

Gun Regulations Can Cost Lives

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Mr. Chairman, thank you very much for the opportunity to address this committee. Following the horrifying Colorado attack which left 13 victims dead and the injuries suffered in the Georgia attack, a long list of new gun control laws has passed the Senate. Clinton says that we must "do something" and that he knows "one thing for certain": if these rules had been law "there would have been fewer kids killed."

Yet would more gun laws have stopped the attack in Colorado? Would they save other lives? There are already a large number of laws in place. The Columbine murderers, Eric Harris and Dylan Klebold, violated at least 17 state and federal weapons-control laws. Nationwide there are more than 20,000 gun-control laws that regulate everything from who can own a gun and how it can be purchased to where one can possess or use it.

Regulations have both costs and benefits, and rules that are passed to solve a problem can sometimes make it worse. The biggest problem with gun-control laws is that those who are intent on harming others, and especially those who plan to commit suicide, are the least likely to obey them. Mr. Clinton frames the issue in terms of whether hunters are willing to be "inconvenienced," but this misses the real question: Will well-intended laws disarm potential victims and thus make it easier for criminals? Potential victims use guns more than two million times a year to stop violent crimes; 98% of the time simply brandishing a gun is sufficient to stop an attack. Crimes are stopped with guns about five times as frequently as crimes are committed with guns.

Consider, then, the costs and benefits of Mr. Clinton's main proposals:

– Waiting periods. Despite using the Colorado tragedy to motivate reinstating a national waiting period, a three day waiting period could not possibly have stopped this attack which was planned over a year in advance. For other crimes it is possible that waiting periods can cause people to cool off before they do something that they regret, but people many times are being stalked or threatened and waiting periods can make it difficult for them to quickly obtain a gun for defense.

The data suggest that we should be careful before rushing to reinstating

the waiting period that lapsed last year. I have found, in the only research done on this question, that the Brady Law's waiting periods had no impact on murder or robbery, but slightly increased rape and aggravated assault rates by a few percent. For two crime categories the major effect of the law was to make it more difficult for law-abiding citizens to get a gun for protection. The risks appear greatest for crimes involving women.

– Mandatory gun locks. This proposal is also unrelated to the attack in Colorado; Eric Harris and Dylan Klebold would have known how to remove any locks on the guns. Indeed, gun locks were circumvented in at least several of the six public school attacks that we have experienced since 1997. Clinton claims that gun locks will save lives, particularly those of young children, but this is unlikely to be the case. For children under 5, there were 30 accidental gun deaths in 1996, and this represents a real cost of gun ownership. For children under 15, there are 200 accidental deaths.

Yet, with around 80 million people owning around 240 million guns, the vast majority of gun owners must be extremely careful or such gun accidents would be much more frequent. It is hard to think of any other item around the home that is anywhere near as prevalent and anywhere near as dangerous that has such a low accidental death rate.

Indeed, five times as many children under 5 die from fires that they start with cigarette lighters (150 versus 30) and more die from drowning in water buckets around the home (40). For children under 15, almost 3,000 died in motor-vehicle crashes, 950 drowned and more than 1,000 died from residential fires. Hundreds more children die in bicycle accidents each year than die from all types of firearm accidents.

It's hardly consoling that accidents involving such common home fixtures as swimming pools and space heaters are more lethal than guns. Yet people understand that there are trade-offs in life and that the very rules that seek to save lives can result in more deaths. Banning swimming pools would help prevent drowning, for example, but if fewer people exercised, life spans would be shortened. Heaters may start fires, but they also keep people from getting sick or from freezing to death. So whether we want to allow pools or space heaters depends not only on whether some people may be harmed by them, but also on whether more people are helped than hurt.

Unfortunately, the current debate over gun locks focuses only on the costs and not the tens of thousands of children who are protected each year by parents or other adults using guns to defend themselves and their families.

Mechanical locks that fit either into a gun's barrel or over its trigger require the gun to be unloaded, and may prevent a few children's deaths. But locked, unloaded guns offer far less protection from intruders, and so requiring locks would likely greatly increase deaths resulting from crime.

Gunlocks may make sense if one lives in a safe area and has children, but in high crime areas the risk of death from crime clearly outweighs these other benefits. My research also indicates that it is poor people who live in high crime urban areas who benefit the most from owning guns for self-protection. Many of the proposals for sophisticated so-called "smart" locks that can only be activated by a specific individual's finger print or by a special ring with a computer chip will add at least several hundred dollars to gun prices and prevent those who need them most from obtaining them.

-- Prison sentences for adults whose guns are misused by someone under 18. Parents are already civilly liable for wrongful actions committed by their children, but Mr. Clinton proposes a three-year minimum prison term for anyone whose gun is used improperly by any minor, regardless of whether the gun owner consents to or knows of the use. The rules are being created for just one product when we would never think of applying them to other products. This is draconian, to say the least, the equivalent of sending Mom and Dad to prison because an auto thief kills someone while driving the family car. What about other household products like the propane tanks from barbecues or trailer homes used to make bombs? If the motivation is to prevent accidental deaths, why not apply this rule to items that pose a much greater risk to children in the home? Criminal penalties would surely motivate parents to store everything from medicines to knives to water buckets more carefully, but most would consider such an idea extreme.

-- New rules for gun shows. The Clinton administration has provided no evidence that such shows are important in supplying criminals with guns. What's more, it is simply false to claim that the rules for purchasing guns at a gun show are any different from those regarding gun purchases anywhere else. Dealers who sell guns at a show must perform the same background checks and obey all the other rules that they do when they make sales at their stores. Private sales are unregulated whether they occur at a gun show or not.

If, as Mr. Clinton proposes, the government enacts new laws regulating private sales at gun shows, all someone would have to do is walk outside the show and sell the gun there. To regulate private sales, the government would have to register all guns. This is where the discussion will soon be headed as it is certain that gun control advocates will quickly point to the unenforceability of these new laws. Those who advocate the new rules must know that they are doomed to failure and should be willing to acknowledge openly if their real goal is registration. The only people who will bear a cost from these laws are those who desire to obey them.

The Lautenberg amendment that was adopted by the Senate allows for open ended fees and massive paper work requirements which could be used to put gun shows out of business. Rather than trying to drive underground gun sellers, an alternative approach would be to lower the fees (possibly even subsidizing those that become licensed dealers) to encourage more sellers

to become part of the current regulatory system. Taxes or fees which encourage people to go outside the system makes it difficult for those who would otherwise like to engage in criminal background checks to do so.

-- Gun Purchases Over the Internet. The recent discussions about sales over the internet are also inaccurate. The misleading impression has been created that people can buy a gun directly over the internet when in fact it is necessary for the gun to be transferred to a licensed dealer where the buyer can then pick up the gun. All the background checks that must be performed for other sales by the licensed dealer must also be conducted for the internet sales.

-- Ban on Large Capacity Magazines. One of the scarier images has been the large magazine clips that can be fitted to guns. The images provided during the debate in the Senate tied in these clips to so-called "assault weapons." The implication is clearly that these clips endanger people's lives and have been used to kill people. Despite the imagery provided, no mention is made of whether these "assault weapons" with large clips are actually used in killing people. In fact, attacks with so-called assault weapons where more than 10 shots have been fired by a gun are exceedingly rare. Tom Petee of Auburn University has found 3 multiple murder cases outside of residences from 1990 through 1998 where an "assault weapon" fired more than 10 rounds. He has not systematically investigated attacks within residences, but guesses that such a study would yield an even smaller number of cases.

-- Age limits. Mr. Clinton proposes a federal ban on possession of handguns by anyone under 21. Under a 1968 federal law, 21 is already the minimum age to purchase a handgun, but setting the age to possess a handgun is a state matter. While some people between 18 and 21 use guns improperly, others face the risk of crime and would benefit from defending themselves. My own research indicates that laws allowing those between 18 and 21 years of age to carry a concealed handgun reduce violent crimes just as well as those limited to citizens over 21. Passage of this law will invalidate those state laws that allow 18 to 21 years olds to carry concealed handguns to protect themselves.

-- Background checks for purchasers of bomb-making material. This will have little effect, simply because few items are likely to be covered. No one seriously discusses including fertilizer, used to make the bomb that killed 168 in Oklahoma City in 1995, or propane tanks like the ones found after the Littleton massacre. There are simply too many common household items that can be used to make bombs.

Much of the debate over gun control these days is conducted without regard for facts. For example, the press reproduces pictures of a Tech-9, the so-called assault pistol used in the Columbine attack. The pictures show a much larger ammunition clip than was actually used, making it look as frightening as possible. Few reports even mention that at most one of the

13 Littleton victims was killed with this gun. In spite of all the rhetoric and despite its appearance, this "assault weapon" functions no differently from other semiautomatic pistols sold in the U.S. It is no more powerful, it doesn't shoot any faster, and it doesn't shoot any more rounds. One pull of the trigger fires one bullet.

Good intentions don't necessarily make good laws. What counts is whether the laws will ultimately save lives. The real tragedy of Mr. Clinton's proposals is that they are likely to lead to the loss of more lives.

Other Proposals that Might Stop These Attacks on Our Children

It's worth noting that the attack occurred in one of the few places in Colorado where possessing a gun is illegal. Indeed, since 1995 federal law generally prohibits guns within 1000 feet of a school.

Gun prohibitionists concede that banning guns around schools has not quite worked as intended but their response has been to call for more regulations of guns. Yet what might appear to be the most obvious policy may actually cost lives. When gun control laws are passed, it is law-abiding citizens, not would-be criminals, who adhere to them. Obviously the police cannot be everywhere, so these laws risk creating situations in which the good guys cannot defend themselves from the bad ones.

Other countries have followed a different solution. Over 20 years ago in Israel, there were many instances of terrorists pulling out machine guns and firing away at civilians in public. However, with expanded concealed-handgun use by Israeli citizens, terrorists soon found ordinary people pulling pistols on them. Suffice it to say, terrorists in Israel no longer engage in such public shootings.

The one recent shooting of schoolchildren in Israel further illustrates these points. On March 13, 1997, seven Israeli girls were shot to death by a Jordanian soldier while they visited Jordan's so-called Island of Peace. The Los Angeles Times reported that the Israelis had complied with Jordanian requests to leave their weapons behind when they entered the border enclave. Otherwise, they might have been able to stop the shooting, several parents said.

Hardly mentioned in the massive news coverage of the school-related shootings during the 1997/1998 school year is how they ended. Two of the five shootings were stopped by a citizen displaying a gun. In the October 1997 shooting spree at a high school in Pearl, Miss., which left two students dead, an assistant principal retrieved a gun from his car and physically immobilized the shooter while waiting for the police.

The school-related shooting in Edinboro, Pa., which left one teacher dead, was stopped only after a bystander pointed a shotgun at the shooter when he

started to reload his gun. The police did not arrive for another 11 minutes.

Who knows how many lives were saved by these prompt responses?

Anecdotal stories are not sufficient to resolve this debate. Together with my colleague William Landes, I have compiled data on all the multiple-victim public shootings occurring in the United States from 1977 to 1995 (the research paper is attached as an appendix). Included were incidents where at least two people were killed or injured in a public place; to focus on the type of shooting seen in the Colorado rampage, we excluded gang wars or shootings that were the byproduct of another crime, such as robbery. The United States averaged 21 such shootings annually, with an average of 1.8 people killed and 2.7 wounded in each one.

So what can stop these attacks? We have examined a range of different gunlaws, such as waiting periods, as well the frequency and level of punishment. However, while arrest and conviction rates, prison sentences, and the death penalty reduce murders generally, they have no significant effect on public shootings. There is a simple reason for this: Those who commit these crimes usually die in the attack. They are killed in the attack or, as in the Colorado shooting, they commit suicide. The normal penalties simply do not apply.

To be effective, we must deal with what motivates these criminals. In their deranged minds, their goal is to kill and injure as many people as possible. Most appear to do it for the publicity, which is itself related to the amount of harm they inflict. The best way to stop these attacks is to enact policies which can limit the carnage. We find only one policy that effectively does this: the passage of right-to-carry laws.

The impact of these laws, which give adults the right to carry concealed handguns if they do not have a criminal record or a history of significant mental illness, was dramatic. Thirty-one states now have them in place. When states passed them during the 19 years we studied, the number of multiple-victim public shootings declined by 84 percent. Deaths from these shootings plummeted on average by 90 percent, injuries by 82 percent. To the extent that attacks still occur in states after these laws are enacted they tend to occur in those areas in which concealed handguns are forbidden.

Concealed handgun laws also have an important advantage over uniformed police in that would be attackers can either aim their initial assault at the officer or wait until he leaves the area. With concealed handgun laws, it is also not necessary that many people even carry a weapon.

Unfortunately, much of the public-policy debate is driven by lopsided coverage of gun use. Horrific events like the public-school shootings receive massive news coverage, as they should, but the 2.5 million times

each year that people use guns defensively - including cases in which public shootings are stopped before they happen - are ignored.

The possibility of a law-abiding citizen carrying a concealed handgun is apparently enough to convince many would-be killers that they will not be successful. Without permitting law-abiding citizens the right to carry guns, we risk leaving victims as sitting ducks.

Misleading Claims on Crime

One of the biggest problems in discussing crime policies has become whether or not the Clinton administration's data claims can be trusted. Take something as simple as Mr. Clinton's claim of the 100,000 new police officers produced under the COPS program. The Department of Justice numbers indicate that total hired is actually 40,680. But even this is misleading because 38,000 are not "officers," they are civilian employees or computers. Amazingly enough, buying one lap top computer can count for as much as hiring one police officer. The reasoning is that computers or civilian employees free up real officers to go out on patrol, but the legislation hasn't worked that way in practice.

The entire program is riddled with bogus accounting. For example, Washington, D.C. was assumed to hire 781 new officers, or at least free up that many to be on the street. While the city is not quite sure of the precise number, it acknowledges that at most 46 officers have been redeployed. When told of the Clinton administration's claim, the D.C. official in charge of the grants is quoted by the Chicago Tribune as saying, "My goodness, how did the Justice Department calculate that?"

Grants to police departments across the country are being used to perform work previously done by nonpolice officers. "Officers" have been hired to teach children how to fish and cut down cornstalks at rural intersections.

The Brady Law numbers are just as problematic. Last year, for example, the Indianapolis Star reported that Clinton's Justice Department overstated the number of handgun sales blocked in Indiana by more than 1,300%. The numbers in other states showed large, though smaller, mistakes.

The Justice Department refers to selected state police agencies as its source. But some of these very same agencies denied providing these numbers. "If they're saying we had that many stops," said Bruce Bryant of the Indiana State Police Firearms Division, "there's no way in the world it could be that high."

Another blatant example of misstatements has been the administration's attempt to bolster the city lawsuits against gun makers and support the claim that guns sales are conducted recklessly. Earlier this year the Clinton administration released a report asserting that more often than

not, the guns used in crimes are purchased, not stolen. Senior administration officials use these well timed results to argue that the suits are correct. President Clinton has also constantly asserts that gun shows serve as a source of guns to criminals, misleading people into believing that licensed firearms dealers can somehow sell guns at such shows without conducting criminal background checks.

Even before assessing whether guns are sold recklessly, a little perspective is needed. Americans own about 240 million guns. In comparison, about 450,000 gun crimes were committed in 1996. Even in the unlikely case that the average gun toting criminal uses a gun just twice, only .09 percent of all the guns out there get used for criminal purposes in any given year.

The administration claims that straw purchases may account for between a third and a half of the guns used in a crime, but the evidence is very indirect. In place of actually tracing a gun's history of ownership, guns that are less than three years old are simply assumed to be transferred by straw purchases. The percentages they derive though are based on a completely arbitrary ratio. They use this definition of straw purchases on all guns that were sold and used in a commission of a crime between the beginning of 1990 and the end of 1996. The problem is that using this method the administration could have gotten any estimate that it wanted. For example, suppose that it had just studied the guns which were sold and then used in a crime between the beginning of 1994 and the end of 1996. Since this period is only three years in length all those guns studied would be classified as straw purchases, and the administration could have claimed that 100 percent of guns used in crime were as a result of straw purchases. A period longer than 1990 to 1996 would have produced a lower estimate than the administration reported.

Obviously other problems exist with the administration's estimates. Even the report acknowledges that many of the guns which find their way into crime after three years might have been stolen, but let's say the administration's most extreme claims are true. If criminals on average use a gun to commit two crimes, comparing the number of guns sold during 1994 to 1996 with violent crime committed with guns in 1996 implies that only about a half-of-one-percent of recently sold guns have made it into illegal use in that year.

Beyond the assumptions of what is classified as a "straw purchase," the report never even traces more than 43 percent of the guns recovered in crimes and more importantly it acknowledges that these untraced guns are much more likely to be stolen. All the assumptions were consistently made to exaggerate the rate at which straw purchases are made.

Mr. Clinton has also continually claimed that the Brady Law as well as the assault weapons ban deserve credit for the drop in crime rates. Unfortunately, the administration has provided nothing more than pointing

out that crime rates fell after the adoption of these laws. But crime has been falling in the United States since 1991 and the ultimate issue is whether these laws caused it to fall even faster than it was otherwise declining.

Conclusion

Given the large number of preexisting gun control laws, it seems incumbent that we examine their impact before even more laws are passed. What we learn when we do this is that past laws have been primarily obeyed by the law-abiding and not the criminals that they were intended for. If my research convinces me of anything, it is that rules which relatively disarm the law-abiding increase crime. I believe that the proposed laws will either have no effect on crime or that they will actually increase the amount of harm suffered by good citizens.