#### What type of gun control will actually make us safer?

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It is important that something be done about mass public shootings, but much of the current public discussion isn't very serious. Proposals are constantly being put forward that would do nothing to stop these attacks, and those that would make a difference, despite wide agreement by academics, are ignored.

Universal background checks, meaning background checks on the private transfer of guns, have been mentioned for years by gun control advocates. It was by far the most frequently mentioned proposal by former President Obama.<sup>1</sup> But there has not been a single mass public shooting this century that such a law would have stopped.<sup>2</sup> These laws also have real costs. In Washington, DC, for example, it costs \$125 to do a background check on a privately transferred gun. That may stop the people who are most likely to be victims of violent crimes, often poor blacks who live in high crime urban areas, from being able to legally obtain guns for selfdefense.

Assault weapon bans have been studied extensively, but even researchers funded by the Clinton administration, which enacted the 1994 federal ban, were unable to find evidence that such a ban reduced any type of violence.<sup>3</sup> It doesn't make any sense to ban so-called "military*style*" weapons, when there are other functionally identical semi-automatic hunting rifles available.

There's also no evidence that crime rates were affected by the 1994 federal ban on magazines that hold more than 10 bullets. Even the Urban Institute, with funding from the Bill Clinton administration, was unable to find any such evidence.<sup>4</sup> In that report, criminologists Chris Koper and Jeff Roth concluded: "The evidence is not strong enough for us to conclude that there was any meaningful effect (i.e., that the effect was different from zero)." Koper and Rother <u>found</u> in a 2004 follow-up report: "We cannot clearly credit the ban with any of the nation's recent drop in gun violence. And, indeed, there has been no discernible reduction in the lethality and injuriousness of gun violence."

But while most of the discussion has been focused on policies that won't stop these attacks, we have generally ignored that since 1950 94% of the mass public shootings have taken place in areas were law-abiding citizens have been banned from having guns.<sup>5</sup> Many academics say

reducing the number of gun-free-zones – which can leave people as sitting ducks – is an important gun policy that could save lives.

Finally, the last three sections of this testimony address the concern that more guns mean more murder and homicide. In fact, as we will see the opposite is more clearly the case.

# 1. How to quickly pass Universal Background Checks

While "universal background checks" – background checks on the private transfer of guns – are continually called for after mass public shootings, there's just one problem with this prescription: it would not have stopped any of the mass shootings we have seen in this century. And given that drug dealers are a major source of illegal guns, these laws aren't going to be any more successful in stopping criminals from getting guns than we have been in stopping them from getting illegal drugs.

That said, if gun control activists want to get background checks on private transfers passed, there are fixes that will attract widespread bipartisan support.

A frequent claim is: Background checks have stopped 3.5 million dangerous or prohibited people from buying guns.<sup>6</sup> That is simply false.

There have been 3.5 million "initial" denials, but at least 96%, and probably over 99%, of those denials are mistakes.<sup>7</sup> The system relies largely on identifying phonetically similar names, causing false positives that overwhelmingly discriminate against poor and middle-income blacks and Hispanics. It's one thing to stop a felon from buying a gun.<sup>8</sup> But it's quite another to stop someone from getting a gun because their name resembles a felon's.

"This incredibly high rate of false positives imposes a real burden on the most vulnerable people," said Reagan Dunn, the first national coordinator for Project Safe Neighborhoods, a Justice Department program started in 2001 to ensure gun laws are enforced.<sup>9</sup>

If politicians want background checks to stop criminals from getting guns, rather than create headline-driving, racially-biased false-positives, there is a simple fix: require that the government does background checks in the same way that the government forces private companies to do background checks on employees – make them use all the information available, including exact names and birthdates.

In New York City and Washington, background checks on private gun transfers cost at least \$125. These costs present a genuine obstacle to poor people living in high-crime, urban areas. It isn't as though gang members are going to pay these fees, so the burden will fall to law-abiding Americans. Democrats who think that voter ID laws are unfairly onerous for poor minorities ought to appreciate the obstacles presented by background check fees.

Besides, if we sincerely believe that background checks reduce crime and save lives, we shouldn't effectively tax Americans for going through the process. If everyone benefits from background checks, then everyone should pay for them. They ought to be funded out of general revenue.

Under the Democratic House bill, actions that would be entirely reasonable could become criminal. Imagine a stalker threatens a female friend of yours, and she asks to borrow your gun. She is trained and has no criminal record. Should you let her protect herself? If Jerry Nadler has his way, you could land in prison for doing so. The only exception is "imminent danger," i.e., if she asks to borrow your gun while her stalker is charging at her.

The Trump administration has floated the idea of an App that could be used to check whether people are eligible to buy guns. People would be required to check the app or else face criminal consequences. That's one potential solution. Another: simply requiring a reasonable person standard: would a reasonable person believe that the woman being stalked is in danger?

An App would cut the costs of background checks and also solve problems for rural Americans. Private transfer background checks would require some Americans to travel for miles to do what could be accomplished instantly with a smart phone.

Many on the right are worried that universal background checks will be used to create a national registry. Ever since the National Instant Criminal Background Check System was set up in 1998, the federal government has been prevented from creating a national registry because background check information must be destroyed within 24 hours after the completing the check.

Universal background checks be a slippery slope, if, say, five years from now a Democratic president requires licensed dealers turn over all that information to the federal government, thus creating an instant national registry on all legally owned guns.

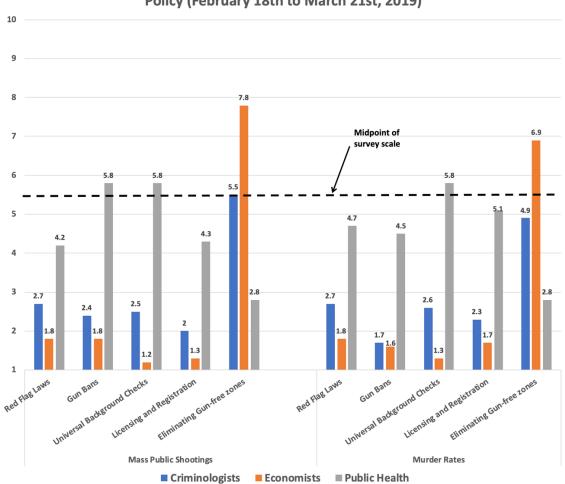
But again, there is a simple solution: just as with the Federal government now, put a time limit on how long the licensed dealers must keep this background check information.

# 2. Survey of Academic Researchers

Academic researchers broadly think that eliminating gun-free zones is a promising policy change that could save lives.

Criminologists and economists are the most interested in that solution, while public health researchers tend to favor traditional gun control methods. But outside of economists who favor eliminating gun-free zones, none of the groups are significantly above the midpoint (5.5) in supporting any type of gun control.

The following chart shows the results of a survey of researchers who had published peerreviewed empirical publications on firearms policy were surveyed.<sup>10</sup> It was conducted from February 18<sup>th</sup> through March 21<sup>st</sup> 2019. The survey was the largest yet conducted, with a response rate of over 43%, or 120, from the 277 researchers. On a 1-to-10 scale, with 10 being very effective and 1 being not effective at all, criminologists, economists, and public health researchers were asked 33 different questions on gun control.

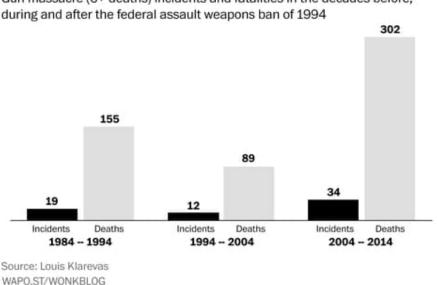


Survey of Academics on Different Gun Control Policies by Type of Policy (February 18th to March 21st, 2019)

# 3. Assault Weapons Ban

One book titled *Rampage Nation* by Louis Klarevas has been cited by gun control advocates and politicians as showing that an assault weapon ban would work.<sup>11</sup> This book's analysis has not been published in any peer reviewed academic journals. A similar analysis by John Donohue and Theodora Boulouta has recently been provided in a New York Times op-ed piece.<sup>12</sup>

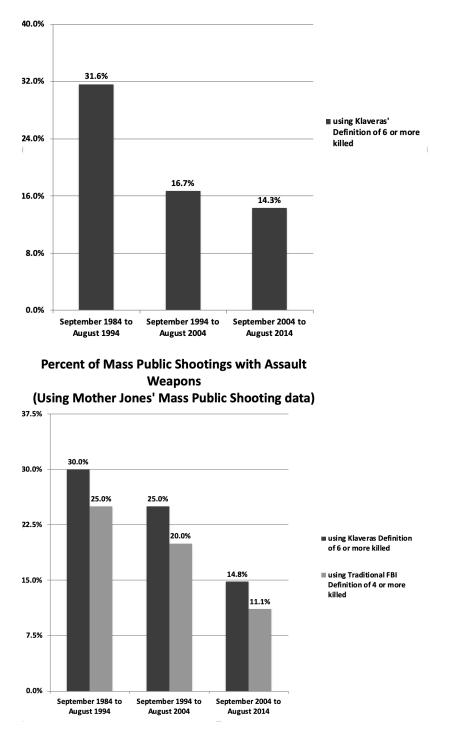
Here is a Washington Post graph that makes use of Klarevas' numbers. Senator Dianne Feinstein (D-CA) showed President Trump this diagram when she met with him shortly after the Parkland school shooting in Florida in February 2018.<sup>13</sup>



Gun massacres fell during the assault weapons ban

Gun massacre (6+ deaths) incidents and fatalities in the decades before,

There are major problems with that analysis. One problem is that these incident and death data lump together attacks using both assault weapons and other types of guns. The Assault Weapon Ban would only have caused the use of assault weapons to decline during the ban and then rise after the ban ended in 2004. In fact, the use of other types of guns would likely to be expected to rise during the ban. In fact, while the share of mass public shooting using assault weapons fell during the ban, they fell even further in the ten years after the ban ended.



# Percent of Mass Shootings with Assault Weapons (Using Klarevas' Mass Shooting data )

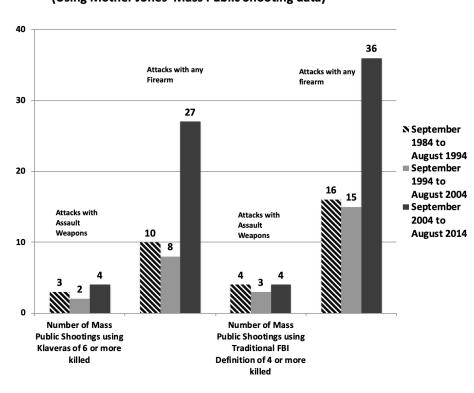
In addition, over time, the rate of mass shootings may rise or fall for many reasons unrelated to the assault weapons ban.

Because of that, few academics would make the types of comparisons that Klarevas makes.

If a national assault weapons ban had really reduced shootings, then one would expect it to have a bigger impact in states that previously lacked such a ban. States that already had a state-level ban, on the other hand, should see a smaller effect.

Rigorous, peer-reviewed academic studies compare the trends in these two types of states to determine whether the national ban had an effect. That is the way that Koper and Roth did their studies, and as I have done so in my own research. These studies did not find any impact from assault weapon bans.

But even Klarevas' simple methods are dependent on the exact dataset used. The next graph uses the Mother Jones data set on Mass Public Shootings to show the small insignificant changes in shootings using assault weapons. The Crime Prevention Research Center has a count of mass shootings, and that data indicates no reduction at all in mass public shootings.<sup>14</sup>



#### Changes in Number of Mass Public Shootings Before, During, and After the Federal Assault Weapons Ban (Using Mother Jones' Mass Public Shooting data)

#### 4. How does the US Compare to other Countries in terms of Mass Public shootings?

We follow the FBI's definition of mass public shootings.<sup>15</sup> The list of all of our 2,818 cases from 1998 to 2017 is provided on our website. Of those, 61 occurred in the United States and 2,757 happened in the rest of the world. While the US had about 4.6 percent of the world's population during this period, it had just 2.16 percent of the mass public shootings.

Just as we compare crime rates across the United States by adjusting for different state populations, we report the population-adjusted rates across countries. It makes no more sense to compare the raw number of murders in Wyoming with the number in California than it is to compare raw numbers of murders from mass public shootings for the United State and India, a country with almost 4 times the US population.

The United States was host to a still smaller share of people killed in these attacks. Worldwide mass public shooting murders totaled 31,418 people, and the US accounted for 553 (1.8%) of these.

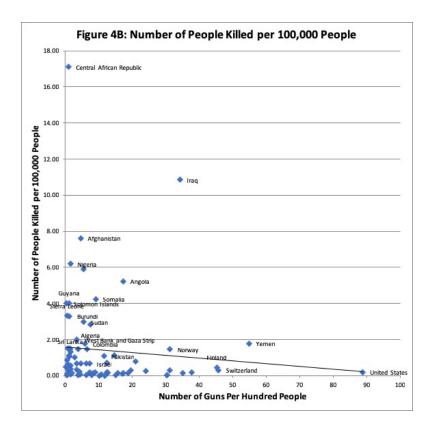
By both measures, the US is substantially below the world average. Per capita, mass public shootings occur with 53.9 percent less frequency and result in 32.2 percent fewer casualties.

The US ranks 66<sup>th</sup> in attack rate and 56<sup>th</sup> in murder rate. Norway, Finland, France, and Switzerland are major European countries with much higher rates of murder from mass public shootings than the United States. Indeed, France's rate is 49.7 percent higher than the US's. The rates in Pakistan and India are respectively 475% and 13% higher than the US rate.

#### 5. Gun ownership and Mass Public Shootings

The Small Arms Survey<sup>16</sup> is regularly used by the press. We combine this estimate of gun ownership with the frequency and severity of mass public shootings.

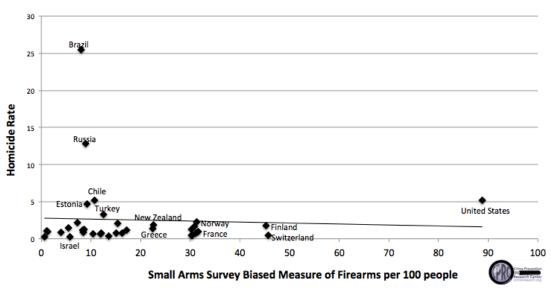
Figures 4B show that the more guns owned in a country, the fewer people killed in mass public shootings.



# 6. Gun Ownership and Homicide Rates

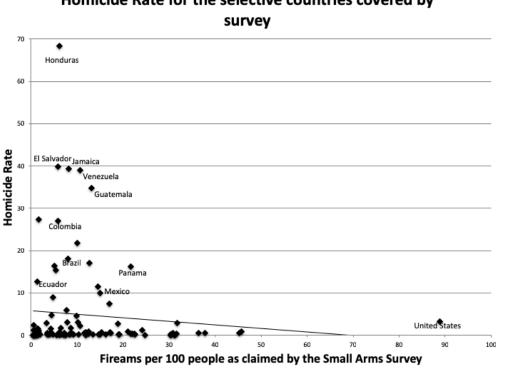
A very common claim is that countries with the most guns have the highest homicide rates.

But looking at OECD countries, excluding the US, it's not true that there is an association between more guns and more gun deaths. In fact, higher gun ownership rates are associated with lower homicide rates.



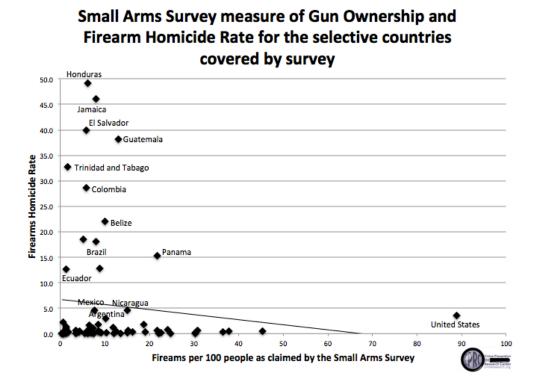
Gun Ownership and Homicide Rates for All Developed Countries (OECD 2011 or latest year)

When we look at all of the surveyed countries, the Small Arms Survey shows an association between more guns and fewer homicides.



Small Arms Survey measure of Gun Ownership and Homicide Rate for the selective countries covered by

The same is true for the much smaller set of countries that report firearm homicides.



# 7. Do Gun Bans Ever Lower Murder Rates?

Every place that has banned guns (either all guns or all handguns) has seen murder rates go up. You cannot point to one place where murder rates have fallen, whether Chicago or D.C. or even island nations such as England, Jamaica, Ireland, Venezuela, or obscure places such as the Solomon Islands.<sup>17</sup>

Take the handgun ban in England and Wales in January 1997.<sup>18</sup> Homicide rates were in flux after the ban, but only one year (2010) had a homicide rate lower than the rate in 1996. The immediate effect was about a 50% increase in homicide rates. Firearm homicide rates almost doubled between 1996 and 2002. The homicide and firearm homicide rates only began falling after a large 8% increase in the number of police officers during just 2003 and 2004. Despite the increase in the number of police, the murder rate still remained slightly higher than the immediate pre-ban rate.<sup>19</sup>

While they haven't gotten the same attention as UK's handgun ban, other countries have tried banning guns. In order to make useful comparisons, we limit ourselves to countries that have crime data both before and after the bans were implemented. My previous work has dealt extensively with the dramatic increases in murder rates in Chicago and Washington, DC after their handguns went into effect respectively in November 1982 and February 1977.

By August 5, 1972, Ireland required that all privately held pistols, revolvers, and all rifles over .22 caliber be surrendered to local police stations.<sup>20</sup> Jamaica's Gun Court Act of 1974

virtually eliminated the issuing of handgun licenses to civilians.<sup>21</sup> In 2012, Venezuela banned guns in an "attempt by the government to improve security and cut crime."<sup>22</sup> The Solomon Islands banned guns in 1999.<sup>23</sup>

The Republic of Ireland and Jamaica both experienced large increases in homicide rates after enacting handgun bans.<sup>24</sup> From 1945 through 1971, Ireland's homicide rates stayed in the relatively narrow range from 0.1 to 0.6 per 100,000 people, with an average of 0.3. After the ban, the homicide rates from 1972 to 2012 rarely overlapped with the rates before the ban (ranging from 0.4 to 1.8 per 100,000 people), with an average of 0.9. Ireland's 1974 homicide rate spike was quite high even with terrorist attacks subtracted from the total.<sup>25</sup> The big increase starting in the 1990s was largely due to a rise in drug gangs as recreational drug use soared.<sup>26</sup>

Jamaica's increase in homicides was even more dramatic than the increase in Ireland. The homicide rate is always higher after the ban than it was before, with the average homicide rate going from 7.3 per 100,000 during 1967 to 1973 to 31.5 per 100,000 in 1995. Jamaica's explosion in homicides during the 1990s is also directly blamed on drug gangs.<sup>27</sup>

Similar results can be found for countries from Venezuela to the Solomon Islands.<sup>28</sup>

#### 8. Conclusion

While we and other criminologists and economists are very skeptical that background checks or other types of gun control regulations will reduce either mass public shootings or murder rates, we have sketched out some very reasonable changes in the current proposed background checks that would quickly get them passed. I have provided these same points to gun control groups for 20 years.

The most obvious policy to stop the vast majority of mass public shootings is to eliminate gunfree zones and encourage people to carry their permitted concealed handgun.

Finally, we have shown that despite the common belief, more guns do mean less murder.

<sup>&</sup>lt;sup>1</sup> Juliet Eilperin, "Obama weighs expanding background checks through executive authority," Washington Post, October 8, 2015 (https://www.washingtonpost.com/politics/obama-weighs-expanding-background-checks-through-executive-authority/2015/10/08/6bd45e56-6b63-11e5-9bfe-e59f5e244f92\_story.html).

<sup>&</sup>lt;sup>2</sup> Crime Prevention Research Center, "Breaking down Mass Public Shooting data from 1998 through June 2019: Info on weapons used; gun-free zones; racial, age, and gender demographics," Crime Prevention Research Center, June 15, 2019 (https://crimeresearch.org/2019/07/breaking-down-mass-public-shooting-data-from-1998-though-june-2019-info-on-weapons-used-gun-free-zones-racial-age-and-gender-demographics/).

Jeffrey A. Roth and Christopher S. Koper, "Impacts of the 1994 Assault Weapons Ban: 1994–96," National Institute of Justice, March 1999 (https://www.ncjrs.gov/pdffiles1/173405.pdf). This was later published as Christopher S. Koper and Jeffrey A. Roth, "1994 Federal Assault Weapon Ban on Gun Violence Outcomes: An Assessment of Multiple Outcome Measures and Some Lessons for Policy Evaluation," *Journal of Quantitative Criminology*, Vol. 17, No. 1 (March 2001), pp. 33-74. See also their later report Christopher S. Koper, Daniel J. Woods, and Jeffrey A. Roth, "An Updated Assessment of the Federal Assault Weapons Ban: Impacts on Gun

Markets and Gun Violence, 1994-2003," Report to the National Institute of Justice, United States Department of Justice, June 2004 (https://www.ncjrs.gov/pdffiles1/nij/grants/204431.pdf).

4 Jeffrey A. Roth and Christopher S. Koper, "Impacts of the 1994 Assault Weapons Ban: 1994–96," National Institute of Justice, March 1999 (https://www.ncjrs.gov/pdffiles1/173405.pdf). This was later published as Christopher S. Koper and Jeffrey A. Roth, "1994 Federal Assault Weapon Ban on Gun Violence Outcomes: An Assessment of Multiple Outcome Measures and Some Lessons for Policy Evaluation," *Journal of Quantitative Criminology*, Vol. 17, No. 1 (March 2001), pp. 33-74. See also their later report Christopher S. Koper, Daniel J. Woods, and Jeffrey A. Roth, "An Updated Assessment of the Federal Assault Weapons Ban: Impacts on Gun Markets and Gun Violence, 1994-2003," Report to the National Institute of Justice, United States Department of Justice, June 2004 (https://www.ncjrs.gov/pdffiles1/nij/grants/204431.pdf).

<sup>5</sup> Crime Prevention Research Center, "UPDATED: Mass Public Shootings keep occurring in Gun-Free Zones: 94% of attacks since 1950," Crime Prevention Research Center, June 15, 2019 (https://crimeresearch.org/2018/06/moremisleading-information-from-bloombergs-everytown-for-gun-safety-on-guns-analysis-of-recent-mass-shootings/). <sup>6</sup> "Since 1994, background checks have blocked over 3.5 million gun sales to felons, domestic abusers, and other people who aren't allowed to have guns under existing law." Everytown for Gun Safety, "Better Background Checks," Everytown, as observed on September 15, 2019 (https://everytown.org/issue/background-checks/). <sup>7</sup> Crime Prevention Research Center, "CPRC in the Associated Press on background checks," Crime Prevention Research Center, December 9, 2014 (https://crimeresearch.org/2014/12/cprc-in-the-associated-press-on-background-checks/).

<sup>8</sup> John R. Lott, Jr., "Background Checks Are Not the Answer to Gun Violence," New York Times, February 12, 2018 (https://www.nytimes.com/2018/02/12/opinion/politics/background-checks-gun-violence.html).

<sup>9</sup> John R. Lott, Jr., "Background Checks Are Not the Answer to Gun Violence," New York Times, February 12, 2018 (https://www.nytimes.com/2018/02/12/opinion/politics/background-checks-gun-violence.html).

11 Louis Klarevas, "Rampage Nation: Security America From Mass Shootings," Prometheus Publishers (2016). Jon Stokes, "The assault weapons ban didn't work. A new version won't, either," Los Angeles Times, March 1, 2018 (<u>https://www.latimes.com/opinion/op-ed/la-oe-stokes-assault-weapon-ban-20180301-story.html</u>).

<sup>12</sup> John Donohue and Theodora Boulouta, "That Assault Weapon Ban? It Really Did Work," New York Times, September 4, 2019 (https://www.nytimes.com/2019/09/04/opinion/assault-weapon-ban.html).

<sup>13</sup>Brian Doherty, "Dianne Feinstein Touts Research Claiming the Assault Weapon Ban Reduced Mass Shootings," Reason, March 2, 2018 (https://reason.com/2018/03/02/research-relied-on-to-defend-a-new-assau/). <sup>14</sup> Crime Prevention Research Center, "New CPRC Research: Mass Public Shootings are much higher in the rest of the world and increasing much more quickly," Crime Prevention Research Center, November 22, 2018 (https://crimeresearch.org/2018/11/new-cprc-research-mass-public-shootings-are-much-higher-in-the-rest-ofthe-world-and-increasing-much-more-quickly/).

<sup>15</sup> John R. Lott, Jr. and Carlisle E. Moody, "Is the United States an Outlier in Public Mass Shootings?" Econ Journal Watch, March 2019, pp. 37-68 (https://econjwatch.org/articles/is-the-united-states-an-outlier-in-public-mass-shootings-a-comment-on-adam-lankford?ref=articles).

This is the same definition that was used by Lott and Landes (2001) and the work done by the Crime Prevention Research Center.

We looked at attacks from 1970 to 2017 (Global Terrorism Database, 2017 and LaFree et al, 2015).

Crime Prevention Research Center. See also Lott and Landes (2003) and Lott (2010). The only categories that sometimes meet our criteria for mass public shootings are "terrorism", "other crime type," and "intra/inter-group conflict." Government sponsored or directed/ordered killings or state terrorism (the "State Actor" category) are completely excluded.

We then reviewed each case using Nexis and web searches to determine whether they met our definition. Less than 50% of the terrorism shooting cases identified by the GTD met the definition of mass public shootings.

Over the **twenty** years studied here, the GTD also misses 39 cases in Europe.<sup>15</sup> The GTD also missed all of the cases for some countries such as the Solomon Islands.

To obtain these additional cases missed by the GTD, at the CPRC we used our own Nexis and web searches for mass shootings for Europe and the United States and for large-scale mass public shootings where at least 15 people were killed. We have also hired people who can speak Chinese, French, Polish, Russian, and Spanish.

<sup>16</sup> The Small Arms Survey is the most commonly cited source for data on gun ownership rates, with claims that the United States has by far the highest level of gun ownership, with 88.8 guns per 100 people. Unfortunately, the only citations that the Small Arms Survey offers are to the European Union Survey on gun ownership rates and in email discussions they point to the International Crime Victimization Survey (ICVS).<sup>16</sup> The EU survey covers only 28 countries in the European Union. The ICVS only covers five countries past 2005, and those are all countries that are already in the later EU survey. The only other information has been that they rely on gun ownership numbers, not gun possession numbers, for Israel and Switzerland, though no sources were provided.

<sup>17</sup> More detailed information is available in my book "More Guns, Less Crime," University of Chicago Press, 2010, third edition.

<sup>18</sup> Kevin Smith (Ed.), Sarah Osborne, Ivy Lau, and Andrew Britton, "Homicides, Firearm Offences and Intimate Violence 2010/11: Supplementary Volume 2 to Crime in England and Wales 2010/11," Home Office, January 2012 (https://www.gov.uk/government/uploads/system/uploads/attachment\_data/file/116483/hosb0212.pdf). See Table 1.01 and the column marked "Offences currently recorded as homicide per million population."
<sup>19</sup> Home Office, "Police workforce England and Wales statistics and Policing statistics,"

(<u>https://www.gov.uk/government/statistics/police-service-strength-england-and-wales-31-march-2012</u> and https://www.gov.uk/government/collections/police-workforce-england-and-wales).

<sup>20</sup> Department of Justice and Equality, "An Garda Síochána Working Group on Review of Firearms Licensing," Irish Department of Justice and Equality, November 2014

(http://www.justice.ie/en/JELR/2014.WG.Report.pdf/Files/2014.WG.Report.pdf).

<sup>21</sup> W. Calathes, "Gun Control in a Developing Nation: The Gun Court Act of Jamaica," *International Journal of Comparative and Applied Criminal Justice*, Volume 14, No. 1

(https://www.ncjrs.gov/App/publications/abstract.aspx?ID=160203). Enforcement continues through today "'Get the Guns' campaign nets 68 guns, 800 ammo," Jamaica Observer, October 15, 2015

(http://www.jamaicaobserver.com/news/-Get-the-Guns--campaign-nets-68-guns--800-ammo).

<sup>22</sup> BBC, "Venezuela bans private gun ownership," BBC, June 1, 2012 (http://www.bbc.com/news/world-latin-america-18288430).

<sup>23</sup> "Guns in the Solomon Islands," GunPolicy.org (<u>http://www.gunpolicy.org/es/firearms/region/cp/solomon-islands</u>). There are a large number of errors at the GunPolicy.org website. For example, the site claims that there were no gun murders after 1999, but as we will show in the text that was clearly not the case.

<sup>24</sup> Jamaica's crime data were obtained from a variety of sources. Its murder data from 1960 to 1967 were obtained from Terry Lacey, Violence and Politics in Jamaica, 1960–70 (Manchester: Manchester University Press, 1977). Professor Gary Mauser obtained the data from 1970 to 2000 from a Professor A. Francis in Jamaica and the data

from 2001 to 2006 from the Statistical Institute of Jamaica (http://www.statinja.com/stats.html). Jamaica's population estimates were obtained from NationMaster.com (http://www.nationmaster.com/graph/ peo\_pop-people-population&date=1975).

<sup>25</sup> "How Ireland was Always Violent," (http://www.irishsalem.com/irish-controversies/crime-in-ireland/wasireland-alwaysviolent-jun11.php).

<sup>26</sup> Niame Hourigan, "Niamh Hourigan examines the true nature of gang crime in Ireland today and asks, has anything really changed post-austerity?" Garda Review, November 25, 2014

(http://www.gardareview.ie/index.php/the-changing-face-of-irish-gangsters/).

<sup>27</sup> Michael Lohmuller, "Jamaica Sees 20% Spike in Murders," August 28, 2015 (http://www.insightcrime.org/newsbriefs/jamaica-sees-20-spike-in-murders-in-2015).

<sup>28</sup> John Lott, The War on Guns, Regnery: Washington, DC, Chapter 8, 2016.