiding citizens as such. And we must codify into law and precedent whatever we can to reduce future vitriol.

Ordinance (high level)

I'm confident all of the edge cases and minutiae can be worked out. The important stuff:

Simple definition of "assault weapon": Semi-automatic centerfire rifle with detachable magazine and pistol grip, or a semi-auto pistol with a detachable magazine outside of the pistol grip. For context, that is a pretty strict/broad definition, but we avoid most of the futile mechanical engineering cat and mouse legalese.

To legally possess an AW:

- You must be over 21 (raised from 18) to own/possess.
 - Under 21 still able to fire these weapons when accompanied by a qualified adult (like a parent taking their kid to the range).
 - 18-21 active duty mil / ROTC and those on competitive shooter teams (CU shooting club) are allowed to possess under the rest of this ordinance.
- In addition to normal background checks and laws, you must pass a level of training / education by checking one of these boxes:
 - Pass a hunter / shooter education course with and could be a verified instructor. (This mechanism is already in place and certficate from a huge win for all sides.)
 - CCW holder, which requires a safety course certificate and Sheriff approval. Sheriffs and educators already have the right to decline sketchy people.
 - NFA holder, which means you've passed the 6-12 month background check with the ATF.
 - FFL holder, which means the ATF has cleared you to be a dealer / someone who conducts background checks.
 - Part of a bonafide shooting club or team.
 - Active or retired law enforcement, military, licensed security, etc.
- There would be ordinance language about what the spirit of proper education is, to avoid future interpretation battles and handle future changes.
- Give people a 6 month window upon ordinance passage to comply.
- After that, new residents have a 3 month window to comply on imported AWs.
 - This will need to accommodate long-process qualifications, like the ATF process that takes 6-12 months. So someone needs to start the qualification within 3 months, but it may take 3 months more to finish.
- Red flag: Ideally this happens at a state level (which looks possible), but if not... If through due process you are found to have a statistically likely risk of gun violence, your weapon rights are suspended for 6 months or until clearance, whichever is first.
 - On the wrong end of a domestic violence temporary restraining order? Lose your AWs.
 - Police find probable cause that you might shoot up a school? Lose your AWs.
 - There is a lot to hammer out on this, which is feasible, but needs to be done to avoid subjective witch hunts and legal greyness.
 - If passes at state/fed level (likely), automatically revert the local clause and piggyback going forward.

Burden of proof:

- No preemptive registration / database of people who haven't committed a gun crime or their weapons.
 - People who choose to meet the qualified-person threshold through CCW, NFA, FFL etc obviously end up in those respective databases, and that's fine.
 - A clause that cements, to the legal extent possible, that there will never be such a database or registration mechanism.
- This model creates no extra logistical burden to Boulder. All of the "qualified person" options have their own verifiable ID cards, certificates, databases, etc. Boulder won't have to deal with IT, data breaches and hackers, and so on.
 - e.g. Dept of Wildlife gun safety instructors are already able to be verified, so while a citizen doesn't "register" their graduation from a safety course, the certificate they show as proof later can be verified.
 - e.g. ATF has a 24/7 hotline number where law enforcement can call to verify a gun holders clearance.
- Use a challenge-response model, where law enforcement can pursue verification upon reasonable suspicion.
 - e.g. BPD pulls over a driver, sees an AR-15 + they are a Boulder resident, and can challenge that person to prove their legal possession.
 - e.g. Forest Service spots someone shooting irresponsibly on public land, challenges for legal proof.
- New rifles bought in the city, after ordinance, by city residents: The local FFL (dealers like Gun Sport and Bison Tactical) can notify customers of legal regulations.

Extras:

- Bump stocks are banned.
- Magazine regulations are left to the state.
- Instead of weak penalties on noncompliance in the original "ban" ordinance, by flipping it around and punishing criminals, go ahead and make the punishment severe. Possess an AW when you shouldn't? You get more than a wrist slap.
 - Perhaps there's a warning system for new residents, etc. It depends on how well Boulder promotes the regulations. The gun clubs/stores will actively promote it.
- A moratorium on any local regulations that are materially more restrictive for 20 years. This ordinance sunsets after 20 years if there is not at least a meaningful reduction in gun violence or casualties in the city.
 - Meaningful would be defined as a standard deviation metric, or something similar. Essentially, any reduction that's statistically relevant.
 - The moratorium can end if there is a mass shooting event in Boulder.
 - Want to shorten the moratorium? Then shorten the sunset. Tie them together and rely on data/results.
- Boulder uses the tools available to publicly pressure the state/fed gov to address a number of low-hanging-fruit and facepalm-obvious issues, such as:
 - Closing background check loopholes, like the "gun show loophole".
 - Fixing IT and bureaucracies so that people who have been red flagged, felons, no fly list, etc actually end up in the proper databases.
- Show that Boulder is progressive enough to know *why* gun violence happens and is taking action to address it.
 - Wherever feasible, take local action to reduce what causes gun violence: health, poverty, bullying, social disconnection, extremism, etc.
 - Some of this is publicity / thought leadership. Tell the world Boulder recognizes solving gun violence requires much more than just banning good people from weapons, we need to do proper research on gun violence, etc.
 - However possible, push state/fed levels to recognize and take action on the same.

Education

We know gun education is one of the best ways to reduce gun casualties. Primarily because more education directly reduces accidents.

Another major reason is that educators act as an organic gatekeeper against bad people. Studies show that gun educators, mentors, and volunteers have a huge impact both on reducing the number of risky owners, and at directly mentoring at-risk people into becoming not at risk. (A day at the range with a mentor is a great Big Brother kind of thing.)

Established orgs, like the CO Dept of Wildlife, run public education courses. The NRA is great at gun education and runs many of the education programs in the US. Their members are mostly good people who care about gun safety and putting guns in the hands of other good people. The lobbying and militant messaging grew over time as a result of broken political processes, but it's not their core.

Leverage that. Leverage the people who know a lot more about guns and gun safety than you do, who volunteer their time to teach more people, and who have no qualms about denying a certificate to someone who seems sketchy.

For example, local gun education teachers have a solid history of referring questionable people to Boulder law enforcement.

The NRA and similar groups will support this. They want to increase education, both for moral / safety reasons and because it brings in revenue to support shooting clubs. Plus it builds political bridges instead of creating political combatants.

Narrative and promotion

Through resolutions, public releases, and press campaigns, Boulder essentially says:

"We want to reduce gun violence, but we want to do it right. That means closing loopholes, banning obvious hacks like bump stocks, fixing the bureaucracy, and raising the bar to responsible ownership for the weapons most able to kill large numbers of people.

"But we recognize that blanket bans are legally questionable and ineffective. We recognize that many other preventable risks kill far more people than firearms, especially assault weapons. We recognize that the vast majority of gun owners are responsible citizens who don't need a validated 'reason' to own these weapons.

"Most importantly, we recognize that actually reducing gun violence will only happen when we work together — instead of vilifying each other — to reduce the *reasons* for gun violence, such as lack of training, healthcare ranked last in the developed world, income disparity and an eroding middle class, and culture."