

Handouts in Support of Legalization of Standard Capacity Magazines

2018

1. National Academy of Sciences (NAS) Study- No substantial evidence gun laws reduce crime
2. Koper and Roth- 1994 "Assault Weapons" ban didn't work.
3. Kopel- Magazine bans don't work. Gun jams save lives.

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 we 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 a 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. John Lott, in the article cited below, 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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