

Myths About Gun Control

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Executive Summary

Firearms are used to commit as many as 650,000 crimes each year. But firearms are also used to prevent crimes as many as one million times each year. In fact, criminals are three times more likely to be killed by armed victims who resist them than by the police. Would tougher gun control laws make our lives safer? Fair appraisal of the issue requires us to put aside some common myths.

Myth No. 1: Guns cause crime. A careful review of 18 academic studies shows that there is no relationship between the number of guns and the amount of crime in the United States. International evidence tells a similar story.

Myth No. 2: Gun control laws reduce crime. The nation already has 20,000 gun control laws, and the police arrest 220,000 people a year on weapons violations. Yet the violent crime rate is at an all-time high. Moreover, considering that fewer than 1 percent of all guns are involved in a crime and only 12 percent of all violent crimes involve a gun, gun control laws could have only a modest effect on crime — even if they worked exactly as intended, which they don't. For example, New Jersey, Hawaii and Washington, D.C., experienced sharp murder-rate increases after passing tough gun control laws. Canada, Taiwan and Jamaica reported similar experiences.

Myth No. 3: Guns are of little help in defending against criminals. In fact, guns are a big help. Each year, potential victims kill from 2,000 to 3,000 criminals and wound an additional 9,000 to 17,000. And mishaps are rare. Private citizens mistakenly kill innocent people only 30 times a year, compared with about 330 mistaken killings by police. Criminals succeed in taking a gun away from an armed victim less than 1 percent of the time.

Myth No. 4: Killing someone is the only reason to buy a handgun. The vast majority of gun owners cite protection from crime as one of the main reasons they own a gun. And for good reason. Americans use guns for self-protection about one million times a year. In 98 percent of the cases, they simply brandish the weapon or fire a warning shot.

Myth No. 5: People who buy guns are more prone to violence and crime than are other people. Violence and crime are higher among black than white, lower-income than middle- or upper-income, young than middle-aged, single than married, and urban than rural individuals — all contrary to the pattern of gun ownership.

Myth No. 6: Criminals mainly have guns in order to commit crimes. The number one reason criminals acquire guns is for self-protection against other criminals. Fewer than half of felons think handguns are important for use in committing crimes.

Myth No. 7: Killings and other violent crimes were prevalent in the Old West because guns were so plentiful. Much of the violence on the frontier involved clashes with Indians, bandits and foreigners. Even so, the frontier was a lot safer than America is today. There was very little ordinary crime — less than in most cities in the East.

Myth No. 8: Gun controls keep criminals from obtaining guns. In surveys of prisoners, a majority said that prior to imprisonment they had owned a handgun. But fewer than one in six guns had been purchased from a retail dealer. Three-fourths of the felons said they would have no trouble obtaining a gun when they were released, despite legal prohibitions.

Myth No. 9: Required waiting periods would prevent some of the most vicious crimes. If the Brady bill were law, it would not have saved Jim Brady. Nor would it have prevented the Killeen, Texas, massacre or the slaughter at McDonald's in Stockton, Calif. However, an instant records check (to identify felons when they try to purchase guns from retail dealers) and better enforcement of existing laws (to turn criminals into convicted felons) might well prevent some vicious crimes.

Myth No. 10: Most murders are committed by people killing friends or family members. The actual number is about one out of five. Most in-household killings are not crimes of passion. They're the culmination of years of abusive behavior, and often it is the abuser who is killed.

Myth No. 11: The availability of guns contributes to crimes of passion. In about 90 percent of "crime-of-passion" domestic homicides, the police had been called in previously to break up violence. In half the cases, the police had been called in five or more times. There is no evidence that a significant number of homicides occur simply because a lethal weapon is handy.

Myth No. 12: Automatic rifles and so-called assault weapons are too dangerous to be left in private hands. Over the past 50 years no civilian has ever used a legally owned machine gun in a violent crime. And despite their repeated use by drug dealers on "Miami Vice" and in the movies, no Uzi has ever been used to kill a police officer. Even gun control advocates concede that so-called assault weapons play a minor role in violent crime.

Myth No. 13: Gun control laws are especially needed to prevent the purchase of "Saturday Night Specials." Inexpensive handguns are involved in only 1 to 3 percent of violent crimes, and criminals are no more likely to use one than any other type of handgun.

Myth No. 14: People don't need guns for self-protection because they can rely on the police. About 83 percent of the population will be victims of violent crime at some point in their lives, and in any given year serious crime touches 25 percent of all households. Considering that, effectively, there is only one police officer on patrol for every 3,300 people, the odds are not likely to improve. And the courts have ruled that government has no duty to protect individual citizens from crime.

Myth No. 15: Gun ownership is not a constitutional right. The Second Amendment reflects the founders' belief that an armed citizenry (called the "general militia") was a necessary precaution against tyranny by our *own* government and *its* army. The idea that government has a constitutional right to disarm the general citizenry is totally foreign to the intent of the Constitution's framers.

Introduction

The controversy over gun control laws is not new, nor is it confined to the United States. Consider Cesare Beccaria, an 18th-century economist, writer and founder of the classical school of criminology (1738-1794). Concerning arms control laws, he wrote:¹

False is the idea of utility that sacrifices a thousand real advantages for one imaginary or trifling inconvenience; that would take fire from men because it burns, and water because one may drown in it; that has no remedy for evils, except destruction. The laws that forbid the carrying of arms are of such a nature. They disarm those only who are neither inclined nor determined to commit crimes. . . . Such laws make things worse for the assaulted and better for the assailants; they serve rather to encourage than to prevent homicides, for an unarmed man may be attacked with greater confidence than an armed man.

Most gun control laws make no distinction between law-abiding citizens and lawbreakers. They imply that anyone possessing a gun is likely to use it to break the law, so they typically attempt to limit possession to those who are able to justify their specific need for a gun to government officials. Controls, especially as administered by ordinary people, give little consideration to any benefits of gun ownership or to the possible need of law-abiding persons to resist criminals. As in the case of efforts to control people's use of illicit drugs, there are good reasons to doubt government's ability to control the possession of guns, even with intrusive infringements on liberty.

Advocates of gun control laws contend, among other things, that the easy availability of firearms — particularly handguns — leads people to kill friends or family members during disputes or fights, that guns bear much of the responsibility in cities with high murder rates and that guns used for defense are often turned against the user. They maintain that the high rate of serious crime is related to the freedom to buy and own firearms.

Echoing those beliefs, the *Journal of the American Medical Association* and C. Everett Koop, a former U.S. Surgeon General, have called gunshot wounds and deaths a public health epidemic. They have called for the licensing of all gun owners, requiring them to meet qualifications similar to those for drivers' licenses. Others, of course, would go much further.

"Most gun control laws make no distinction between law-abiding citizens and lawbreakers."

Fifteen Myths about Gun Control

The intended effect of most 20th century “gun crime” legislation has been to prevent criminals from obtaining guns or from using the guns they obtained. Yet the number of armed criminals and the amount of armed crime has increased during a period in which gun control laws have proliferated. On the surface, it would appear that the *actual* effects of legislation have not been the intended ones.

Why then is there such strong support for laws controlling firearms? Much of it may stem from a belief in one or more myths about firearms and laws governing their possession. This study examines the most popular of these myths.

Myth No. 1: Guns cause crime.

The National Crime Survey estimates that 83 percent of Americans will be victims of violent crime at some time in their lives.² Parties with diametrically opposed views on gun control seize on this estimate to support their positions. Those favoring gun control laws claim that such laws would keep more guns off the streets and out of the hands of criminals in an increasingly violent world. Opponents of new gun restrictions contend that a firearm in the hands of a law-abiding person is one of the best deterrents to crime, protecting people with limited physical strength from physically stronger criminals. Let’s take a look at the available evidence.

Domestic Studies. Several sophisticated statistical models have attempted to measure the net effect of firearms on criminal violence. On balance, they show that there is nothing to be gained from reducing the general level of gun ownership.³

- A thorough review of 18 studies of the effects of gun availability among potential victims and criminals found that the overall effect on criminal violence was zero.⁴
- In one study, researchers found no significant differences in total robbery rates between cities where guns were widely available and cities where they were not; in cities with fewer firearms, armed robbers simply used other weapons.⁵
- The best available evidence, based on at least eight national surveys of the general adult population, indicates that guns are used about as often for defensive as for criminal purposes.⁶ This conclusion is especially true of handguns.

“Sophisticated statistical models show that reducing gun ownership doesn’t reduce crime.”

International Evidence. The experience of other nations also provides little support for the notion that guns cause crime:⁷

- Switzerland has one of the lowest murder rates in the world, and it requires all able-bodied males between the ages of 20 and 50 to have a military-issued automatic weapon, ammunition and other equipment in their dwellings.⁸
- Israel, which has an extremely low crime rate but is vulnerable to enemies including terrorists, depends on the defensive value of widespread civilian gun possession.
- Denmark and Finland also have high rates of gun ownership and low crime rates.

The experience of these countries shows that widespread gun possession is compatible with low crime rates. On the other hand, nations like Japan and England also have low crime rates but low gun ownership. There is no simple relationship between firearm availability and crime.⁹

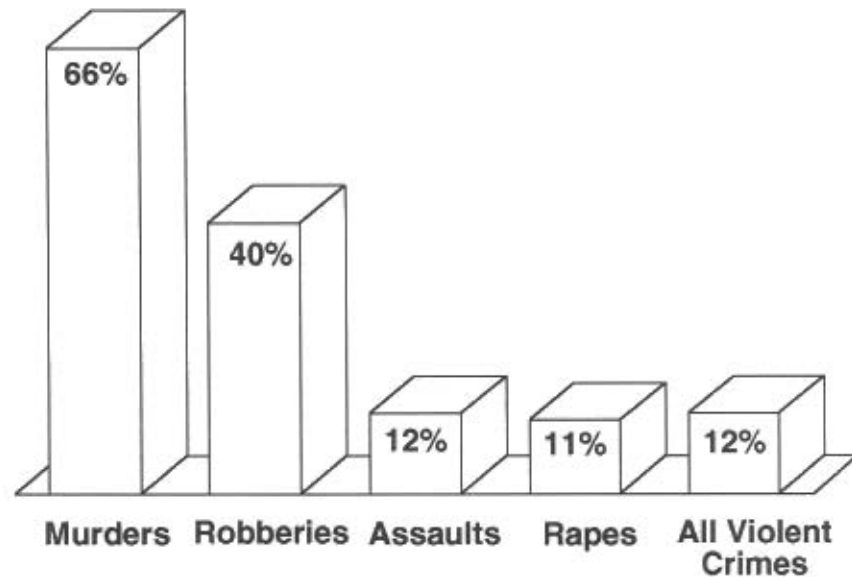
Crimes Involving Guns. How many violent crimes involving guns are committed each year? FBI data for 1990 show that criminals used firearms in about 258,000 violent offenses, or about 16 percent of the 1.6 million crimes reported to the police. Fewer than half of all violent crimes are reported to the police, however. The National Crime Survey (NCS) estimates that there are about 5.4 million violent crimes (both reported and unreported) and that guns of all types are involved in some 650,000 or 12 percent.¹⁰ In other words, 88 percent of violent crimes do not involve firearms.

While certainly a very large annual number, reported and unreported violent crimes committed with guns remain relatively rare events. Less than 2 percent of the estimated 36 million crimes of all types (in the National Crime Survey) committed each year involve a gun. A majority of gun crimes are assaults, but only one in 42 handgun crimes involves a victim being shot. While there is a lot of violent crime in America relative to other industrial nations, an overwhelming majority of the violence involves knives, hammers, sticks, broken bottles, hands and feet and other weapons besides firearms.

Guns are used in a majority of murders (from 59 percent to 66.3 percent in each of the past 10 years) and accounted for 14,265 deaths in 1991. According to the FBI's Uniform Crime Reports, 53.1 percent of reported murders in 1991 were committed with handguns, 5.2 percent with shotguns and 3.4 percent with rifles, while miscellaneous and unknown firearms

"Eighty-eight percent of violent crimes do not involve firearms."

FIGURE I
**Percent of Crimes
 Involving a Firearm**



Source: U.S. Department of Justice.

"Firearms were used in a higher percentage of homicides in the 1920s than in the 1980s."

accounted for the remaining 4.6 percent. (Long guns, although virtually uncontrolled, were involved in only 8.6 percent of homicides.) By contrast, firearms were used to commit about 70 to 75 percent of homicides in the 1920s, a higher percentage than the average 60 percent rate during the 1980s.¹¹ Firearms were the instrument of death in 60 percent of murders in 1980 and 66 percent in 1991 — the highest percentage in recent years — suggesting an upward trend. Firearms were used in 40 percent of all reported robberies but in only 11 percent of all rapes, 12 percent of severe assaults and 12 percent of all violent crimes. [See Figure I.]

Guns Involved in Crimes. No one knows what fraction of firearms ultimately is used to commit crime, but the percentage is almost certainly tiny. Even if the same gun were never used more than once in committing a crime, only one out of every 309 guns would be involved in a crime in a given year.¹² Overall:

- Only one out of every 123 handguns (less than 1 percent) and one out of every 1,247 long guns (less than one-tenth of 1 percent) are used in crime in any given year.¹³

- Even under very generous assumptions to maximize the estimated percentage of guns used in a crime, at most 6.7 percent of handguns would *ever* be involved in a crime.¹⁴
- If we realistically allow for repeated criminal uses of the same weapons, the fraction of all guns that are ever involved in crime would be less than 1 percent, with long guns under 0.5 percent and handguns under 2 percent.

"Even if gun control laws removed the 1 percent of guns used in crimes, criminals would find it easy to replace them."

Gun control laws cannot possibly reduce the crime rate unless they affect the 1 percent of guns that are actually used in crimes. Even if the laws did this, criminals would find it easy to acquire new guns. The numbers by themselves raise doubts about the efficacy of general restrictions on gun ownership in decreasing the frequency of gun use in violent crime.

Case Study: Killeen, Texas. George Hennard crashed a pickup truck through the front of a Luby's Cafeteria in Killeen, Texas, on October 16, 1991, got out with two semiautomatic pistols and methodically killed 23 people in 10 minutes before police finally arrived and killed him.

Dr. Suzanna Gratia, who watched as her mother and father were shot to death by Hennard, said later that she had left a pistol in her car outside the cafeteria because Texas law forbade carrying a weapon. From where she lay, she said, she had a clear shot at Hennard early on — and would have taken it. "We were sitting ducks and that just makes me so blasted mad," said Dr. Gratia, a chiropractor. "I've got a right to protect myself."¹⁵

On that day, coincidentally, Congress was debating a crime control bill. Congressman Chet Edwards, in whose district the massacre occurred, said the event convinced him to favor a ban on so-called assault weapons (although assault weapons were not used in the Killeen massacre).

Case Study: Anniston, Ala. Two months later, two armed robbers herded 20 customers and employees in an Anniston, Ala., Shoney's restaurant into a walk-in cooler and held the manager outside at gunpoint. Then they spotted Thomas Glen Terry, a customer, hiding under a table and began shooting at him. Unlike the situation in Texas, Terry, who had a permit, was carrying a .45 caliber automatic handgun. He shot back, killing one robber and wounding the other. The manager and the hostages were released unharmed.¹⁶

Case Study: Los Angeles, Calif. Rioters in Los Angeles in the spring of 1992 looted and burned a store owned by Korean-Americans in Hollywood, even though they had to break through steel roll-down doors with crowbars and sledgehammers to get at it. But they spared a similar business in Koreatown. The reason? The rioters could see commandos with Uzi machine guns on top of the Koreatown building. The merchants later revealed that, although they did have a few guns that they fully intended to use if necessary, the “Uzis” were toys, and the “commandos” were costumed merchants.¹⁷

The looters and arsonists tended to leave houses and apartment buildings in the riot area of Los Angeles alone — not out of compassion, but because, as a 13-year-old neighborhood resident said, “They (the residents) got guns and everybody knows that. Nobody’s going to want to mess with folks in houses.”¹⁸

Myth No. 2: Gun control laws reduce crime.

Despite some 20,000 gun laws in the United States, mostly at the state and local levels, there is little evidence that any but the most weakly motivated citizens have been discouraged from gun ownership. And there is no evidence that these gun control laws have made a dent in the crime rate.

Domestic Evidence. If gun control laws have any effect, it may be to increase crime. For instance:¹⁹

- New Jersey adopted what sponsors described as “the most stringent gun law” in the nation in 1966; two years later, the murder rate was up 46 percent and the reported robbery rate had nearly doubled.
- In 1968, Hawaii imposed a series of increasingly harsh measures and its murder rate, then a low 2.4 per 100,000 per year, tripled to 7.2 by 1977.
- In 1976, Washington, D.C., enacted one of the most restrictive gun control laws in the nation. Since then, the city’s murder rate has risen 134 percent while the national murder rate has dropped 2 percent.

Defenders of the Washington law say it isn’t working because criminals are getting guns in Virginia, where the laws are more relaxed. But just across the Potomac River, Arlington, Va., has a murder rate less than 10 percent of that of Washington (7.0 murders versus 77.8 per 100,000 population). Can the difference be explained by the fact that Washington is a large

“Washington’s murder rate has risen 134 percent since its strict gun control law was enacted in 1976.”

city? Virginia's largest city, Virginia Beach, has a population of nearly 400,000, allows easy access to firearms — and has had one of the country's lowest murder rates for years (4.1 per 100,000 population in 1991).

An analysis of 19 types of gun control laws [Table I] concluded that not only do they fail to reduce rates of violence, they even fail “to reduce the use of guns or induce people to substitute other weapons in acts of violence.”²⁰ For example:²¹

- When Morton Grove, Ill., outlawed handgun ownership, fewer than 20 were turned in.
- After Evanston, Ill., a Chicago suburb of 75,000 residents, became the largest town to ban handgun ownership in September 1982, it experienced no decline in violent crime.
- Among the 15 states with the highest homicide rates, 10 have restrictive or very restrictive gun laws.
- 20 percent of U.S. homicides occur in four cities with just 6 percent of the population — New York, Chicago, Detroit and Washington, D.C. — and each has a virtual prohibition on private handguns.
- New York has one of the most restrictive gun laws in the nation — and 20 percent of the armed robberies.

Even more troublesome is the fact that the places where gun control laws are toughest tend to be the places where the most crime is committed with illegal weapons:²²

International Evidence. Other countries have had similar experiences. After Canada passed a gun control law in 1977, the murder rate failed to decline but armed robbery and burglary, crimes frequently deterred by gun ownership, increased.²³ (Canadian homicide rates are slightly lower than those in states along the U.S. border.) Violent crime accelerated in Taiwan and Jamaica after handguns were banned.²⁴

Why Gun Control Laws May Benefit Criminals. An increase in violent crime that appears to follow a tightening of controls on gun ownership and use is consistent with economic reasoning. Gun control laws are most likely to be obeyed by people who are otherwise law-abiding if, indeed, they are obeyed by anybody. Thus measures that apply equally to criminals and

“New York, with one of the most restrictive gun laws in the nation, has 20 percent of all armed robberies.”

TABLE I
Prevalence of Gun Controls

<u>Type of Control</u>	<u>Percent of Cities¹</u>
License to possess gun in home	11%
Permit to purchase or acquire	34%
Application to purchase or acquire	37%
Waiting period to buy, receive, etc.	44%
Prohibit possession — criminals	82%
Prohibit possession — mentally ill, incompetent	25%
Prohibit possession — drug addicts, users	41%
Prohibit possession — alcoholics, etc.	19%
Prohibit purchase by minors	98%
Registration of guns	47%
State or city license — gun dealers	61%
Concealed handgun carrying forbidden or permit hard to get	88%
Open handgun carrying forbidden or permit hard to get	56%
Mandatory penalty, illegal carrying	12%
Additional penalty for committing crimes with gun, discretionary	58%
Additional penalty for committing crimes with gun, mandatory	61%
State constitutional provision — individual right to bear arms	43%
De facto ban on handgun possession	1%
Saturday Night Special sales ban	4%

¹ Includes all cities with more than 100,000 population in 1980.

Source: Gary Kleck, *Point Blank: Guns and Violence in America* (Hawthorne, NY: Aldine de Gruyter, 1991), Table 10.3, p. 419.

"Despite 20,000 gun control laws in the United States, there is no evidence that gun controls reduce the use of guns."

"If gun control laws have any effect, they probably benefit criminals."

noncriminals, if they affect behavior at all, are almost certain to reduce gun possession more among noncriminals. As the popular slogan puts it: "If guns are outlawed, only outlaws will have guns."

Scholarly studies have not been able to demonstrate any effect of gun control laws. But if there is an effect, it is likely to benefit criminals in two ways: fewer armed victims to worry about and fewer criminal justice resources to devote to prosecuting real criminals. If fewer potential victims have guns for defense, the balance of power tilts slightly toward criminals. The overall crime rate tends to increase, although guns may not be used in any more crimes because, on average, victim resistance is lowered.

Because more police resources are spent on gun registration, gun law enforcement and gun law convictions, fewer resources are available to deter real criminals. Arrests for weapons violations already exceed 220,000 per year,²⁵ a nontrivial load on the criminal justice system. A Chicago judge from one of the two courtrooms exclusively dedicated to trying gun law offenses in that city testified a few years ago:²⁶

The most striking experience I can take away from the Gun Court . . . is . . . the kinds of people that appear there as defendants. . . . This is their very first arrest of any kind. Many of them are old people, many of them are shopkeepers, persons who have been previous victims of violent crime.

Although many of these "criminals" get probation, the advocates of stricter gun laws press for mandatory sentencing. Meanwhile, punishments meted out for gun law violations not connected with real crimes tend to depress citizens' respect for law and the criminal justice system. As attorney David B. Kopel puts it, "In a world where first-time muggers often receive probation, it is morally outrageous to imprison . . . everyone who carries a firearm for self-defense."²⁷

Myth No. 3: Guns are of little help in defending against criminals.

Over the years, police and other experts have changed their recommendations about how to deal with criminals. In the early and middle 1970s, they advised cooperating with robbers and rapists to minimize chances of personal injury. Today, some who gave that advice tacitly admit that it was misguided. They now urge resistance in selected instances, especially for rape victims. Studies show that robbery and rape victims who resist with a gun are only half as likely to suffer injuries as those who put up no defense.²⁸

Why Guns Deter Criminals. Advocates of gun control have paid for several studies, hoping to prove that guns are not useful for self-defense. But every study has shown the opposite: Handguns are used at least as often in repelling crimes as in committing them and are particularly successful as weapons of defense.²⁹ This is one reason why 88 percent of the nation's command-rank police officials disagree with the statement, "The banning of private ownership of firearms will result in fewer crimes from firearms."³⁰

In the 1960s a New York-based antigun group printed signs for its members to post on their homes, "THERE ARE NO GUNS IN THIS HOUSE." But the signs came down and the organization withered after a large number of those homes were robbed or burglarized.³¹ On the other hand, during a 1974 police strike in Albuquerque, N. M., armed citizens patrolled the streets — and felonies dropped sharply.³²

Americans use firearms for protection an estimated one million times each year. Ninety-eight percent of the time, they simply brandish the weapon or fire a warning shot.³³ But not always:³⁴

- Each year, gun-wielding citizens kill an estimated 2,000 to 3,000 criminals in self-defense, three times the number killed by police.
- They wound another 9,000 to 17,000 criminals each year.

Criminals may not read statistical studies, but they are generally aware of the large number of firearms in existence and of the fact that law-abiding citizens own most of them. Although violent crime and total crime reported to the police is much higher in the United States than in Western Europe, U.S. burglary rates are about the same, or lower, probably because of the deterrent effect of civilian firearms.³⁵ Burglars say they spend an average of two hours "casing" a house to establish that no one is at home.³⁶ They avoid late-night burglaries because "that's the way to get shot."³⁷ Interviews with convicted felons are especially revealing:³⁸

- As Figure II shows, a survey of 1,874 felons in 10 states found that most worry more about meeting an armed victim than about running into the police.
- 42 percent reported they had encountered a victim armed with a gun, and 38 percent had been scared off, shot at, wounded or captured by an armed victim.
- A majority agreed that "a store owner who is known to keep a gun on the premises is not going to get robbed very often."

"Criminals are three times more likely to be killed by their victims than by the police."

Adverse Results are Rare. Despite stories of gun owners who mistake family members for intruders and shoot them, and of criminals harming victims with the victims' guns, the fact is that defending oneself with a firearm generally is safer than the alternatives:³⁹

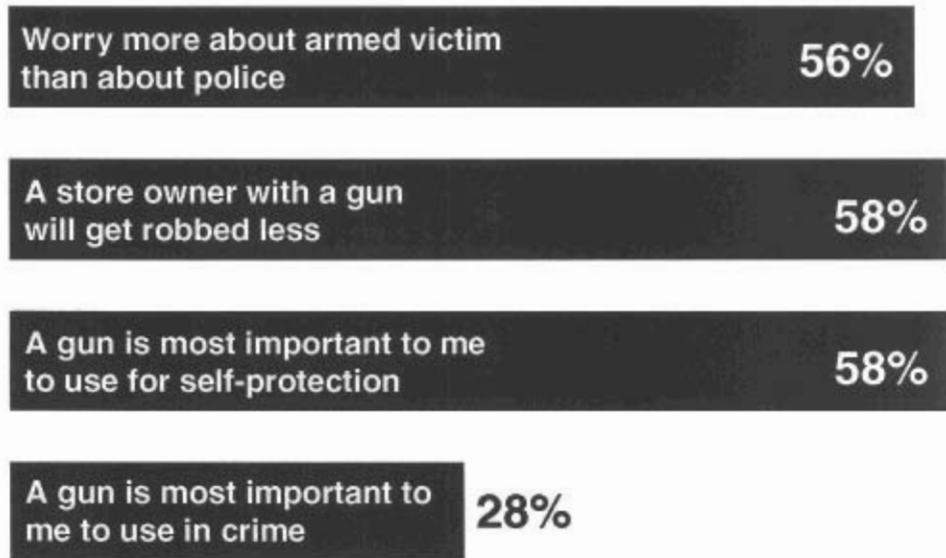
- The accidental shooting of an innocent person mistaken for an intruder occurs in fewer than 30 fatal firearm incidents a year, about 2 percent of all fatal firearms incidents.
- At a maximum, criminals take a gun away from armed victims only 1 percent of the time (while 10 percent of police who are shot are shot with their own guns).
- Interestingly, 70 percent of defensive gun uses are against criminals who do not have a gun.

A nationwide comparative study conducted by Don B. Kates, Jr., at the St. Louis University School of Law found that armed citizens were quite responsible in using handguns.⁴⁰ The vast majority of people are not violent and use firearms only as a last resort. When they do use them, firearms can be effective:⁴¹

"Defending oneself with a firearm generally is safer than the alternatives."

FIGURE II

What Felons Think About Firearms



Source: James D. Wright and Peter H. Rossi, *Armed and Considered Dangerous: A Survey of Felons and Their Firearms* (Hawthorne, NY: Aldine de Gruyter, 1986).

- As noted above, private citizens kill about three times as many criminals as do law enforcement officials.
- And although only 2 percent of those involved in civilian shootings are misidentified, 11 percent of individuals involved in police shootings were later found to be innocents misidentified as criminals.

Of course, police must enter situations in which they are not personally involved, while the private citizen is likely to be under attack and unlikely to mistake the target, so there is a greater likelihood that police might make a misidentification.

Myth No. 4: Killing someone is the only reason to buy a handgun.

Advocates of gun control frequently argue that there is no defensible reason for innocent people to own handguns, since the only function of such weapons is to kill other people. Actually, there are a number of legitimate reasons to own a handgun — not the least of which is self defense. Pistol shooting (at inanimate targets) is a sport, and some professionals in the sport have million-dollar contracts.⁴² And, contrary to antigun propaganda, pistol hunting is also a sport.⁴³ More important, as noted above, firearms are used one million times a year to ward off criminals and most of the time they are not discharged.

“Firearms are used a million times a year to ward off criminals.”

Who Owns Guns. Surveys show that owning a gun is associated with peace of mind. Those who own guns are less fearful of walking in their neighborhoods. They are less apt to be afraid at night in their homes, less likely to have been burglarized or robbed within the last year. They also are more likely to be political conservatives and hunters. The overall pattern of gun ownership has been relatively stable over the past 30 years. The biggest single predictor of whether a householder owns a gun is whether he or she grew up in a household with a gun. This helps to explain the deep-seated cultural conflict between those who find gun ownership wholesome and judicious and those who find it abhorrent and in need of control.⁴⁴

Guns for Self-Protection. Higher crime in an area sometimes stimulates more people to buy firearms for protection. Twenty-seven percent of gun owners say they have a gun mainly for protection. Another 62 percent say that protection from crime is at least one of the reasons they own guns.⁴⁵ Of households with guns, those with no adult male are twice as likely as others to keep a loaded gun. Black gun owners are four times as likely as white gun owners to keep a loaded handgun.⁴⁶

Criminals vs. Noncriminals. Survey data show that gun ownership among people who are arrested is moderately higher than in the general population, but the difference is modest for handguns, the type most frequently involved in violence.⁴⁷ Scattered evidence suggests that during the period of fastest increase in violent crime, from 1964 to 1974, gun possession grew more rapidly among criminals than among law-abiding citizens.⁴⁸ Perhaps the sturdiest evidence is that the fraction of homicides, aggravated assaults and robberies involving guns increased from 1964 to 1974.

Myth No. 5: People who buy guns are more prone to violence and crime than are other people.

There is little association between gun ownership and attitudes toward violence.⁴⁹

- Overall, gun owners disapprove of violence to the same extent as or even more strongly than those who do not own guns.
- However, gun owners are more likely to approve of using defensive force against attackers.⁵⁰
- Those who exhibit “violent attitudes” — as reflected in their approval of police brutality, violence against social deviants and dissenters, and so on — are less likely to own guns.

The traits associated with gun owners show virtually no statistical association with criminal or violent behavior. If anything, gun ownership is inversely correlated with criminal characteristics. Although crime and violence — as well as gun ownership — are more frequent among males than females and in the South (a region with a moderately higher rate of violence), a closer look tells a different story. Violence is higher among black than white, young than middle-aged, single than married, lower-income than middle- and upper-income and urban than rural individuals — all contrary to the pattern of gun ownership. [See the sidebar on Americans and guns.] In terms of crude statistical association, violence and crime are higher in locales and among populations with lower gun ownership (cities) and lower in places and populations with higher gun ownership (rural).⁵¹ These facts also cast doubt on the theory that violence is impulsive and/or fostered by the presence of guns. (See the discussion below.)

“If anything, gun ownership is inversely correlated with criminal characteristics.”

Americans and Guns

Americans own more firearms than motor vehicles. A conservative estimate of the number is more than 200 million, including more than 65 million handguns.

- The U.S. Bureau of Alcohol, Tobacco and Firearms (BATF) estimates that in 1991 Americans owned 201.8 million firearms — 66.7 million handguns, 72.7 million rifles and 62.4 million shotguns.
- That is eight firearms for every 10 Americans, one per adult (15 years and older) or 2.1 per household — the highest rate of private ownership of firearms in the world.
- Surveys show that half of U.S. households own at least one firearm.
- In 1991 alone, California gun dealers sold almost half a million guns.
- U.S. manufacturers produced 4.6 billion cartridges in 1987, or 23 cartridges per civilian firearm.

Males are more likely to own guns than females (49 percent of respondents vs. 13 percent), as are whites than blacks (29 percent vs. 19 percent), middle-aged than young or old (34 percent vs. 27 percent vs. 29 percent), married than single (33 percent vs. 24 percent), middle- and upper-income than lower-income (34 percent vs. 25 percent) and rural than urban (43 percent vs. 23 percent) individuals. There is very little correlation between years of education and gun ownership.

The rate of increase in gun ownership per person apparently turned upward around 1963, coincident with sharp increases in crime. Handguns have enjoyed the most rapid rise in popularity, and these are the weapons favored for both self-defense and crime.

As already noted, about 88 percent of violent crimes reported to police are committed without the use of firearms. Many times, other weapons — knives, clubs, brass knuckles, a board with a nail in it, whatever is available — are used. Among drug dealers, baseball bats reportedly have become a favorite weapon.

Criminal psychologist Stanton Samenow offers a useful perspective on the criminal use of guns and other weapons:

A shakedown of virtually any correctional facility will yield a variety of contraband items, especially homemade weapons. . . . In prison industries, metal or woodworking shops, and during other activities, inmates are in regular contact with sharp, heavy and breakable objects that they can turn into weapons. Even a mop handle makes a good club. . . . Criminals are criminals, no matter where they are. . . . Virtually any convenient object can be used as a weapon. A stick becomes a club, a letter opener becomes a knife. A stone can hit a windshield with the impact of a bullet when it is dropped from a bridge high overhead.

Sources: U.S. Bureau of Justice Statistics, *Report to the Nation on Crime and Justice*, March 1988, pp. 39-53; and James D. Wright, "Guns and Crime," in Joseph F. Sheley, ed., *Criminology: A Contemporary Handbook* (Belmont, CA: Wadsworth, 1991).

Myth No. 6: Criminals mainly have guns in order to commit crimes.

The number one reason criminals acquire handguns is not to commit crimes but, like noncriminals, to protect themselves.⁵² Criminals keenly feel the need for self-protection because they associate with other criminals and are likely to be victims as well as victimizers. As Figure II shows:

- In a survey of imprisoned felons, 58 percent said protection was a very important reason for getting a handgun and 26 percent said it was a somewhat important reason.
- Only 28 percent cited use in crime as very important and 20 percent said it was somewhat important.

Myth No. 7: Killings and other violent crimes were prevalent in the Old West because guns were so plentiful.

There was violence along the frontiers, but most of it was related to clashes with Indians, bandits or foreign nations. There was not a great deal of “ordinary” crime. From 1870 to 1885, the era of the Wild West when “everybody wore a gun,” arrest rates per 100 residents were much lower in the West than in eastern cities.⁵³ Moreover, “the Western frontier was a far more civilized, more peaceful, and safer place than American society is today.”⁵⁴ Contrary to the impression left by movies and Western novels, crime and homicides were rare. For example:⁵⁵

- In 1880, wide-open towns like Virginia City, Nev., Leadville, Colo., and Dallas had no homicides.
- By comparison, Cincinnati had 17 homicides that year.
- From 1870 to 1885, the five Kansas railheads of Abilene, Caldwell, Dodge City, Ellsworth and Wichita had a total of 45 homicides, or an average of three per year — a lower homicide rate than New York City, Baltimore and Boston.⁵⁶
- Sixteen of the 45 homicides were committed by duly authorized peace officers, and only two towns — Ellsworth in 1873 and Dodge City in 1876 — ever had as many as five killings in any one year.⁵⁷

“The Western frontier was far more peaceful than American society today.”

"There was not much ordinary crime in the Old West, primarily because almost everybody was armed."

With a few legendary exceptions, law enforcement officers in the Old West were rather ineffective. Still, there were few robberies, thefts or burglaries in western towns, primarily because almost everybody carried or possessed firearms and was willing to resist. "The citizens themselves, armed with various types of firearms and willing to kill to protect their persons or property, were evidently the most important deterrent to larcenous crime," said one author.⁵⁸ Unlike "Gunsmoke's" Matt Dillon, the much-heralded western peace officer actually faced fewer problems than his counterpart elsewhere. The westerner, said one student of the era, "probably enjoyed greater security in both person and property than did his contemporary in the urban centers of the East."⁵⁹

"It's a fairly recent idea that guns aren't a good thing," says Jon Weiner, a professor of history at the University of California. "The image of the lone man defending his homestead . . . is deeply embedded in the American psyche."⁶⁰

Myth No. 8: Gun control laws keep criminals from obtaining guns.

Because less than 1 percent of firearms is ever involved in a crime and because felons acquire only a small fraction of their guns through licensed channels, all gun control measures suffer from a "needle in the haystack" problem. New restrictions *could* reduce the small number of guns that criminals obtain through regulated dealers but probably would have little effect on the total number of guns in criminal hands.

Where do criminals get their guns? The previously cited survey of prisoners in 10 states found that:⁶¹

- Just over half of the felons (compared to one-quarter of the general population) said that they owned handguns.
- Fewer than one in six had purchased their guns from a retail dealer.
- Three-quarters of the felons agreed that they would have "no trouble" or "only a little trouble" obtaining a gun when they were released, despite the legal barriers to such purchases.
- Half had stolen at least one gun in their criminal careers; between 40 percent and 70 percent of the handguns these men possessed most recently were stolen.⁶²

Profile of a Criminal

Who are criminals, especially violent criminals? How many are there? What percent use guns? How distinct are they from the general population of gun owners? We have very little information with which to answer these questions. Similarly, whether we can identify individuals as criminals before the fact is an age-old question raised by criminology — one that remains unanswered.

A sizable segment of the general population — and nearly half of all urban males under the age of 30 — comes into conflict with law enforcement at one time or another for some kind of nontraffic infraction, from notice on a police “rap sheet” to a felony conviction. However, 5 percent to 10 percent of this group account for a majority of all crimes committed.

Perhaps the most thorough study of criminals has been conducted by University of Pennsylvania criminologist Marvin Wolfgang and his colleagues, who compiled arrest records up to the 30th birthday for every male born and raised in Philadelphia in 1945 and in 1958. A 1990 study compared the two groups. In both groups, about 35 percent of the young men collected at least one nontraffic arrest; most never tangled with the law again. The hard-core predators were a small group of repeaters who were rarely punished.

- Just 7 percent of each cohort committed two-thirds of all violent crime, including three-fourths of the rapes and robberies and virtually all the murders.
- The hard-core 7 percent not only had five or more criminal arrests by age 18 but went on committing felonies and, for every arrest made, got away with a dozen crimes.
- In 86 percent of the arrests, no charges were brought, but the few who were imprisoned committed fewer and less serious crimes afterward.

A number of studies on the size and nature of the criminal population have produced much the same picture: a handful of criminals are responsible for most of the crime. For example, 25 percent of career criminals commit 60 percent of armed robberies and auto thefts.

A psychological portrait of career criminals or those immersed in the criminal lifestyle shows them as “chronic losers” characterized by irresponsibility, self-indulgence, interpersonal intrusiveness, social rule-breaking and self-destructive behavior from an early age.

Sources: Paul E. Tracy, Marvin E. Wolfgang and Robert M. Figlio, *Delinquency Careers in Two Birth Cohorts* (New York: Plenum Press, 1990); Jan and Marcia Chaiken, *Varieties of Criminal Behavior* (Santa Monica, CA: Rand Corporation, 1982); Steven Klein and Michael Caggiano, *Policy Implications and Recidivism* (Santa Monica, CA: Rand Corporation, 1986); Joan Petersilia et al., *Prison versus Probation* (Santa Monica, CA: Rand Corporation, 1986); Samuel Yochelson and Stanton E. Samenow, *The Criminal Personality: Vol. I, A Profile for Change* (New York: Jason Aronson, 1976); Glenn D. Walters, *The Criminal Lifestyle: Patterns of Serious Criminal Conduct* (Newbury Park, CA: Sage, 1990); and *Philadelphia Inquirer*, quoted in *Gun Week*, October 26, 1990, p. 5.

"About 3.1 million of the estimated 8.6 million firearms transactions each year are outside licensed retail sources."

These were incarcerated felons, likely to be among the most active and strongly motivated criminals. Advocates of gun control measures may believe that weakly motivated, infrequent criminals can be disarmed or prevented from acquiring guns through regulation. However, even among members of the general, noncriminal population, about 36 percent of guns are acquired through private parties, often as a gift.⁶³ This implies that of an estimated 8.6 million firearms transactions each year, some 3.1 million are outside licensed retail sources. While some jurisdictions try to regulate the informal markets in gun trades, such transactions are invisible to authorities. And virtually all social scientists who have investigated the question have concluded that gun control laws are ineffective in denying guns to criminals because guns are so available on the underground market.

Do Gun Laws Matter? Existing studies find that current U.S. gun laws have no substantial impact on gun ownership or crime. Two possible exceptions are the 1934 federal machine gun ban and well-enforced prohibitions on *carrying* guns — although 5 percent of all U.S. adults regularly carry guns.⁶⁴ Overall, restrictive gun laws raise the price of acquisition and diminish the value of guns, but the impact on both felons and nonfelons appears to be weak or nonexistent.

Other Methods of Deterrence. Harsher punishment of armed criminals by the criminal justice system — such as mandatory prison sentences for using a firearm in the commission of a crime — appears to be one of the few effective crime deterrents. Mandatory penalties appear to reduce armed robbery rates, for example.⁶⁵ And one study found that gun offenders receive harsher treatment at all stages of court processing and, when convicted, receive substantially longer prison sentences.⁶⁶

Myth No. 9: Required waiting periods would prevent some of the most vicious crimes.

One of the most popular forms of gun control is a mandatory waiting period. For example, if the Brady bill (named after Ronald Reagan's press secretary, James Brady) were law, all U.S. citizens would have to wait seven days before purchasing a handgun. Do such laws make sense?

To generate support for waiting-period laws, proponents frequently refer to the Brady case and to other vicious crimes committed with guns. [See the sidebar on "How Waiting Periods Would Have Affected High-Profile Crimes."] Unfortunately, the cure has nothing to do with the disease. The

How Waiting Periods Would Have Affected High-Profile Crimes

References to high-profile crimes are frequently used to generate support for waiting periods for gun purchases. In none of these cases, however, would the waiting period have prevented the crime.

Case Study: John Hinckley's Attempted Assassination of President Reagan. Although John Hinckley purchased his weapon in Texas, where there is no waiting period, he could easily have purchased it in almost any other state, including those with waiting periods. Hinckley had no criminal record and no public record of mental problems. Moreover, since he bought his weapon five months before he tried to kill the president, even a waiting period of several months would not have affected the outcome. Among the tragic consequences of Hinckley's action were the disabling injuries suffered by Reagan's press secretary, James Brady. Through his wife and a lobbying organization, Brady has been advocating the passage of the Brady bill — which would impose a national waiting period on gun purchases. Even if the Brady bill were law, however, it would not have protected James Brady.

Case Study: Mass Murders in Stockton, Calif. Using a rifle that looked like an AK-47, Patrick Purdy fired into a schoolyard, killing five children in January 1989. Prior to the shooting, Purdy had successfully completed a 15-day waiting period in California, where a check of his records found that he had no felony conviction. Seven previous felony arrests had all been plea-bargained to misdemeanors. If any one of those had not been plea-bargained, and if he had been convicted, it would have gone on his record. Nor did his records mention the evaluation made earlier in the El Dorado County Jail in which Purdy was judged to be suicidal, homicidal and extremely dangerous.

Case Study: The Murder of John Lennon. On December 8, 1980, Mark David Chapman shot John Lennon to death in New York City. Chapman bought the pistol legally in Hawaii after a seven-day waiting period. He had no previous criminal record. Indeed he was a security guard and no gun control law that anybody is proposing would have stopped him from having a gun.

Case Study: Mass Murder in Canada. Marc Lepine walked into a classroom at the Ecole Polytechnique de Montreal on December 6, 1989, sent all the men out, called the women "a bunch of feminists" and began shooting. He killed 14 women and wounded 12. He used a semiautomatic Ruger mini-14 rifle which he purchased legally after having been checked and cleared by the Canadian police. He had no previous criminal record.

Sources: *Gun Week*, April 12, 1991, p. 4; *Gun Week*, December 22, 1989; and David V. Kopel, *The Samurai, the Mountie and the Cowboy* (Buffalo, NY: Prometheus, 1992).

Brady bill would not have saved Jim Brady. Nor would it have prevented the Killeen, Texas, massacre or the Stockton, Calif., massacre. In each case, the predator still could have legally obtained the weapon he used, because he had no previous felony record.

"The Brady bill would not have saved Jim Brady."

Gun control proponents argue that, during the waiting period, officials would have the opportunity to check out the criminal records of potential purchasers. A waiting period does give them that opportunity. But as a practical matter, most criminal records are not kept where they are accessible to gun dealers, police departments or anyone else. In general, there is no national reporting of criminal records and no computer records system that can be tapped into.

Without providing funding, Congress has asked the U.S. Justice Department to bring its records up to date and maintain them in easy-access form on computers. A nationwide database system would permit gun dealers to instantly check for a purchaser's criminal record before selling a gun. Of course, if instant record checks were possible, there would be no need for a waiting period.

TABLE II
Killer's Relationship to the Victim, 1991

Friend or Relative:

Family Member	12.5%
Friend, Boyfriend, Girlfriend	<u>7.0%</u>
Total	19.5%

Acquaintance or Neighbor 27.1%

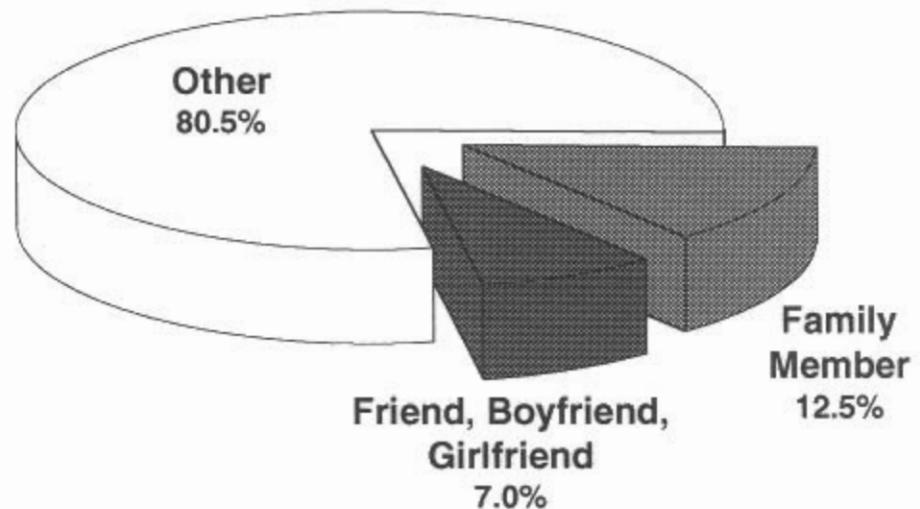
Stranger or Unknown:

Stranger	15.0%
Unknown	<u>38.4%</u>
Total	<u>53.4%</u>

100.0%

Source: Calculated from Federal Bureau of Investigation, *Crime in the United States: Uniform Crime Reports, 1991* (Washington: U.S. Government Printing Office), p. 19.

FIGURE III
Who Gets Killed with Guns?



Source: Federal Bureau of Investigation, *Crime in the United States: Uniform Crime Reports, 1991* (Washington: U.S. Government Printing Office), p. 19.

Myth No. 10: Most murders are committed by people killing friends or family members.

A majority of murders involve strangers or people with whom the killer is not well acquainted. Fewer than a fourth of all murders involve family members or friends, as shown in Table II. In particular, only 12.5 percent of victims are members of the same family. Of the 38.4 percent called "unknown" in Table II, it is likely that relatively few of the murderers are relatives or friends of the victims.

The notion that most murders are committed by friends killing friends (or family members) is based on a flawed study and biased descriptions of the study's findings.⁶⁷ The myth has been reinforced by three other factors. First, the media sensationalizes multiple-death family murders, exaggerating public perception about their frequency. Second, murders involving family members or friends have been a declining share of all murders, and perception has lagged behind the facts (murder within the family was one-fourth of all murders in 1974 — twice its current level). Third, many sociologists and criminologists tend to characterize criminal violence as impulsive, irrational and unrelated to consequences. The third factor fosters the belief that much criminal violence occurs simply because someone becomes angry at home and the means of lethal violence (a firearm) is handy. Neither logic nor evidence supports this belief.

"Only 12.5 percent of murder victims are members of the killer's family."

Myth No. 11: The availability of guns contributes to crimes of passion.

Are most murders, particularly of friends and relatives, committed by otherwise peaceful citizens who happen to have loaded guns available in a moment of anger, and who make one slip? Rarely. Domestic homicide usually is a terminal episode in a syndrome of violence rather than an isolated event. When a husband kills a wife, it usually is with his fists or a bludgeon, and he has beaten her many times before. Significantly, if a firearm is used when one spouse kills another, it more often is the wife who uses it in defense against her larger, more aggressive male partner.⁶⁸ Most of these wives are never indicted because they are legally defending themselves or their children.

About 40 percent of defensive gun uses are connected with assaults in the home,⁶⁹ and most presumably are cases of family violence.⁷⁰ But the notion that much serious violence is accounted for by previously nonviolent people in “crime-of-passion” domestic homicides is wrong.⁷¹ For example, in a Kansas City study, in nine out of ten domestic “crime-of-passion” homicides, police had responded to disturbance calls at the same address within the preceding two years an average (median) of five times.⁷² Moreover, it’s not clear what difference gun control laws would make. A large number of men who kill in these circumstances have a previous history of convictions and, as felons, are forbidden by current law to have a gun. One crime study concludes:⁷³

It is commonly hypothesized that much criminal violence, especially homicide, occurs simply because the means of lethal violence (firearms) are readily at hand, and thus that much homicide would not occur were firearms generally less available. There is no persuasive evidence that supports this view.

Myth No. 12: Automatic rifles and so-called assault weapons are too dangerous to be left in private hands.

On “Miami Vice,” the weapons of choice among drug dealers are Uzi machine guns and M-16 military automatic fire weapons. Don Johnson, amazingly, manages to prevail week after week using only a handgun. Of course in real life, Don Johnson wouldn’t stand a chance against such superior fire power. Fortunately, in real life criminals don’t carry machine guns.

“In most domestic homicides, there is a pattern of previous violence.”

Criminals overwhelmingly choose handguns for their concealability and small size.⁷⁴ Guns that are rare in the nonfelon population are also rare in the criminal population. If a weapon is useful for crime, it is also useful for legitimate purposes. Even drive-by shootings involve mostly handguns and shotguns. And, despite television and the movies, most Florida police agencies have not come across a single “assault weapon.”

Automatic Rifles. Since 1934 it has been unlawful for civilians to possess automatic-fire weapons without special permission of the U.S. Department of Treasury, and since 1986 all importation and manufacture of these weapons for private use have been prohibited. Furthermore, no semiautomatic weapons sold to civilians are readily convertible to automatic fire. Nonetheless, it is fairly easy for a law-abiding civilian to get permission to own one of these weapons as a “collector” and about 103,000 are in private hands.

The existence of guns that are legally in private hands has posed no threat to the rest of us, however. *Over the past 50 years, no civilian has ever used a legally owned machine gun in a violent crime.* Even the illegal use of machine guns by drug dealers and other violent criminals is close to nonexistent. *Since 1980, when the first Uzi was imported into the United States, not one police officer has been killed with an Uzi machine gun.*

Assault weapons. The official Department of Defense definition of an assault rifle is one capable of “selective fire,” that is, of both automatic fire (many shots per trigger pull) and semiautomatic (one shot per trigger pull). The media, however, have broadened the term “assault rifle” to include any semiautomatic rifle with a military appearance (e.g., plastic stock instead of wood stock, loop for a lanyard and dull instead of shiny surface). There is no mechanical difference between these weapons and those with different styling used for hunting and target shooting. The only difference is cosmetic.

Semiautomatic weapons are rarely used in crime. When they have been used — as in Stockton, Calif. — they caused no more damage than easily could have been caused by a garden-variety weapon.⁷⁵ In fact, the death toll from a shotgun or full-power hunting rifle probably would have been higher. Overall:

- All rifles are involved in less than 3 percent of homicides.
- Of 14,988 guns seized by police in Chicago in 1988, only 3.1 percent were semiautomatics of any kind.
- Of 217 homicides committed in Dade County (Miami), Fla., in 1989, only three involved an “assault weapon.”⁷⁶

“Over the past 50 years, no civilian has ever used a legally owned machine gun in a violent crime.”

“Despite ‘Miami Vice,’ not a single police officer has been killed with an Uzi machine gun.”

The total number of felonious deaths of police officers has been declining since 1980 and the maximum number killed by an “assault rifle” was 11 during 1987. Even a spokesperson for Handgun Control, Inc., the primary gun control lobby, conceded that assault weapons “play a small role in overall violent crime.”⁷⁷

Cop-Killer Bullets. The political debate changes periodically to focus on other specific weapons, such as “cop-killer” bullets and plastic guns. To the best of our knowledge, teflon-coated bullets — which were developed by and for the police — have never been used in a crime. Nor are they the only danger faced by police officers. An ice pick will also pierce a bulletproof vest and kill the wearer.

In general, the piecemeal approach to weapons control is ineffective because it overlooks substitute weapons. Success in getting rid of one type of weapon would encourage criminals to use another. For example, it is highly unlikely that even extensive reductions in handguns would reduce homicides because offenders would substitute long guns, often sawed-off, which are as much as three times deadlier than handguns. The circumstances of most homicides imply that a long gun could easily have been used.

Myth No. 13: Gun control laws are especially needed to prevent the purchase of “Saturday Night Specials.”

So-called Saturday Night Specials are small caliber, inexpensive handguns. These have been commonplace in the United States since the 19th century. Gun control advocates argue that cheap handguns serve little or no legitimate purpose and are used to commit most crime. These claims are wrong. Only 10 percent to 27 percent of crime involves handguns that fit the Bureau of Alcohol, Tobacco and Firearms definition of a Saturday Night Special (SNS). Since handguns are involved in only 10 percent of violent crime (another 2 percent involve other firearms), SNSs are involved in only 1 to 3 percent of violent crime. Criminals are no more likely to rely on SNSs than the share of SNSs in the handgun stock (about one in five), and therefore criminals cannot be said to prefer Saturday Night Specials. Because they are less expensive, most SNSs are probably owned by lower income people for protection, and any laws to ban them would disproportionately hurt the poor, who are the most frequent victims of crimes.

“‘Saturday Night Specials’ are used in only 1 to 3 percent of all violent crimes.”

Myth No. 14: People don't need guns for self-protection because they can rely on the police.

One of the most prevalent myths is that people don't need firearms because law enforcement officers can protect them. But just how much protection against criminals can citizens expect?

Protection from Ordinary Crime. There are about 500,000 police officers in the United States. Adjusting for three shifts per day, vacations, desk duty, etc., leaves about 75,000 police on patrol at any moment to protect 250 million Americans.⁷⁸ That's one police officer for every 3,360 potential victims. And experience shows that's not enough.⁷⁹

- Every year nearly five million people are victims of violent crimes — murder, rape, robbery or life-threatening assault.
- 98 percent of the time, violent and serious property crimes do not result in a prison sentence.
- The median sentence actually served by state prisoners declined from 21 months in the 1950s and early 1960s to 13 months in 1988.
- The expected punishment for all serious crimes, taking into account the low probability of going to prison, declined from an estimated 24 days in prison in 1950 to 8.5 days in 1990.

Riots and Civil Emergencies. After the Los Angeles riots, Korean-American merchants said they had no choice but to defend their stores and, in some cases, shoot at looters. Police, they said, ignored pleas for help that included attempts to flag down patrol cars and dozens of calls to the 911 emergency number.⁸⁰ Men with guns also defended Mann's Chinese Theatre and nearby businesses through the first night of rioting. At midnight the following night, a squad of National Guardsmen arrived but, after talking with the defenders and looking over what they were doing, the commander concluded that his men could be of greater use elsewhere, and they left.⁸¹

After Hurricane Hugo devastated the U.S. Virgin Island of St. Croix in 1989, National Guardsmen and local police did nothing to stop the looting. Some even took part in it. Only one shopping center was spared — because the owner had heavily armed men patrolling the roofs.⁸²

"Police ignored pleas for help during the Los Angeles riots."

Should Firearms Ownership Be Encouraged?

City officials in Kennesaw, Ga., passed a law in 1982 requiring every household to own a firearm. Householders with criminal records or religious objections were exempted, and no real effort was made to enforce the law. An early report claimed that the residential burglary rate had fallen 89 percent in the first seven months after the law took effect. There were no murders in Kennesaw during the period.

The long-term result of the Kennesaw law is not as clearcut. A comparison of Kennesaw in the years from 1976 to 1986 — before and after the law was passed — showed that burglary reports actually increased after the ordinance passed, but the increase was not statistically significant. More recently, in 1991 and 1992 combined, there were only three robberies and three rapes. There have been no murders since the law took effect.

Florida, which had a hodgepodge of local laws on carrying concealed weapons, passed a liberalized statewide concealed weapons licensing law on October 1, 1987. It required the state to issue a license within 90 days of application to any resident 21 years of age or older who didn't have a criminal record; a record of alcohol abuse, drug abuse, mental illness or mental incompetency; and who could document knowledge or training in the safe use and handling of a firearm.

Despite some predictions that Florida would become known as “the GUNshine state,” four years later the murder rate in Florida had decreased by 18 percent while the national rate was up 18 percent. Robert Creighton, agent in charge of the U.S. Bureau of Alcohol, Tobacco and Firearms (BATF) in Florida, said the permits had not been a factor in crime in the state, adding, “The criminal element has no permits.”

Advocates of the new law noted that the first holder of a permit to be involved in a shooting was a Miami taxi driver whose life apparently was saved because he had a permitted pistol. After the driver gave up his wallet to an armed robber, the robber, who had a history of trying to kill police officers, tried to kill the cabbie but forgot to disengage the safety on his gun. The cabbie quickly pulled his own gun and killed the robber.

Several other states have adopted, or are considering, the Florida law on carrying concealed weapons. Oregon enacted a similar law in 1989. As a result, 2,200 carry permits were issued in Portland in the first seven months of 1990, compared with only 17 the previous year. The homicide rate dropped 16 percent, one of the largest reductions of any major city.

Sources: David McDowall, Alan J. Lizotte and Brian Wersema, “General Deterrence Through Civilian Gun Ownership: An Evaluation of the Quasi-Experimental Evidence,” *Criminology*, 1991, Vol. 29, No. 4, pp. 541-59; *Guns & Ammo*, November 1991, p. 22; and David B. Kopel, *The Samurai, the Mountie and the Cowboy* (Buffalo, NY: Prometheus, 1992).

Lack of a Right to Government Protection. Gun control laws implicitly assume that the criminal justice system has the duty and the ability to protect individuals. Our judges have ruled otherwise.⁸³ For example, New York State's highest court ruled in 1968 that a victim who was attacked after seeking police protection to no avail had no right to protection. The court refused to create such a right, saying it would impose a crushing economic burden on the government.⁸⁴

For the most part, federal courts have agreed. The Supreme Court held in an 1856 case⁸⁵ that local law enforcement officers had a general duty to enforce laws, not to protect a particular person. In 1982,⁸⁶ a federal court of appeals said:

... [T]here is no constitutional right to be protected by the state against being murdered by criminals or madmen. It is monstrous if the state fails to protect its residents against such predators, but it does not violate the due process clause of the Fourteen Amendment or, we suppose, any other provision of the Constitution. The Constitution is a charter of negative liberties: it tells the state to let people alone, it does not require the federal government or the state to provide services, even so elementary a service as maintaining law and order.

These rulings are probably consistent with the original intent of the founding fathers. Some legal scholars argue that the framers of the U.S. Constitution assumed that law-abiding people would largely be responsible for their own safety.⁸⁷ They note that under English common law, which is the basis for U.S. law, the sheriff's main jobs were collecting taxes and enforcing government decisions. Keeping public order was a secondary duty.

Myth No. 15: Gun ownership is not a constitutional right.⁸⁸

A primary obstacle in the path of those who seek to expand governmental control over private ownership of firearms is the United States Constitution's Second Amendment, which says:

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.

Note that the right to bear arms is not granted by the amendment. Instead its existence is presumed, probably as part of the general right of

"Courts have ruled that individuals have no right to police protection."

self-defense. Note also that since the founding fathers made this right second on a list of ten, they must have believed that it was especially important. [See the sidebar on what the founding fathers thought.]

Some people argue that the right to bear arms is conditional upon the need to have an armed citizenry as part of our national defense. Thus, if the need were not there, the founding fathers would not have asserted the right. In the modern era, supposedly the need is not there. Does this mean there is no longer any constitutional right?

At the time the Constitution was written, “militia” had two meanings. The “select militia” was the forerunner of our modern national guard. The “general militia” referred to all able-bodied men with arms. Both are distinct from the “army.”⁸⁹

The founding fathers strongly believed in the right of ordinary — nonarmy — citizens to bear arms, and not just for defense against foreigners. In general, people feared the new federal government and its standing army as much as they feared foreign invaders. As James Madison explained in the *Federalist Papers*, the primary check on government tyranny and an abusive army was citizens with their own arms.⁹⁰ As Tench Cox, a friend of Madison, wrote at the time the Constitution was being adopted:⁹¹

As civil rulers not having their duty to the people duly before them, may attempt to tyrannize and as the military force which must be occasionally raised to defend our country might convert their power to the injury of their fellow citizens, the people are confirmed by the next article [2nd Amendment] in their right to keep and bear their private arms.

The founders’ purpose was to constitutionalize the right to arms, which they knew from English common law and Enlightenment political philosophy. Militia laws blended three related purposes: opposition to standing armies, dependence on militias and support of the armed citizen and his willingness to defend himself and his free society. Standing armies were considered a threat to the development of the virtuous, self-reliant citizen on whom the republic’s vitality rested.

All subsequent 18th- and 19th-century legal interpretation understood the Second Amendment right to arms as a guaranteed constitutional right. It was among Blackstone’s five “absolute rights of individuals” at common law. The “right of the people to keep and bear arms” was self-defining to the founders. They felt that clarification was unnecessary. Familiar to them in

“The founders wanted citizens to be able to defend themselves against tyranny by their own government.”

What the Founding Fathers Thought About the Right To Bear Arms

- Noah Webster, in a pamphlet urging ratification of the Constitution: “Before a standing army can rule, the people must be disarmed; as they are in almost every kingdom of Europe.”
- George Mason: “. . . to disarm the people; that . . . was the best and most effectual way to enslave them.”
- Richard Henry Lee: “. . . to preserve liberty, it is essential that the whole body of the people always possess arms and be taught alike, especially when young, how to use them.”
- James Madison, drafter of the Bill of Rights, in Federalist No. 46 scolded European despotisms as “afraid to trust the people with arms,” and assured his countrymen that they need not fear their government because of “the advantage of being armed, which the Americans possess over the people of almost every other nation.”
- Congressman Fisher Ames noted of Madison’s proposals the “the rights of conscience, of bearing arms, . . . are declared to be inherent in the people.”
- Samuel Adams asserted in the Massachusetts convention that “the said Constitution be never construed . . . to prevent the people of the United States who are peaceable citizens, from keeping their own arms.”
- James Monroe included “the right to keep and bear arms” in his list of basic human rights.
- Patrick Henry said, “The great object is, that every man be armed. . . . Everyone who is able may have a gun.”
- Thomas Jefferson: “One loves to possess arms”; and advising his 15-year-old nephew, he wrote, “A strong body makes the mind strong. As to the species of exercises, I advise the gun. While this gives a moderate exercise to the body, it gives boldness, enterprise and independence to the mind. Games played with the ball, and others of that nature, are too violent for the body and stamp no character on the mind. Let your gun therefore be the constant companion of your walks.”

Sources: Don B. Kates, Jr., “Handgun Prohibition and the Original Meaning of the Second Amendment,” *University of Michigan Law Review*, Vol. 82, No. 2, November 1983, pp. 204-73, especially pp. 221-30.

Colonial law, derived from the earliest known English codes and its Greek and Roman antecedents, proclaimed by every commentator known to them, the right to bear private arms not only was hailed as fundamental to republican institutions and popular liberty but was viewed as inherent in the natural law right of self-defense.

It is also worth noting that *the Revolutionary War was sparked by the British attempt to confiscate the patriots' privately owned arms at Lexington and Concord*. Thus the notion that the founding fathers, or for that matter anyone alive at the time, thought that the government had a Constitutional right to disarm peaceable citizens is ludicrous.

Conclusion

Although firearms are used in about 12 percent of violent crimes, it is unlikely that any kind of gun control legislation could remove more than a handful of those firearms from felons' hands — and there is no evidence that the disarmed criminals using them would not then turn to other weapons. Most criminals do not obtain firearms through conventional sources. Thus, as opponents of gun control correctly contend, gun control measures in the United States, if anything, contribute to increased criminal violence because they deny guns to honest citizens but not to criminals. They might accurately be called victim disarmament laws.

Armed citizens pose a risk of punishment to criminals — perhaps more so than does the criminal justice system. Gun ownership may exert as much deterrent effect on violent crime and burglary as the criminal justice system does.

The battle over gun control is not about controlling inanimate objects; it is about controlling people. To extend gun controls would make the nation better for criminals and worse for the rest of us.

"Gun control laws might be accurately called victim disarmament laws."

NOTE: Nothing written here should be construed as necessarily reflecting the views of the National Center for Policy Analysis or as an attempt to aid or hinder the passage of any bill before Congress.

Footnotes

- ¹ Cesare Beccaria, *On Crimes and Punishments* (Indianapolis: Bobbs-Merrill, 1963 [1764]), pp. 87-88.
- ² U.S. Bureau of Justice Statistics, "Lifetime Likelihood of Victimization," BJS Technical Report, Washington, DC, U.S. Government Printing Office, March 1987.
- ³ Gary Kleck, *Point Blank: Guns and Violence in America* (Hawthorne, NY: Aldine de Gruyter, 1991), p. 203.
- ⁴ Not all 18 came to this conclusion. But some earlier studies that did not were shown to be defective by later studies. See Kleck, *Point Blank*, pp. 185-203.
- ⁵ Philip J. Cook, "The Influence of Gun Availability on Violent Crime Patterns," in Michael Tonry and Norval Morris, eds., *Crime and Justice: An Annual Review*, Vol. 4 (Chicago: University of Chicago Press, 1983), pp. 49-90; and David McDowall, "Gun Availability and Robbery Rates: A Panel Study of Large U.S. Cities, 1974-1978," *Law and Policy*, 1986, Vol. 8, pp. 135-48.
- ⁶ Gary Kleck, "Lifesaving Benefits to Use of Weapons for Self-Defense," *Houston Chronicle*, May 31, 1992, p. 1E.
- ⁷ David B. Kopel, *The Samurai, the Mountie and the Cowboy* (Buffalo, NY: Prometheus, 1992); and Kleck, *Point Blank*, pp. 188-91.
- ⁸ Martin Killias, "Gun Ownership and Violent Crime: The Swiss Experience in International Perspective," *Security Journal*, 1990, Vol. 1, pp. 169-74; and Kopel, *The Samurai, the Mountie and the Cowboy*, ch. 8.
- ⁹ The same is true of weapons of war and international aggression. While weapons serve aggressors, they also serve to deter aggressors. Most students of war doubt the value of mutual arms reductions as a device to reduce the chance of war. See James L. Payne, *Why Nations Arm* (Oxford: Basil Blackwell, 1989), p. 166.
- ¹⁰ Kleck, *Point Blank*, p. 44; U.S. Bureau of Justice Statistics, *Handgun Crime Victims*, July 1990.
- ¹¹ H. C. Brearly, *Homicide in the United States* (Chapel Hill: University of North Carolina Press, 1932), p. 68; and Kleck, *Point Blank*, p. 20.
- ¹² Since there are 650,000 crimes involving guns each year and 201 million firearms, the maximum number of guns that could be used to commit a crime each year would be 650,000/201,000,000 or 0.3 percent.
- ¹³ Long guns are twice as numerous as handguns, yet account for only a sixth of gun crime.
- ¹⁴ See Kleck, *Point Blank*, pp. 44-45; and Gary Kleck, "Evidence that 'Saturday Night Specials' Not Very Important for Crime," *Sociology and Social Research*, 1986, Vol. 70, pp. 303-07.
- ¹⁵ *The Gun Owners*, December 1991, p. 3.
- ¹⁶ *The New Gun Week*, January 17, 1992, p.3.
- ¹⁷ Reported in the *New American*, June 15, 1992, pp. 14-15. In another incident during the Los Angeles riots, merchant Byung Kim and his sons abandoned their south Los Angeles appliance warehouse after gunfire hit two Korean-American friends helping to protect the property. The undefended property was burned to the ground. Their well-defended Koreatown store — where the Kims and others stood on the roof with rifles — wasn't touched. (*Wall Street Journal*, June 16, 1992, p. A5.)
- ¹⁸ *New American*, June 15, 1992, p. 15.
- ¹⁹ Morgan O. Reynolds, *Crime By Choice: An Economic Analysis* (Dallas: Fisher Institute, 1985), pp. 165-68.
- ²⁰ Kleck, *Point Blank*, p. 397-99
- ²¹ *Ibid.*, p. 408-11
- ²² *Ibid.*
- ²³ U.S. Bureau of Justice Statistics, *International Crime Rates*, May 1988; and Ministry of Supply and Services, *Canada Yearbook, 1980-81* (Ottawa, Canada: 1981), p. 55.
- ²⁴ Kopel, *The Samurai, The Mountie and the Cowboy*, ch. 7.
- ²⁵ U.S Bureau of Justice Statistics, *Sourcebook of Criminal Statistics 1991*, p. 432.

- 26 David T. Hardy, "Gun Control: Arm Yourself with Evidence," *Reason*, November 1982, p. 41.
- 27 "Trust the People: The Case against Gun Control," Cato Policy Analysis No. 109, July 11, 1988, p. 29.
- 28 Kleck, *Point Blank*, ch. 4 and pp. 170-73.
- 29 Kleck, *Point Blank*, and Gary Kleck, "Crime Control Through the Private Use of Armed Force," *Social Problems*, 1988, Vol. 35, pp. 1-21.
- 30 *Gun Week*, June 15, 1990; National Association of Chiefs of Police, American Law Enforcement Officers Poll, 1989.
- 31 *Handloader Magazine*, no date available.
- 32 Carol Ruth Silver and Don B. Kates, Jr., "Self-Defense, Handgun Ownership, and the Independence of Women in a Violent, Sexist Society," in *Restricting Handguns: The Liberal Skeptics Speak Out*, Don B. Kates, Jr., ed. (Croton-on-Hudson, NY: North River Press, 1979), p. 152.
- 33 Kleck, *Point Blank*, p. 116.
- 34 Kleck, *Point Blank*, pp. 111-17.
- 35 U.S. Bureau of Justice Statistics, *International Crime Rates*, Special BJS Report, May 1988, pp. 1, 3. Australia, Canada, Denmark, Britain, Germany, the Netherlands, New Zealand and Sweden all have much lower overall crime rates but higher reported burglary rates than the United States. Also see Kleck, *Point Blank*, p. 140.
- 36 George Rengert and John Wasilchick, *Suburban Burglary: A Time and Place for Everything* (Springfield, IL: Charles Thomas, 1985).
- 37 *Ibid.*, p. 30.
- 38 James D. Wright and Peter H. Rossi, *Armed and Considered Dangerous: A Survey of Felons and Their Firearms* (Hawthorne, NY: Aldine de Gruyter, 1986). The true percentages are likely to be higher because they were obtained from interviews with self-conscious "tough guys."
- 39 Kleck, *Point Blank*, Chapter 4.
- 40 Unpublished study reported in Carol Ruth Silver and Don B. Kates, Jr., "Gun Control and the Subway Class," *Wall Street Journal*, January 10, 1985; and Don B. Kates, Jr., "Some Remarks on the Prohibition of Handguns," *St. Louis University Law Journal*, Vol. 23 (1979).
- 41 *Ibid.*; Kleck, *Point Blank*; Kleck, "Crime Control Through the Private Use of Armed Force," *Social Problems*, 1988, Vol. 35, pp. 1-21; and Gary Kleck and Karen McElrath, "The Effects of Weaponry on Human Violence," *Social Forces*, Vol. 67, No. 3, March 1991, pp. 669-92.
- 42 Sporting events also feature the firing of machine guns and so-called assault weapons.
- 43 For example, some people hunt deer with pistols.
- 44 Barry Bruce-Briggs, "The Great American Gun War," *The Public Interest*, 1976, Vol. 45, pp. 37-62.
- 45 Kleck, *Point Blank*, pp. 25-26.
- 46 *Ibid.*, p. 117.
- 47 Kleck, *Point Blank*, p. 23.
- 48 *Ibid.*, p. 24.
- 49 *Ibid.*, pp. 35-38; and Jo Dixon and Alan J. Lizotte, "Gun Ownership and the 'Southern Subculture of Violence'" *American Journal of Sociology*, Vol. 93, September 1987, pp. 383-405.
- 50 Of the "good Samaritans" who came to the aid of victims of violent crime, 81 percent are gun owners because they are "familiar with violence, feel competent to handle it, and don't believe they will get hurt if they get involved." Ted L. Huston, Gilbert Geis and Richard Wright, "The Angry Samaritans," *Psychology Today*, June 1976, p. 64.
- 51 Legal gun ownership is unrelated or negatively related to gun crime rates, even after statistical control for urban locales. See Kleck, *Point Blank*, pp. 201-02, and studies cited therein.
- 52 Wright and Rossi, *Armed and Considered Dangerous*; and D. E. S. Burr, *Handgun Regulation* (Tallahassee: Florida Bureau of Criminal Justice Planning and Assistance, 1977).

- ⁵³ Charles F. Eckhardt, "Debunking the Wild West Fantasy," *Guns & Ammo*, September 1973, pp. 36-37.
- ⁵⁴ W. Eugene Hollon, *Frontier Violence: Another Look* (New York: Oxford University Press, 1974).
- ⁵⁵ Terry L. Anderson and P. J. Hill, "An American Experiment in Anarcho-capitalism: The Not So Wild, Wild West," *Journal of Libertarian Studies*, Vol. III, No. 1, pp. 9-29.
- ⁵⁶ Robert R. Dykstra, *The Cattle Towns* (New York: Knopf, 1968), p. 44.
- ⁵⁷ Ibid.
- ⁵⁸ Roger D. McGrath, *Gunfighters, Highwaymen and Vigilantes* (Berkeley: University of California Press, 1984), p. 247.
- ⁵⁹ Frank Prassel, *The Western Peace Officer: A Legacy of Law and Order* (Norman: University of Oklahoma Press, 1972), p. 22.
- ⁶⁰ *New York Times*, June 28, 1992.
- ⁶¹ Wright and Rossi, *Armed and Considered Dangerous*.
- ⁶² The 40 to 70 percent gap represents the inmates' own uncertainty about the source.
- ⁶³ DMI (Decision-Making Information), *Attitudes of the American Electorate Toward Gun Control* (Santa Ana, CA: DMI 1979), p. 71.
- ⁶⁴ Roper Survey 1985, DIALOG database, cited in Kleck, *Point Blank*, p. 117.
- ⁶⁵ Lee R. McPheters, Robert Mann and Don Schlagenhauf, "Economic Response to a Crime Deterrence Program: Mandatory Sentencing for Robbery with a Firearm," *Economic Inquiry*, 1984, Vol. 22, pp. 550-70.
- ⁶⁶ Wright and Rossi, *Armed and Considered Dangerous*.
- ⁶⁷ A study conducted at Case Western University concluded that a gun in the home is six times as likely to kill family members as it is to kill an intruder. Among other defects, the study: (1) included suicides (which accounted for most of the incidents) as "killings," (2) focused exclusively on that category of crime (home burglary) which almost never results in a criminal's being killed and (3) ignored the number of times that guns were used to defend a home without resulting in a killing. The study results were published in Norman Rushforth et al., "Accidental Firearm Fatalities in a Metropolitan County," *American Journal of Epidemiology*, Vol. 100, 1975, p. 499. For a critique of the study, see Kleck, *Point Blank*, pp. 127-29; and Don B. Kates, Jr., "Guns, Murders and the Constitution," Policy Briefing, Pacific Research Institute for Public Policy, 1990, pp. 24-32, 43.
- ⁶⁸ Cynthia K. Gillespie, in *Justifiable Homicide: Battered Women, Self-Defense and the Law* (Columbus: Ohio State University Press, 1989), estimates that there are as many as 500 homicides each year in which women kill their husbands or men with whom they live intimately; she concludes that the majority are self-defense, saving innocent lives.
- ⁶⁹ This means that of the one million instances of the use of firearms for self-defense, 400,000 were against another member of the same family.
- ⁷⁰ Kleck, *Point Blank*, p. 110.
- ⁷¹ See Don B. Kates, Jr., Gary Kleck and David J. Bordua, "The Factual Foundations for Certain Key Assumptions of Gun Control," *Law and Policy Quarterly*, 1983, Vol. 5, pp. 271-98; Murray A. Strauss, Richard J. Gelles and Suzanne K. Steinmetz, *Behind Closed Doors: Violence in the American Family* (Garden City, NY: Anchor, 1980); and Gary Kleck and David J. Bordua, "The Assumptions of Gun Control," in Don B. Kates, Jr., ed., *Firearms and Violence* (San Francisco: Pacific Institute for Public Policy Research, 1984), pp. 39-44.
- ⁷² See G. Marie Wilt et al., *Domestic Violence and the Police: Studies in Detroit and Kansas City* (Washington, DC: U.S. Government Printing Office, 1977); and Glenn D. Walters, *The Criminal Lifestyle: Patterns of Serious Criminal Conduct* (Newbury Park, CA: Sage, 1990).
- ⁷³ Wright and Rossi, *Armed and Considered Dangerous*.
- ⁷⁴ There are also other reasons why handguns are preferred by criminals. The ammunition fired by semiautomatic rifles is smaller than average and has milder wounding effects than civilian hunting ammunition or regular infantry rifle cartridges. While a semiautomatic can easily fire six rounds within 1.5 seconds, an ordinary revolver can be fired equally fast. Military-style semiautomatic weapons can use large ammunition magazines, but so can civilian-style weapons. Gun assaults usually involve only a few shots being fired, anyway. In shoot-outs with New York City police, suspects average only 2.5 shots fired at the police. See Kleck, *Point Blank*, p. 79.

⁷⁵ Purdy fired 110 rounds in three or four (or more) minutes — about 30 rounds per minute — a rate of fire available with an ordinary double-action revolver. No higher rate of fire was necessary for Purdy to carry out his murderous aim — he did all the shooting he wanted in four minutes, then killed himself. See Kleck, *Point Blank*, p. 70, and Kopel, *The Samurai, the Mountie and the Cowboy*, p. 390.

⁷⁶ Kleck, *Point Blank*, p. 73.

⁷⁷ *New York Times*, April 7, 1989. Cited in Kleck, *Point Blank*, p. 73.

⁷⁸ Don B. Kates, Jr., and Patricia Terrell Harris, "How to Make Their Day," *National Review*, October 21, 1991, p. 31.

⁷⁹ Morgan O. Reynolds, "Why Does Crime Pay?" NCPA Policy Backgrounder, No. 110, National Center for Policy Analysis, November 6, 1992.

⁸⁰ *Editor & Publisher*, August 1, 1992, p. 20.

⁸¹ *FreeMarket*, July 1992, p. 1.

⁸² Reuters dispatch, *Dallas Morning News*, September 21, 1989.

⁸³ For further discussion of this point, see "The War on Gun Ownership Still Goes On! Dial 911 and Die!" *Guns & Ammo*, July 1992, p. 23, p. 87; and "Police Protection or Self-Defense?" *New American*, April 20, 1992, p.16.

⁸⁴ *New American*, April 20, 1992, p. 16.

⁸⁵ *South v. Maryland*, 1856.

⁸⁶ *Bowers v. DeVito*, U.S. Court of Appeals, Seventh Circuit, 686F.2d 616 [1982].

⁸⁷ *New American*, April 20, 1992, p. 16.

⁸⁸ See Don B. Kates, Jr., "Handgun Prohibition and the Original Meaning of the Second Amendment," *Michigan Law Review*, Vol. 82, November 1983, pp. 205-75; Bernard J. Bordenet, "The Right to Possess Arms: The Intent of the Framers of the Second Amendment," *Journal of Firearms and Public Policy*, Vol. 4, No. 1, Spring 1992, pp. 127-58; J. Neil Schulman, "The Text of the Second Amendment," *Journal of Firearms and Public Policy*, Vol. 4, No. 1, Spring 1992, pp. 159-63; and Sanford Levinson, "The Embarrassing Second Amendment," *Yale Law Journal*, Vol. 99, December 1988, pp. 637-59.

⁸⁹ The "militia" was the entire adult male citizenry, who were not simply allowed to keep their own arms but were required to do so. The duty to keep arms applied to every household, not just those containing persons subject to militia service. In 1792 Congress, meeting immediately after adoption of the Second Amendment, defined the militia to include all able-bodied military-age male citizens of the United States and required each to own his own firearm (First Militia Act, 1 Stat. 271, 1792). The founders invariably defined militia in some phrase like "the whole body of the people," while their references to organized military units as militia were invariably termed "select militia" and were strongly pejorative, dating back to the reign of Charles II, who was believed to have used "select militia" to disarm and tyrannize the people.

⁹⁰ Writing in *Federalist Paper* No. 46, James Madison says:

Let a regular army, fully equal to the resources of the country, be formed; and let it be entirely at the devotion of the Federal Government: still, it would not be going too far to say that the State Governments with the people on their side would be able to repel the danger. The highest number to which, according to best computation, a standing army can be carried in any country is not to exceed 100th part of the whole number of souls; or one twenty-fifth part of the number able to bear arms. This proportion would not yield, in the U.S., an army of more than 25 or 30 thousand men. To these would be opposed a militia amounting to near a half million citizens with arms in their hands, officered by men chosen from among themselves, fighting for their common liberties and united and conducted by governments possessing their affections and confidences. It may well be doubted whether a militia thus circumstanced could ever be conquered by such a proportion of regular troops. Those who are best acquainted with the late successful resistance of this country against British arms will be most inclined to deny the possibility of it. Besides the advantage of being armed, which the Americans possess over the people of almost every other nation, the existence of subordinate governments, to which the people are attached and by which militia officers are appointed, forms the barrier against enterprises of ambition more insurmountable than any which a simple government of any form can admit of. Notwithstanding the military establishments in the several kingdoms of Europe, which are carried as far as the public resources will bear, the governments are afraid to trust the people with arms.

⁹¹ *The Federal Gazette and Pennsylvania Evening Post*, June 18, 1789, p. 20.

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The National Center for Policy Analysis

The National Center for Policy Analysis is a nonprofit, nonpartisan research institute funded exclusively by private contributions. The NCPA originated the concept of the Medical IRA (which has bipartisan support in Congress) and merit pay for school districts (adopted in South Carolina and Texas). Many credit NCPA studies of the Medicare surtax as the main factor leading to the 1989 repeal of the Medicare Catastrophic Coverage Act.

NCPA forecasts show that repeal of the Social Security earnings test would cause no loss of federal revenue, that a capital gains tax cut would increase federal revenue and that the federal government gets virtually all the money back from the current child care tax credit. These forecasts are an alternative to the forecasts of the Congressional Budget Office and the Joint Committee on Taxation and are frequently used by Republicans and Democrats in Congress. The NCPA also has produced a first-of-its-kind, pro-free-enterprise health care task force report, presenting the views of 40 representatives of think tanks and research institutes.

The NCPA is the source of numerous discoveries that have been reported in the national news. According to NCPA reports:

- Blacks and other minorities are severely disadvantaged under Social Security, Medicare and other age-based entitlement programs;
- Special taxes on the elderly have destroyed the value of tax-deferred savings (IRAs, employee pensions, etc.) for a large portion of young workers; and
- Man-made food additives, pesticides and airborne pollutants are much less of a health risk than carcinogens that exist naturally in our environment.