



**YOUNG CONSERVATIVES OF TEXAS – Legislative Affairs**  
**POLICY BRIEF:**  
***SECURING OUR SECOND AMENDMENT RIGHTS***

Executive Summary

On October 16, 1991, in Killeen, Texas, an armed homicidal maniac methodically killed twenty-two people and then himself, facing no resistance from the scores of potential victims, including Suzanna Gratia Hupp. Dr. Hupp, who lost both her parents in that shooting, went on to become one of the leading advocates for an individual's right to carry a concealed weapon. She has testified numerous times across the country regarding Right-to-Carry laws and has made a convincing case wherever she spoke. She has traveled to all fifty states in an attempt to convince state legislatures to adopt Right-to-Carry laws in order to save innocent lives. To date, thirty-three states, including Texas, respect the rights of honest citizens to carry concealed handguns for self-defense, although some laws are more stringent than others.

In the mid-1980s, only a half-dozen states routinely issued permits for trained citizens to carry concealed handguns for personal protection, and these permits were rarely given to persons other than retired government employees and other people with political connections. Today, however, states comprising over half the nation's population grant concealed-carry permits to law-abiding citizens.

In what would become a nationwide campaign, the reform movement began in the early 1980s when gun-rights activists in Florida joined with law enforcement organizations such as the Florida Chiefs of Police Association to fix the state's law. Under the leadership of Marion P. Hammer of Unified Sportsmen of Florida, legislation was introduced entitling any law-abiding adult citizen who cleared a fingerprint-based background check and passed gun-safety classes to receive a permit to carry a concealed handgun for protection.

Although the legislature passed the Right-to-Carry bill several times, it was vetoed repeatedly by Democratic Governor Bob Graham. His successor, Republican Governor Bob Martinez, signed the bill in 1987, and since then, a steady progression of states have adopted concealed-carry laws modeled on Florida's and more will follow.

Of course, whenever a state legislature first considered a concealed-carry bill, the anti-gun lobby warns of horrible consequences: permit holders will slaughter each other in traffic disputes, bars will become shooting galleries, and would-be Rambos will shoot bystanders in incompetent attempts to thwart crime. But, like clockwork, these apocalyptic warnings soon began to drop off the media's radar screen as none of the anti-gun lobby's dire predictions came true.



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In Florida, then Licensing Division Director John Russi noted that there had been “no record of any accidents or incidents from a lack of training...and that Florida’s concealed weapon law had been very successful. All major law enforcements groups supported the original legislation, and in the eight years the program has been in place, none of these groups has requested any changes...Some of the opponents of concealed weapon legislation in 1987 now admit the program has not created the problems many predicted.”

Both John B. Holmes, Harris County district attorney during the late 1990s, and Glen White, president of the Dallas Police Association, initially opposed concealed carry in Texas but have subsequently embraced it. Holmes said, “I felt that such legislation...presented a clear and present danger to law-abiding citizens by placing more handguns on our streets. Boy was I wrong. Our experience in Harris County, and indeed statewide, has proven my initial fears absolutely groundless.” And White said, “All the horror stories I thought would come to pass didn’t happen...I think it’s worked out well, and that says good things about the citizens who have permits.” Clearly, Right-to-Carry laws are vital tools in the fight against violent crime.

Perhaps most frustrating of all to the anti-gun lobby is the fact that about a quarter of those who apply for and receive carry permits are women. When Alaska Governor Walter Hickel signed concealed-carry legislation in 1993, he explained that the constituents he found most compelling were “the women who called and said they worked late and had to cross dark parking lots, and why couldn’t they carry a concealed gun?” Another class of citizens who need protection with concealed carry weapons are university students. College campuses sometimes seem to never sleep. However, crossing campuses at midnight, or even leaving class in the late evening can pose serious threats to female and male students alike.

It is no surprise, therefore, that one of the most visible advocates for Right-to-Carry laws is Dr. Suzanna Gratia Hupp, now married, the mother of two boys, a member of the Texas State Legislature, and a strong proponent of Second Amendment rights. When George Hennard rammed his pickup truck into Luby’s Cafeteria in Killeen, Texas, in 1991, many diners were sprayed with glass fragments, and one man was caught underneath the truck. Most, but not all, of his victims would be women.

The man pinned under the truck pulled himself out and was immediately shot in the head. Hennard was armed with a pair of handguns. There were 162 people in the restaurant, but, with one important exception, no one offered any resistance. Over 17 minutes, Hennard killed 22 people and wounded 21 others.

Along with her parents, Dr. Hupp was in Luby’s Cafeteria when Hennard opened fire. Her .38 Special revolver, however, was in her car in the parking lot, because Dr. Hupp was afraid that if she were caught carrying a gun, she could lose her chiropractor’s

license. Her parents were eventually killed in the melee. A police training class was taking place in a hotel near the cafeteria, and when police arrived on the scene, a marksman wounded Hennard, who retreated and fatally shot himself.

A search of Hennard's home later revealed a videotape in his VCR: a documentary about the 1984 mass murder at a McDonald's in Say Ysidro, California. There, James Huberty had walked out of his home and announced that he was going "to hunt humans." He entered the McDonald's and opened fire with three different guns. A police SWAT team sped to the restaurant and swiftly had Huberty in their sights. But the SWAT team did not open fire. Instead, they watched Huberty as he methodically reloaded, strolled over to victims who lay wounded but alive, and shot them in the head. The SWAT team was under strict orders not to fire until their lieutenant arrived on the scene. The lieutenant was stuck in a traffic jam.



Shortly after the Killeen massacre, Killeen's police chief suggested that citizens ought to be able to carry guns protection. Earlier that year, the Texas State Senate had passed a bill to allow trained, licensed adults to obtain permits to carry concealed handguns for lawful protection. There were enough votes to pass the bill on the floor of the Texas House. The House Rules Committee, acting in secret, killed the bill by keeping it from coming to the House floor for a vote.

Even if the bill had passed the legislature, Governor Ann Richards would have vetoed it, as she did when a handgun-carry bill passed the next legislature. That veto played a major role in Richard's 1994 election defeat by Republican George W. Bush. In 1995, Bush signed a Right-to-Carry bill nearly identical to the one vetoed by Governor Richards.

As Dr. Hupp testified, if only the laws had been different in Texas in 1991, her parents might be alive today.

While only 1 to 4 percent of the adult population exercises the freedom to carry a handgun for protection, a majority of Americans believe they should have such a choice. Polls show that one-half to two-thirds of the population support concealed-carry laws. Even higher rates are reported when respondents are informed about the various restrictions, such as training requirements. That high level of support is based on the



principle that responsible citizens should not expect government to provide them with the essentials of life. More specifically, providing for the safety of one's self and one's family is first of all a personal duty. It is also an indisputable right.

The Second Amendment of the Constitution reads that, "a well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed." The Constitution does not refer to a privilege in the second amendment; it refers to a right. Vermont allows law abiding citizens the right to carry a concealed weapon without registration or payment of fees. Physicians for Social Responsibility (PSR) is a group which defines its aims as addressing issues such as "nuclear proliferation," "environmental health...global climate change, proliferation of toxics, pollution, [and the] epidemic of gun violence that kills 28,000 Americans a year, PSR also works to address firearms as a major public health menace." After 2001, PSR released a study with the sub-title of "fighting the epidemic of gun injury and death" which sought to describe the "epidemic" of gun violence in Vermont. It found that firearm homicides in Vermont were 28.5% of the per capita rate for the entirety of the United States; furthermore, it found that Vermont did not see any unintentional gun deaths in 2001.

In Texas, we must stay vigilant in ensuring our Second Amendment rights. The Young Conservatives of Texas recommends three vital policies to institute in Texas. First, a Vermont-style concealed carry law which requires no registration rather allows lawful citizens to take advantage of their constitutional rights. Second, municipalities and other local governing entities should not be allowed to preclude certain areas from the Constitution. Lawful citizens should be allowed to conceal carry under existing laws, regardless if they are using public transportation, attending court proceedings or visiting city hall. Finally, college students should be allowed the same self-protection as other citizens and concealed carry should not be banned on university and college campuses or their buildings.