

Handouts for Committee Hearings

03-22-2017

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Study

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-Small Arms Survey-2007

No clear relationship between more guns and high levels of violence

Many people do not regard the Small Arms Survey (SAS), conducted out of Geneva, Switzerland as an advocate of civilian firearms' ownership. The Survey is probably best known for its August 2007 report (1), which indicated that there are an estimated nine guns for every ten people in the United States. This finding managed to find its way into many newspapers and to gain airtime on major networks.

A lesser-known conclusion of this report is the finding that "There's no clear relationship between more guns and higher levels of violence." For instance, many countries in Latin America have low levels of legal gun ownership and high rates of violence.

(Mexico is a prime example. A recent report in *The Denver Post* on 01-19-09 quotes the U.S. Joint Forces Command as describing the country south of our border as being in danger of "rapid and sudden collapse." This risk is caused by "criminal gangs and drug cartels" apparently unaffected by Mexico's draconian gun control laws.

Carl, Traci, "Lawlessness earns Mexico a spot on security-risk list," *The Associated Press, The Denver Post*, 01-19-09, page 10A.)

Keith Krause, Director of the Small Arms Survey, indicated that research seems to show that "gun violence often occurred in places undergoing rapid urban growth, and when lawless areas are created by extreme poverty and the absence of effective policing." Krause also decried the black market sale of guns and ammunition to criminals and gangs by military or police officials. (This involvement of government agency personnel is reminiscent of the corruption of American civil authorities by Prohibition and The War on Drugs.) Krause also said that European Union countries are experiencing increasing small arms smuggling activity.

The SAS findings are mirrored by a study done by the National Academy of the Sciences (2) and an international study done by researchers Kates and Mauser (3) (4), which find no credible causative relationships between gun ownership and violence.

(1) Associated Press, "Study: There Are 9 Guns for Every 10 Americans," August, 29th, 2007, <http://www.foxnews.com/story/0,2933,294976,00.html>

(2) National Academy of Sciences, Committee on Law and Justice, "Firearms and Violence, a Critical Review," 2004, nasonline.org

(3) Kates, Don, Mauser, Gary, "Would Banning Firearms Reduce Murder and Suicide? A Review of International and Some Domestic Evidence," *Harvard Journal of Law and Public Policy*, 2007.

(4) Lewin, Marshall, "Would Banning Firearms Reduce Murder and Suicide?" *America's 1st Freedom*, National Rifle Association, Palm Coast, FL, August 2007, page 32. (Firearms Coalition of Colorado PO Box 1454 Englewood, CO 80150-1454)

Gun Control Research- Lott/Mustard- "More Guns-Less Crime"
2009

Dr. John Lott has a Doctor's Degree in Economics from UCLA. He is a research scientist at the University of Maryland at the time of this writing. He has held research positions at Yale and the University of Chicago. He has published at least 96 articles in academic journals. He has published two books: *More Guns, Less Crime* (University of Chicago Press, 2000) and *The Bias Against Guns: Why Almost Everything You've Heard About Gun Control Is Wrong*, (Regnery Publishing, 2003.)

Dr. David Mustard has been a professor at the University of Georgia. Dr. Mustard, in 1999, authored a working paper, *The Impact of Gun Laws on Police Deaths*, which supports the concept that concealed carry laws may enhance officer safety.

Drs. Lott and Mustard, in a study associated with the University of Chicago Law School, researched crime statistics for every county in the United States from 1977 to 1992. Lott estimated that "shall issue" concealed carry laws reduced murder by 8.5%, rape by 5%, aggravated assault by 7%, and robbery by 3%.

Lott and Mustard's conclusions dovetail with those of Professors Wright and Rossi, who found that criminals are risk averse and "respond rationally to deterrence threats..." Wright and Rossi did extensive research with prison inmates.

John Lott's work is impressive in that Mustard and he looked at the entire universe of U.S. counties, rather than a smaller sample. This approach avoids problems with sample sizes or random selection of cases for examination. Lott has also made his data set available to anyone who wants to look at it.

The 2004 National Academy of Sciences study on gun control reported that Lott's results were not statistically significant. This review of the literature was paid for by the well-known, anti-gun Joyce Foundation. Noted Second Amendment Scholar David Kopel protested the makeup of the review panel at its creation, because all but one of the panel members had reputations indicating anti-Second Amendment bias. The "neutral" panel member filed a minority report in favor of Lott's findings regarding reductions in homicides following passage of "shall issue" laws. James Wilson pointed out that only Lott's work was subject to strict scrutiny by the committee. Research by his critics was taken more or less at face value.

Lott came out with another study in 1999 that indicated that concealed carry deters would-be spree killers who perpetrate "multiple victim" shootings. Again, this information corroborated the work of Wright and Rossi, which came to the conclusion that criminals, in effect, do risk/benefit analyses before committing crimes. No non-suicidal felon would try to shoot up a gun show or a police station.

Lott has been attacked for loss of research data that occurred during a reported computer crash in 1997, but he has responded forcefully to his critics. He has produced evidence from colleagues and other sources to support his contentions that the original survey and the resulting data did, in fact, exist.

More troubling, from a credibility standpoint, is the allegation that Lott used the pseudonym, "Mary Rosh," to praise his own work in on-line forums. Michelle Malkin discussed this issue in a post on WorldNetDaily.com, "The other Lott controversy." Her article has a link to Dr. Lott's response to her post.

Lott's work was cited in the Amicus Curiae brief of the Association of American Physicians and Surgeons Inc., in the landmark Supreme Court Case, *D.C. v. Heller*. A new edition of his first book is coming out this year. Lott remains a relevant, if controversial, figure in the debate on individual rights.

In any event, the most negative possible interpretation of his work is that "shall issue" concealed carry laws do not increase the probability of criminal behavior, as is often claimed by opponents of the right to self-defense against crime, tyranny, corruption, and genocide recognized by the Second Amendment.

Sources:

Kopel, David, "Damn Lies-Or Statistics," Book review of *More guns, Less Crime*, by John Lott, originally published in *Chronicles*, Dec. 1999." <http://www.davekopel.com/2A/Mags/LottReview.htm>

"Liberalized Concealed Carry Laws," http://www.guncite.com/gun_control_gdcgcon.html. (If you are entering the letters from a keyboard, there is an underlined space "_" before and after the word "control" in the website address.

Lott, John R., Jr., "More Guns, Less Violent Crime," "The Rule of Law Column," *The Wall Street Journal*, NY, NY, August 28th, 1996.

Malkin, Michelle, "The other Lott controversy," WorldNetDaily.com, 02-05-03.
http://www.wnd.com/news/article.asp?ARTICLE_ID=30873

Schlafly, Andrew, L., Brief for Amicus Curiae Association of American Physicians and Surgeons, Inc. in Support of Respondent, No. 07-290, *District of Columbia, et al., v. Dick Anthony Heller*, Far Hills, NJ, page 16.

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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.

The Firearms Coalition of Colorado, PO Box 1454, Englewood, CO 80150-1454

2013 JAMA Study from Harvard shows no effect of Firearms Laws on Gun Deaths

The study, "Firearm legislation and firearm-related fatalities in the United States," was published 03-06-2013 in the Journal of the American Medical Association (JAMA).

The criteria for the evaluation of the data for this study come not from independent research, but from The Brady Center, previously known as Handgun Control, Inc., and the Law Center to Prevent Gun Violence, formerly The Legal Community Against Violence, both gun control organizations. The "scorecard" used to measure the supposed benefit of the gun laws has not been scientifically validated

The study left out the states of New Hampshire, Vermont, and North Dakota. The study also omitted data from the District of Columbia, which has strict gun laws and high crime rates.

The study only deals with the number of laws per state, and not with specific laws. The study's authors admit that the study appears to show correlation, but not causation.

Dr. Garen Wintemute, himself an advocate for gun control, writing in JAMA, critiques the study and calls for more research by the Centers for Disease Control (CDC) and the National Academy of Sciences (NAS). He seems to be unaware of the massive 2003 CDC review of the literature and the even more extensive 2004 NAS study that indicate that gun laws have no effect on crime, and that there is no causative relationship between gun ownership and crime, respectively.

In summary, the 2013 JAMA study by Fleegler and colleagues is based on an untested scoring system from admittedly biased organizations. The study only suggests correlation between more gun laws and reduced crime by cherry picking data sets. Causation remains an elusive goal for advocates of gun control.

Wheeler, Timothy, MD, "Harvard Study Shows No Effect of Firearms Laws on Gun Deaths," <http://www.thegunmag.com/harvard-study-shows-no-effect-of-firearm-laws-on-gun-deaths/>

Wintemute, Garen J., MD, MPH, "Responding to the Crisis of Firearms Violence in the United States" JAMA article. <http://archinte.jamanetwork.com/article.aspx?articleid=1661391>

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Problems with the Stanford Study on the Effects of "Shall-Issue" Concealed Carry Laws

John Lott and John Donohue have debated for about two decades on whether "Shall-Issue" concealed carry laws reduce or increase crime. We hear that the 2014 update of the previously published *Stanford Law and Economic Working Paper No. 461*, (Donohue, et. al.) settled the argument in favor of a resultant increase in crime. Not so fast! John Lott rebuts Donohue's claims. Other observers question the methods and conclusions of the Stanford Study.

The study's authors admit that their "imperfect" data provide "suggestive" evidence that Shall-Issue, or "Right-to-Carry" laws, "may" be associated with increased crime. A larger point, is that correlation is not causation. We should also note that Shall-Issue laws do not, per se, increase the number of guns available to a population. Such laws merely affect the legal transportation mode of certain firearms. (Criminals, by definition, ignore laws.)

There have been problems with data in some states cited by various versions of the Stanford Study. "Post-passage" crime rates from Kansas were included in Donohue's calculations from 1996, when the Shall Issue law was passed in that state in 2006.

Lott points out, in answer to Donohue, that the 2014 Stanford Study update relies on a statistical model that Donohue himself had previously argued could be misleading, and that another model might be "statistically preferable." Lott also says that the Stanford Study fails to account for the actual number of permits issued in Right-to-Carry states, as opposed to the mere passage of statutes. Donohue accused Lott of failing to factor in the effects of crack cocaine as a confounding variable, then Donohue, himself, does not account for this issue. In addition, Lott reports that Donohue fails to consider the effects of other gun control laws on the crime rates in Shall-Issue states. Lott advises that he dealt with both factors in his research.

By 2013, Lott's work had been the subject of 29 peer reviews. 18 studies confirmed his findings. 10 showed no change in crime rates following Shall-Issue laws. One study, Donohue's previous work, showed an increase in crime. The massive National Academy of Sciences review of the literature, which was conducted by a panel overwhelmingly biased toward gun control, reported no increase in crime following passage of Shall-Issue laws, with a minority report that agreed with Lott's findings.

Clearly, the Stanford Study is not the final word on the question of the possible benefits of Shall-Issue concealed carry laws. We should be wary of reliance on its conclusions.

Parker, Clifton B., Right-to-carry gun laws linked to increase in violent crime, Stanford research shows, <http://news.stanford.edu/2014/11/14/donohue-guns-study-111414/>. 11-14-2014.

Elliot, Michael, Guns and Crime: Correlation does not equal causation, Politics and Critical Thinking, <http://politicsandcriticalthinking.blogspot.com/2014/11/guns-and-crime-correlation-does-not.html>. 11-16-2014.

Problems with The Washington Post's and Huffington Post's "More guns, more crime" claims, Crime Prevention Research Center (CPRC), in *The Washington Post*, <http://crimeresearch.org/2014/11/problems-with-the-washington-posts-and-huffington-posts-more-guns-more-crime-claims/>. 16 Nov 2014. (John Lott is affiliated with the CPRC.)

Coulter, Ann, America's most feared economist, <http://www.anncoulter.com/columns/2013-05-01.html>, May 1, 2013.

Problems with the 2016 Lankford Study on National Gun Ownership/Mass Shootings

The study, "Public Mass Shooters and Firearms: A Cross-National Study of 171 Countries" stated that "The United States and other nations with high firearms ownership rates may be particularly susceptible to future public mass shootings, even if they are relatively peaceful or mentally healthy according to other national indicators." A number of reputable sources and analysis of this study contradict the finding.

The massive National Academy of Sciences (NAS) Review and the UN-related Small Arms Survey (SAS) Study both indicated that higher levels of gun ownership do not correlate with more violence. The first serious issue with the Lankford Study is the reported failure of the researcher to share his data or methodology for the purpose of peer review, one of the bedrock principles of responsible science. By declining to share his information, Lankford is saying, in effect, "Believe me without proof."

Dr. Gary Kleck has pointed out that data is much more available for the United States than for many of the 171 countries in the study. This situation would induce a bias toward finding "a positive association between gun ownership and mass shootings." Kleck describes the Lankford Study as "junk science."

Trinity College Economics Professor Ed Stringham, who has done research using international crime rates, stated about Lankford's work, "I find this claim hard to believe." Dr. Kleck cautioned "Lankford does not claim to read all the languages used..." in many of the countries listed in his study. "This method would result in a near total omission of relevant news stories outside of the English-speaking part of this world..." Kleck further said, "No qualified scholar would accept work by a researcher who could nor, or would not, even explain exactly how he measured his most important variable (mass shootings)."

Robert Reed, Editor of *Public Finance Review*, opined, "Any research that seeks to influence the public debate on this topic, as this research clearly does, should be required to make their data available, so that other researchers can confirm their findings."

Lankford, Adam, "Public Mass Shootings and Firearms..." *Violence and Victims*, 31 (2), 187-199, January 2016.

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

Associated Press, "Study: There Are 9 Guns for Every 10 Americans," Fox News.com, 08-29-2007.

Lott, Maxim, "Critics shoot holes in widely-cited gun study," Fox News.com, 07-28-2016.

Problems with the Violence Policy Center "Concealed Carry Killers" Study

The Violence Policy Center (VPC) claimed in its initial study that 636 people were unjustifiably killed nation-wide over a period of seven years by concealed carry permit holders. There are errors in their claims. Data from Michigan illustrated problems in the report. Subsequent VPC updates have failed to resolve these problems.

In 2007 and 2008, the report cited 20 pending cases and 14 convictions of persons with concealed carry permits. The Michigan State Police listed a total of 14 pending cases and 11 convictions during that time period. Some of the cases may have originated before 2007, since it can take years for a murder trial to reach court.

The VPC Michigan data combined pending cases with convictions. Every arrest does not result in conviction. Dr. Gary Kleck indicated many justifiable homicides are not reported as such, due to issues with the FBI definition of justifiable homicide. Other cases may be found justifiable following investigation. Combining categories more than doubles the number of "Concealed Carry Killer" cases in Michigan in the VPC dataset.

The current VPC report counts **suicides**. Why? Even if their raw numbers were correct, permit holders still offend at a lower rate than the general population.

John Lott of the Crime Prevention Research Center cited data from Texas and Florida, which keep detailed records on concealed carry permit holders. The data indicated that permit holders offend at a very low rate. Lott reviewed information from October 1987 to February 2011. During that time, Florida issued about 1.96 million permits. During the same period, 168 permits were revoked by the state for firearms-related violations. The most common gun-related offense was accidentally carrying a concealed handgun into a prohibited area. Texas reported a similar experience.

D.U. Professor, Attorney, and Author David Kopel dismissed the VPC Study as "junk science," during testimony before a Senate Committee on 02-13-2017.

The Violence Policy Center is a gun control advocacy group that is known for the biased nature of their research. Their conclusions should be viewed with skepticism.

Lott, John R. Jr., "Should Bans Against Carrying Concealed Weapons be Lifted on College Campuses?" FoxNews.com, 03-09-2011.

Lott, John R. Jr., "Bogus Gun Control Numbers," NationalReview.com, 04-29-2014.

Kleck, Gary, "Guns and Self-Defense," pulpless.com/gunlock/kleck2.html.

Kopel, David, Testimony before CO State Senate Judiciary Committee, 02-13-2017

Violence Policy Center, "More than 900 Deaths at the Hands of Concealed Carry Killers Since 2007, Latest VPC Research Shows," vpc.org, 01-13-2017.

Weingarten, Dean, "How Many Justified Homicides Occur Each Year?" Ammoland.com, 02-28-2015.