

Seven Handouts-2019 (Edmiston)

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1. Wright and Rossi- Armed citizens deter would-be criminals.
2. Kopel- Defensive Gun Uses (DGUs) effective against spree killers.
3. Kleck- Up to 2.5 Million DGUs/year in US.
4. Ayoob- Problems with the 2012 Texas A & M Study
5. NAS Study- No substantial evidence gun laws reduce crime
6. Koper and Roth- 1994 "Assault Weapons" ban didn't work.
7. Kopel- Magazine bans don't work. Gun jams save lives.

Gun Control Research-Wright and Rossi Department of Justice Study
(Deterrent effect of armed citizens upon criminal behavior)

Professors James D. Wright and Peter Rossi of the Social and Demographic Research Institute at the University of Massachusetts conducted a study in 1982 and 1983 paid for by the U.S. Department of Justice. (Professor Rossi was a former President of the American Sociological Association.) The researchers interviewed 1,874 imprisoned felons in ten states.

Professors Wright and Rossi initially believed that strict gun control deterred crime. The results of their research led them to the conclusion that armed citizens have a beneficial effect in reducing criminal behavior and that harsh laws, such as handgun bans could result in criminals using sawed off rifles and shotguns with more deadly results. 88% of the criminals surveyed by Wright and Rossi agreed with the statement that, "A criminal who wants a handgun is going to get one."

A 1986 review of the professors' work, *Armed and Considered Dangerous*, by Raymond G. Kessler of the Department of Criminal Justice of Memphis State University, concluded, "Although *Armed and Considered Dangerous* is not free of methodological problems, it is the best policy-oriented study of criminals and their guns available."

Wright and Rossi reported that:

81% of interviewees agreed that a "smart criminal" will try to determine if a potential victim is armed.

74% indicated that burglars avoided occupied dwellings, because of fear of being shot.

57% said that most criminals feared armed citizens more than the police.

40% of the felons said that they had been deterred from committing a particular crime, because they believed that the potential victim was armed.

57% of the felons who had used guns themselves said that they had encountered potential victims who were armed.

34% of the criminal respondents said that they had been scared off, shot at, wounded, or captured by an armed citizen.

Based on this government-funded research by Wright and Rossi, it would appear that armed citizens do have a deterrent effect on crime.

Wright, James D., Rossi, Peter H., Daly, Kathleen, *Under the Gun, Weapons, Crime, and Violence in America*, Aldine de Gruyter, New York, 1983.

Wright, James D., Rossi, Peter H., *The Armed Criminal in America*, U.S. Department of Justice, 1985.

Wright, James D., Rossi, Peter H., *Armed and Considered Dangerous, a Survey of Felons and their Firearms*, Aldine de Gruyter, New York, 1986.

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Research

Professor David Kopel on Defensive Gun Uses

There is usually some discussion concerning defensive gun uses by armed defenders that stop potential spree killings. We sometimes hear that defenders have not stopped a single mass shooting. This is not the case.

Since most spree killings occur in "gun free" zones, more properly named, "criminal-safe free fire zones," it is remarkable that defenders have been able to react at all in time to defend innocent would-be victims; however, David Kopel, Second Amendment expert, author, law professor, and Director of Research at the Independence Institute, has identified a number of cases where armed citizens have stopped spree killings. To quote Professor Kopel at length:

"Over the last 25 years, there have been at least 10 cases in which armed persons have stopped incipient mass murder: a Shoney's restaurant in Alabama (1991); Pearl High School in Mississippi (1997); a middle school dance in Edinboro, Pennsylvania (1998); Appalachian School of Law in Virginia (2002); Trolley Square Mall in Salt Lake City (2007); New Life Church in Colorado (2007); Players Bar and Grill in Nevada (2008); Sullivan Central High School in Tennessee (2010); Clackamas Mall in Oregon (2012; three days before Newtown); and Sister Marie Lenahan Wellness Center in Darby, Pennsylvania (2014).

Gun prohibitionists insist that armed teachers, or even armed school guards, won't make a difference, but in the real world, they have- even at the Columbine shooting, where the armed school resource officer (a sheriff's deputy, in that case) was in the parking lot when the first shots were fired. The officer fired two long-distance shots and drove the killers off the school patio, saving the lives of some of the wounded students there...

The contrasts are striking and tragic. The attempted massacre at New Life Church in Colorado Springs was stopped by a private citizen with a gun; the massacre at South Carolina's Emanuel AME wasn't. The mass murder at Pearl High School was stopped by a private citizen (the vice principal) with a gun; the mass murder at Newtown's elementary school wasn't stopped until the police arrived. The shootings at Appalachian Law School ended when private citizens (armed students) subdued the gunman; the shootings at Virginia Tech continued until the police arrived. More licensed-carry laws that reduce the number of *pretend* gun-free zones are an effective way to save lives."

Some arguments put forth by proponents of "criminal-safe free fire zones" rest on the premise that innocents will be caught in a "crossfire" between the defenders and the criminal or terrorist involved in a spree killing. The most deadly position for an innocent adult or child is to be at the mercy of a killer without effective opposition by defenders, who has the time to select his or her victims and slay them without regard for his or her own safety. Even individuals protected by upper body armor are vulnerable to wounds to the pelvic region and legs, or to well-directed head shots. Even rounds deflected by body armor may confuse and distract the criminal or terrorist and allow potential victims to escape.

Kopel, David, *Costs and Consequences of Gun Control*, Cato Institute Policy Analysis # 784, 12-01-2015.

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Gun Control Research- Dr. Gary Kleck- Gun most effective way to resist robbery and assault- up to 2.5 million defensive gun uses per year by U.S. adults

Dr. Kleck, a professor of criminology at Florida State University is a registered Democrat, a member of the ACLU, does not own guns, and takes no money from anyone on either side in the debate. In 1988, Kleck published an article in the journal, *Social Relations*. This article, the first major research effort that measured defensive gun use, was based on state and national studies.

Dr. Kleck estimated that about 1 million adults per year use a gun for self-defense in the U.S. Kleck's research included studies done for the anti-gun National Alliance Against Violence, and the National Crime Victimization Surveys. Kleck concluded that gun use was the most effective and safest way of resisting a robbery or assault, safer than not resisting, running away, or using another method of resistance.

In 1991, Dr. Kleck published *Point Blank: guns and violence in America*. The book won an award in 1993 from the American Society of Criminology for an "outstanding contribution" to the field.

Not satisfied with the sources for his previous work, Dr. Kleck and his colleague Marc Gertz created a new survey with a sample size of about 5,000 individuals to better measure defensive gun use. With the new survey, Kleck and Gertz estimated between 2.2 to 2.5 million defensive gun uses per year in the U.S. Women were the defenders in about 46% of the cases reported. Less than 25% of the reporting defensive users indicated that they fired a shot during the incident under consideration. There is a less than 1% chance that a defender's gun will be taken from him or her by an assailant, according to Dr. Kleck.

Dr. Marvin Wolfgang was asked to critique the Kleck/Gertz Study. Dr. Wolfgang's review included the following: "I am as strong a gun-control advocate as can be found among... criminologists... they (Kleck and Gertz) have provided an almost clear-cut case of methodologically sound research in support of something I have theoretically opposed for years... the use of a gun in defense against a criminal perpetrator... I do not like their conclusions that having a gun can be useful, but I cannot fault their methodology."

The absolute lowest estimates of about 100,000 defensive gun uses per year in this country come from the Department of Justice, using U.S. Census information. There is no question in the survey that asks about defensive firearms' use. This estimate is probably a serious undercount.

The Clinton Justice Department funded what was supposed to be a counter study debunking the Kleck/Gertz research. In 1996, anti-gun researchers Ludwig and Cook came up with about 3 million defensive gun uses per year. They then decided that it is impossible to measure the true number of persons who use guns in America for self-defense.

The research done by Kleck and Gertz indicates that defensive use of firearms by private citizens is a significant factor in stopping criminal violence. The research also lends itself to the conclusion that in the vast majority of cases where a gun is used to resist robbery or assault, no shots are fired.

Sources:

- Blackman, Paul H., Ph.D., "Armed Citizens and Crime Control," <http://www.nraila.org/issues/articles/read.aspx?id=125>.
- Kopel, David, Independence Institute, panel discussion on guns and self-defense, Warwick Hotel, Denver, Colorado, July, 2009. <http://vids.myspace.com/index.cfm?fuseaction=vids.individual&VideoID=60107462>
- "How Often Are Firearms Used in Self-Defense?" http://www.guncite.com/gun_control_gcdguse.html.
- Stevens, Richard W., "Statistics and 'Gun Control,'" Jews for the Preservation of Firearms Ownership, Inc, <http://www.jpfo.org/filegen-a-m/data-docs.htm>.

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Problems with the 2012 Texas A & M Study on "Castle Doctrine/Stand Your Ground" Laws

Attorney and Author Massad Ayoob: "In a nation that has become a sound-bite society, we have a public...that is increasingly vulnerable to simplistic, misinformed answers to complicated questions." Ayoob quotes the Texas A & M Study: "Kleck (1988) estimated that only "1/5th of legally justified shootings are classified that way by police." Ayoob: "Many shootings that had to go to trial to determine justifiability-at the expense of many tax dollars, and much human suffering by the wrongly accused and their families-are now simply found justifiable sooner." (In states with enhanced self-defense laws) He points out that "Wrongful killings are exempt from" (civil) immunity."

Ayoob also refers to the work of Historian Clayton Cramer. "Cramer cited one study in which justifiable homicides by armed citizens had increased three-fold-but so had justified officer-involved shootings in the same region... Cramer considers it logical to conclude that, within the studied population, violent activity by criminals warranting the defensive use of deadly force had simply increased."

Errors and problems in the Texas A & M Study pointed out by Howard Nemerov, a medical researcher at the same university, include:

- The study only considers 20 of 24 states that enacted "Castle Doctrine" laws during the study period of 2000-2010.
- The study claimed that 17 states eliminated "duty to retreat" provisions during the period in question. In reality, 19 states took that action.
- Twenty-two states provided civil liability protection. The study only listed 17.
- The authors left four states out of the dataset on "Presumption of Reasonable Fear" issues.
- Study Authors Cheng and Hoekstra equate "Stand Your Ground" laws with "Castle Doctrine." The laws are not identical.
- The Study assumed that enhanced self-defense laws would reduce property crimes; however, FBI crime data indicate that non-confrontational crimes, such as burglary go up as a result of such laws, while homicides, robberies, and aggravated assaults decrease. Criminals seem to move to less violent employment in response to the laws.
- In reality, states that adopted laws with "stand your ground" provisions, 'presumption of reasonable fear' provisions, and 'civil liability protection' elements experienced the largest declines in all three violent crime rates," (Homicides, robberies, and aggravated assaults.) "handily beating non-adopting states."

Ayoob, Massad, Understanding Stand Your Ground and Castle Doctrine, Presentation during the Texas Bar Assn., 2013 Firearms Law Seminar, posted at personaldefenseworld.com.

Nemerov, Howard, "No, Castle Doctrine Does Not Increase Violent Crime," thetruthaboutguns.com, posted by Dan Zimmerman, originally posted on JPFO.org.

Gun Control Research-The NAS Study
(No credible causal relationship between gun ownership and violence)

The National Academy of Sciences (NAS) was created by Abraham Lincoln to "examine, experiment, and report" on "science and art" when asked to do so by any government department. A panel of NAS scientists began formal hearings on "Improving Research Information and data on firearms" during the summer of 2001. The study was funded in part by the virulently anti-gun Joyce Foundation and the anti-gun David and Lucille Packard Foundation.

David Kopel, Colorado author and expert on Second Amendment issues, and co-author Glenn Reynolds criticized the study at its inception for the anti-gun bias of most of its members and the bias of its funding sources. Surprisingly, given the prejudiced atmosphere of the NAS study, the results, like those of the CDC Study, do not support the premise that gun ownership promotes crime or increases the overall risk of suicide.

The panel reviewed 253 scientific journal articles, 99 books, 43 government publications and some of its own research. The committee found that they could not determine if there was a cause and effect relationship between guns and violence. The below quotation comes from the panel's Executive Summary, which was published in 2004.

"In summary, the committee concludes that existing research studies and data include a wealth of descriptive information on homicide, suicide, and firearms, but because of the limitations of existing data and methods, do not credibly demonstrate a causal relationship between the ownership of firearms and the causes or prevention of criminal violence or suicide."

The NAS panel predictably recommended more research. The committee also concluded that there is no definitive information regarding defensive uses of firearms or the positive or negative effects on crime of concealed carry laws. James Q. Wilson, the only relatively neutral member of the panel, according to Kopel and Reynolds, issued a minority report in which he argued that John R. Lott's extensive research does establish that "shall issue" concealed carry laws reduce homicide rates.

Like the CDC Study, the Swiss-based Small Arms Survey, and the Kates and Mauser Study of international gun ownership and crime, the NAS exhaustive review of the literature in the gun control field does not find a credible cause and effect relationship between honest gun owners and violence. You would think that if there were causation, nearly 400 scientific studies, books, and government reports would have found one example.

The committee also looked at possible methods of government intervention into the "problem" of guns, crime, and suicide. Restricting access to guns? Needs more research. (Keep in mind that Prohibition didn't work. It fostered the rise of criminal gangs, corrupted police, and promoted general lawlessness.) Prevention programs? Don't seem to work and seem to increase children's interest in guns. (What does this say about sexual education programs?) Criminal justice system solutions, such as policing, sentencing, and Project Exile? Need more research. Keep in mind that murders occur in prison.

If restricting access to firearms has had an effect on U.S. gun crime, the anti-gun NAS panel was apparently not able to find it in almost 400 sources. If firearms cause crime, or if gun control laws work, why did this massive review of research fail to find credible evidence? The variables are complex, but if the proof were there, would not one study out of almost 400 have discovered it? Will the NAS continue to review literature in the gun control field until they find even a single study that gives them the results that they are seeking?

Kopel, David, Reynolds, Glen, "Political Science, Doing science a grave injustice," nationalreview.com, August 29th, 2001.

National Academy of Sciences, Committee on Law and Justice, "Firearms and Violence, A critical review," nasonline.org, 2004.

Gun Control Research- Results of the 1994 "Assault Weapons Ban"

"After the 1994 Ban, 'no discernible reduction in the lethality and injuriousness of gun violence' was found."

In 1997, criminology professors Chris Koper and Jeff Roth published a study for the National Institute of Justice on the 1994 ban of "Assault Weapons" and the resulting effect on crime. ("Assault weapon" is an incorrect term to use for the firearms that were affected by the ban. A real assault weapon is capable of fully automatic fire. That is, a pull of the trigger results in the repeated discharge of the firearm until the trigger is released or the gun runs out of ammunition. The firearms banned in 1994 were semi-automatic or self-loading firearms, requiring one pull of the trigger to fire a round).

In their 1997 study on the effectiveness of the 1994 ban, Koper and Roth concluded that, "the evidence is not strong enough for us to conclude that there was any meaningful effect (i.e., that the effect was different from zero)." Seven years later the two researchers published a follow up study with criminologist Dan Woods.

The 2004 study found that "we cannot clearly credit the ban with any of the nation's recent drop in gun violence. And, indeed, there has been no discernible reduction in the lethality and injuriousness of gun violence."

Mr. Lott also points out that in 2003, the last full year before the end of the 1994 ban; the US murder rate was 5.7 per 100,000 people, according to the FBI's Uniform Crime Report. By 2011, that rate had fallen to 4.7 per 100,000, in spite of the expiration of the 1994 Semi-automatic Firearms Ban. According to Mr. Lott, only 2.6% of all murders are committed with any type of rifle. This 2.6% figure would include single shot, lever action, pump action, and bolt action rifles, as well as semi-automatic or self-loading long guns.

Proponents of more gun control also advocate the registration of those firearms currently legally possessed by American citizens. Canada dropped its long gun registry, because it was extremely expensive to set up and maintain, and because Canadian law enforcement officers "could not provide a single example in which tracing was of more than peripheral importance in solving a gun murder."

John Lott, Jr. is a former chief economist of the United States Sentencing Commission and the author of the book, *More Guns, less Crime*, (University of Chicago Press, third edition, 2010).

Please see the Firearms Coalition of Colorado Information Sheet on Mr. Lott's work.

Lott, John R. Jr., "Facts about Assault Weapons and Crime," *Wall Street Journal*, NYC, NY, 01-18-13, page A-14.

Research

Professor David Kopel on Magazine Bans

David Kopel, Second Amendment expert, author, law professor, and Director of Research at the Independence Institute, has addressed the claim that magazine size limits might reduce casualties during spree killings, because potential victims might be able to overpower or escape a killer or a terrorist, while that person was reloading a firearm with smaller capacity magazines. Professor Kopel:

“Advocates of a ban on standard-capacity magazines assert that while the attacker is changing the magazine, an intended victim might be able to subdue him- yet they cannot point to a single instance where this actually happened. They cite a trilogy of events that happened in Tucson, Arizona (2011), Aurora, Colorado (2012), and Newtown Connecticut (2013). In fact, all of those events involved gun jams, not magazine changes. At Newtown, the criminal changed magazines seven times and no one escaped, but when his rifle jammed, people did escape. Clearing a gun jam takes much longer than changing a magazine. Fixing a gun jam involves all the steps of a magazine change (remove the empty magazine and insert a new one) plus all the intermediate steps of doing whatever is necessary to fix the jam. Similarly, in the Luby’s cafeteria murders (24 dead), the perpetrator replaced magazines multiple times. In the Virginia Tech murders (32 dead), the perpetrator changed magazines 17 times.

Advocates of banning magazines larger than 10 rounds call them ‘high capacity.’ (15 rounds, according to the Colorado ban) “Again, this is incorrect. The standard manufacturer-supplied magazines for many handguns have capacities up to 20 rounds; for rifles, standard magazine capacity is up to 30. This has been true for decades. Indeed, magazines holding more than 10 rounds constitute 47 percent of all magazines sold in the United States in the last quarter century. There are tens of millions of such magazines. A law that was really about high-capacity magazines would cover the after-market magazines of 75 or 100 rounds, which have minuscule market share and which are not standard for any firearm. As of 2011, there were approximately 332 million firearms in the United States not in military hands. With the rough estimate that one-third of guns are handguns, most gun owners owning at least two magazines per gun, and 47 percent of magazines holding more than 10 rounds, the number of large magazines in the United States is at least in the tens of millions: When one also takes into account rifle magazines, the number of American magazines holding more than 10 rounds could be more than 100 million. That in itself is sufficient, according to the Supreme Court’s *Heller* precedent to make the ban unconstitutional.” (Heller ruled that the government could not ban a firearm or related item that is in widespread common use.)

In addition, with the benefit of advanced planning, criminals and terrorists have the advantage of bringing multiple guns to the anticipated scenes of their crimes, allowing them uninterrupted firepower in the unlikely event that they decide to comply with a magazine restriction law.

Defenders, on the other hand, are constrained by the amount of ammunition that they can carry outside a firearm on a regular basis by weight factors and other considerations. Remember, the criminal or terrorist will always have the advantage of planning and surprise.

Kopel, David, *Costs and Consequences of Gun Control*, Cato Institute Policy Analysis # 784, 12-01-2015.

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