already been freed. In commenting on the court’s decision, the editor of The Spectator noted that the ruling did “absolutely nothing to put right a fundamental injustice in English law: that somebody using excessive force in self-defence can be convicted of the same offence as a serial killer who slits the throats of old ladies in cold blood.”

Thus an English farmer, living alone, has been sentenced to life in prison for killing one professional burglar and to ten years for wounding another when the two broke into his home at night. Had Martin been living in England in the nineteenth century or in any state in America, in France, or in Germany today, he would not have been tried for murder. Jurors felt constrained, and in some cases intimidated, into convicting him. So far has England veered from its constitutional tradition and the basic right of the law-abiding subject to personal security. Dicey’s warning a century ago has proven prophetic: “Discourage self-help, and loyal subjects become the slaves of ruffians.”


7

More Guns More Crime or More Guns Less Crime?
The American Case

To disarm noncriminals in the hope this might indirectly help reduce access to guns among criminals is a dangerous gamble with potentially lethal consequences.

—GARY KLECK, "Guns and Violence," 1995

Notice that “safer society” means “the society with fewer violent-encounter deaths for nonaggressors” and not “the society with fewer violent-encounter deaths overall.”


On June 26, 2000, The Mirror, a London daily, advised readers to brace themselves for the latest annual crime figures, which were expected to show an astonishing 19 percent increase in violent crime and an even more astounding 38 percent increase in robberies in London. Yet the next evening, when American
television viewers were cautioned that violence in England was worse than in the United States, The Mirror leapt to the kingdom’s defence, reporting that “Britain reacted with fury and disbelief” to the American claim. Those same Home Office officials about to release statistics testifying to a record increase in English crime, together with British “tourist chiefs,” condemned the American report as “fanciful.” Further on in the article readers discovered that even before the latest increases England had overtaken America in every major category of violent crime except murder and rape. The general outrage at the American report in the face of nearly half a century’s spiralling crime rates confirmed Mark Steyn’s observation: “Old impressions die hard. Americans still think of Britain as a low-crime country. Conversely, the British think of America as a high-crime country.” “Neither impression,” Steyn added, “is true. The overall crime rate in England and Wales is 60% higher than that in the United States.” The original Mirror article’s warning had been near the mark. On July 18 the government revealed the largest twelve-month increase in assaults and street robberies for a generation. The Telegraph summed it up: “There was a 26 per cent increase in street robberies—the highest ever. Offences of violence rose by 16 per cent, the biggest increase for at least 10 years, and the most serious assaults went up by almost 13 percent.” Some urban areas, such as Greater London and the West Midlands, recorded an increase of nearly 40 per cent in robberies.” A year later the Sunday Times would report that over the past four years violent crime in England and Wales had more than doubled. Still, old impressions die hard. The English and American peoples still share notions of England as the peaceable kingdom, of America as the violent republic. But the truth of this particular comparison matters deeply because of its policy implications. The Anglo-American contrast is cited repeatedly as proof that more guns mean more crime. England’s reputation for modest rates of violent crime has been paired with its reputation for strict gun laws, laws that are now the most stringent of any democracy’s. America, by contrast, is branded a “gun culture.” About half of all American households own firearms. Half of the equation is incorrect. The peacefulness England used to enjoy was not the result of strict gun laws. When it had no firearms restrictions England had little violent crime, while the present extraordinarily stringent gun controls have not stopped the increase in violence or even the increase in armed violence. By opting to deprive law-abiding citizens of the right to keep guns or to carry any article for defence, English government policy may actually be contributing to the lawlessness and violence afflicting its people.

But what of the American side of the premiss? The English case demonstrates that fewer guns do not mean less crime, but do more guns mean more crime? Are America’s 75–86 million gun owners with their 200–240 million firearms a cause of crime; do they and their weapons have no impact one way or the other; or do their weapons deter violence? England’s rates of interpersonal crime have soared as its gun laws have become stricter. America’s rates of violent crime also rose until 1991. Since then they have declined dramatically every year, sinking in 1999 to a thirty-year low. The American murder rate has been described as “in startling free-fall.” The homicide rate had fluctuated by about 20 percent between 1974 and 1991, but in 1999 criminologist Franklin Zimring found that “we’re pushing beneath that bottom so that we have a structural change in the level of homicide risks in American cities
more guns mean more crime, Washington, D.C., has banned handguns for residents, and New York City and Chicago allow only a few privileged residents to own them. The small town of Morton Grove, Illinois, also banned handguns. Six states refuse to permit any citizen to carry a concealed weapon. By contrast, the theory that armed citizens not only protect themselves but deter crime has gained acceptance in recent years and led state after state to permit residents to carry concealed weapons. In 1994 four states passed legislation allowing all law-abiding adults the right to carry concealed handguns; ten others did so in 1995, and in 1996 another three states followed suit. Eight others had had such legislation on the books for years. To date thirty-three states, a clear majority, are required to grant residents who meet the basic standards the right to carry concealed weapons. One of these, Vermont, has no gun laws. Vermont also has the lowest crime rate in the nation. The little community of Kennesaw, Georgia, a suburb of Atlanta, requires every home to have a firearm for protection. This jigsaw of divergent practice and experience makes for confused statistics and tricky comparisons, since no state or city can seal its borders. The subject is of such moment that scholars from various fields have resolutely waded into this morass in an effort to clarify the relationship between firearms and violence. The more reliable and sophisticated of these studies can help us assess the American case. But first, some history.

America’s Firearms History in Brief

The contrasts between a disarmed England and a well-armed America are so great that it is hard to believe the two share a
constitutional legacy. Their respective bills of rights recognize the right of citizens to have firearms. As we have seen, the language of the English right confined it to Protestants and then to what was thought "suitable to their condition and as allowed by law." In practice all law-abiding Englishmen had a right to be armed. The language of the American Second Amendment is more sweeping: "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." Its initial clause refers to the necessity for "a well-regulated militia," but it goes on to grant "the people," regardless of religion or condition, a right "to keep and bear arms" that "shall not be infringed." Even more important than its broader language, the American right is constitutionally entrenched and cannot be removed by a simple vote of the legislature or behind-the-scenes policy of the civil service. But it has been threatened from a different quarter. Since the 1960s those determined to limit firearms have insisted that the Second Amendment never protected an individual right, that its purpose was to ensure state control over state militia or to protect a "collective right" for militia members to be armed. Even if there was once an individual right, they insist that it is now an anachronism. The collective-right interpretation first became attractive in the early twentieth century, when fears about armed blacks in the South and millions of immigrants pouring into northern cities provided an incentive to narrow the scope of the Second Amendment so that weapons could be denied to suspect groups. American authorities of the time, like their English counterparts, were haunted by the specter of disorder and revolution.

Early in the twentieth century both countries passed fire-

arms legislation, the English the 1903 Pistols Act and in 1920 the landmark Firearms Act. The first American federal gun law didn't pass until 1934, but before that discriminatory laws in the South kept blacks disarmed, and in 1911 New York State passed the Sullivan Law, which made it a felony to carry a concealed weapon without a licence or to own or purchase a handgun without obtaining a certificate. The Sullivan Law, like the 1920 Firearms Act, made the granting of a certificate discretionary, but unlike the English statute its jurisdiction was limited to one state and it affected only handguns. During the 1920s Americans were dismayed as mobsters armed with submachine guns fought for possession of the market in illegal alcohol. Public attention remained fixed on the dangers of automatic weapons during the 1930s thanks to the exploits of such flamboyant depression-era scoundrels as "Pretty Boy" Floyd, George "Machine Gun" Kelly, and Bonnie Parker and Clyde Barrow. The result was passage of the first federal gun-control legislation, the National Firearms Act of 1934. This statute required registration, police permission, and a tax for possession of automatic weapons, sawed-off rifles, and shotguns and silencers, all weapons closely linked to criminals. The Roosevelt administration had meant to include a plan for registration of all handguns for a nominal one-dollar fee but dropped the idea when the firearms industry, rural police chiefs, and the National Rifle Association objected to it. More than thirty years were to pass before widespread riots and three political assassinations again led to demands for stricter firearms legislation. The Gun Control Act of 1968 limited mail-order sales, the purchase of firearms by felons, and the import of military weapons. Robert Cottrol finds this statute "something of a watershed," for since its
passage the debate over gun control and the right to be armed have become "semi-permanent features" of late twentieth-century American life. In the 1990s federal legislation banned a list of "assault weapons" and through the Brady Act required background checks before the purchase of a firearm. Public concern about crime also led to greater insistence that there was no individual right to be armed. But a scholarly consensus, based on twenty years of research, has concluded that the Constitution does guarantee an individual right. Americans have guns, but they also have gun control; reputedly some 20,000 laws grace the books of American states and municipalities. There is no statistical evidence for this suspiciously round number, but its wide acceptance does illustrate that while firearms are not banned they are certainly subject to controls.

Are International Comparisons of Crime Sound?
Is a comparison between English and American crime rates as striking as it seems? English police frequently dismiss such comparisons as invalid, at least comparisons in which English crime rates appear higher. The police are correct to the extent that international comparisons are tricky. We need to accommodate differing definitions for particular crimes and different methods of calculation, not to speak of different social and economic settings and different techniques for dealing with incorrigibles. But comparisons are eminently worthwhile, because they shed light on the way each country maintains order. More important, any comparison that reveals a more effective way to reduce crime must be worthwhile. Once we have sorted through all the variables, a battery of intriguing questions awaits us. There is no doubt that guns play a much larger role in American than in English crime. According to 1996 police statistics, they were used in only 7 percent of English murders but in 68 percent of American murders, and the American murder rate in 1996 was six times the English rate. Victim surveys found that 4 percent of English robberies were armed robberies, compared with 28 percent of U.S. robberies. Yet with the exception of murder and rape, since 1995 American rates of violent crime have been lower than English rates. English thugs were quite capable of perpetrating offences without guns, although gun crimes also rose in England. When it comes to homicide, however, the English have historically had a very low murder rate. Despite the large pool of illegal firearms in Britain today, and the large legal pool in the past, criminals made little use of guns. In fact although violent crime has risen sharply in England in the last five years, an international study found that the murder rate has remained low, with London's among the lowest of all European capitals. On the other hand, New York City's homicide rate has been at least five times higher than London's for two hundred years. For most of that time there were no serious firearms restrictions in either city. "Even without guns," Eric Monkman writes, "New Yorkers still managed to outstab and outkick Liverpudlians by a multiple of 3 and Londoners by a multiple of 5.6." If the heterogeneous American population, with its rags-to-riches ethos, seems more prone to violence than the English population, is the availability of any particular sort of weapon only incidental? Or have guns made America's rate of violence higher than it would otherwise have been? Many insist that they have, that criminals have easy access to lethal weapons and that ordinary people who
own a firearm are likely to seize it during a quarrel. Some in the medical community have dubbed firearms a health hazard. According to Richard Maxwell Brown, however, Americans are more violent, not because of firearms, but because of legal standards of self-defence. He believes that England's low homicide rate is attributable to a common-law duty to retreat when attacked, while America's rate is high because Americans believe that common law allows the individual to stand his ground and kill in self-defence. Americans certainly have far more latitude to protect themselves than the English, along with better means to do so. Whatever the cause, if Americans are more violent, could guns play an important role in deterring crime, rather than increasing it? States that have concealed-carry laws certainly assume this. This does not mean that everyone needs to be armed. In his pioneering study, John Lott explains this rationale:

Deterrence matters not only to those who actively take defensive actions. People who defend themselves may indirectly benefit other citizens ... cab drivers and drug dealers who carry guns produce a benefit for cab drivers and drug dealers without guns ... homeowners who defend themselves make burglars generally wary of breaking into homes. These spillover effects are frequently referred to as "third-party effects" or "external benefits." In both cases criminals cannot know in advance who is armed.

Which brings us to another question: Has the adoption of these nondiscretionary concealed-carry laws worked, or has the freedom some thirty-three states allow millions of resi-

dents to carry concealed handguns caused a bloodbath as every irritated American reaches for his weapon? American experiments with dramatically different gun policies can provide valuable information about which method works best, or indeed whether firearms policies are determinative.

The Variables behind Statistics
The first variables that must be tackled are the crime figures themselves. National definitions of crimes differ. The American homicide rate includes both murder and nonnegligent manslaughter as well as shootings in self-defence. The Federal Bureau of Investigation (FBI) instructs American police to list homicides as murder even if the case isn't subsequently prosecuted or if it eventually proceeds on a lesser charge. These American reporting practices make the recorded U.S. homicide rate as high as possible without including peripheral crimes such as attempted murder. In Britain, by contrast, the homicide figure "is massaged down to a bare minimum." It includes murder, infanticide, manslaughter with diminished responsibility, and common-law manslaughter but, like the United States, not attempted murder. Three statutes have changed the way the English calculate homicide, all of which reduce the total figure. The Road Traffic Act of 1956 removed from the category of manslaughter motor-vehicle homicide caused by dangerous driving. A year later the Homicide Act divided murder into capital and noncapital, created separate responsibility for each individual involved, and devised a new category of diminished responsibility. These changes altered the way the police recorded and dealt with homicides and the decisions courts and juries made. But the unique feature
of British homicide statistics, that of massaging the figure down, was initiated by the Home Office in 1967, when ministers were anxious that homicide figures be kept to a minimum to prevent pressure to reinstate capital punishment. The scheme they hit upon works this way. Each homicide case is tracked through the courts. If a homicide is eventually reduced to a lesser charge or determined to be an accident or self-defence, it is removed from the statistics. The result is to reduce the English homicide rate by as much as a quarter and in recent years by an average of 12 percent. If Howard Taylor, an economic historian, is correct, however, the practice of deliberately underrecording and even underprosecuting murder in England has been going on for more than a century. Taylor argues that since murder trials were very expensive, the extraordinarily level rate of recorded murder from the mid-nineteenth century up to 1966 was due to the fact that "prosecutions for murder were among the most strictly rationed of all crimes." Cases that meant exceeding the budget for prosecution went back to ratepayers and the police to prosecute and were, he suggests, "perhaps dismissed, or deals done to reduce charges to wounding, assault etc." Such cases did not appear in the statistics as murder. Those suspected murders reported to the director of public prosecutions were not officially recorded as a murder "known to the police" until the investigation or trial was concluded. Moreover, Taylor adds that most murders "did not get as far as a report to the Director of Public Prosecutions. Because the discovery of a suspicious death and its subsequent investigation and prosecution could make a large dent in a police authority budget, it was an open secret that most murders went uninvestigated." He cites the 1899 Judicial Statistics that coroners' juries "return as deaths by accident or misadventure or from natural causes many cases which are really homicides. Among the 1,981 'open verdicts' returned in 1899 were no doubt many homicides... [which] are never cleared up... many of the persons guilty of murder are unknown, or, if known, are not apprehended." As additional evidence he points out that whereas murders stayed surprisingly constant up to 1967, statistics for other violent deaths such as suicides and accidents rose sharply. This is not to deny that the American murder rate is far higher than the English, but that the English rate is, and may long have been, artificially low.

Attempted murder is excluded from both countries' homicide rates. The United States includes attempted murder in its figures for aggravated assault, while the English figures do not, thus enlarging the U.S. figures for aggravated assault. The English figure for attempted murder is low and convictions for it rare, but the English have very high figures for "wounding," and some homicide attempts may be slipped into that category. In 1996, for example, the police recorded only 674 attempted murders but 174,383 woundings.

Rape is the other violent crime much more common in America than in England. Even for rape, for which reporting is problematic, definitions warp the figures. In 1981 to be categorized as rape in England an incident had to involve only a male offender aged fourteen or over, a female victim, and penetration of the vagina by the penis. No husband could be accused of raping his wife. Not until 1994 was English law changed to include male victims, spouses, and anal intercourse. In America rape includes offenders of both sexes, victims of both sexes, and all sorts of sexual acts. For both murder and rape the American rates are far higher but declining,
while the English rates are rising. As measured by police statistics the U.S. murder rate in 1981 was 8.7 times the English rate but had dropped to 3.7 times the English rate by 1995. The U.S. rate for rape in 1981 was 6 times the English rate but only 1.4 times the English rate in 1996 after English law defined rape more comprehensively.33

The major discrepancy in definition between the two countries involves assaults. England distinguishes between the offence of wounding, in which actual or serious bodily harm is involved, and the lesser offence of common assault, in which a victim may be punched, kicked, or jostled with no serious injury. The U.S. distinguishes between aggravated assault, in which murder has been attempted and the victim has serious wounds or is knocked unconscious, and simple assault, in which the victim suffers bruises but no weapon was used. Although the definitions are not perfectly compatible, there seems little option but to compare the English crime of wounding with the American crime of aggravated assault.

Major disparities also come from a less obvious quarter, the rates at which victims report crimes to police and the rates at which the police record those reports. Reporting by English and American victims varies for different crimes. A greater proportion of assaults is reported to American police than to English police, some 54 percent compared with 40 percent. More burglaries are reported to English police than to Americans, some 66 percent compared with 50 percent, but slightly more robberies are reported to American police than English. There is a lopsided disparity in the rates at which police of each nation officially record the crimes reported to them. Patrick Langan and David Farrington found: “Compared to police in England, police in the United States more often record as crimes those alleged offenses that are reported to them.”34 In America the police recorded 78 percent of robberies reported to them, the English police only 35 percent, and in 1998 the latter’s share had fallen to 30 percent. As for burglaries, from 1981 to 1995 the percentage of reported burglaries recorded by American police rose from 58 percent to 72 percent, while the English rate fell from 70 percent to 55 percent. Despite this considerable English underreporting, the English crime rate in 1995 for most violent crime was still substantially higher than that of the United States. In both nations police are recording a greater percentage of crimes reported to them than in the past, but the English police still grossly underreport crimes. In 1995 the English police were recording only 46 percent of all reported crimes, “bringing England in 1995 to about the level the United States was in 1973 (43%).” As a result of lower English reporting and lower English recording of crime The 1998 British Crime Survey found four times as many crimes occurred as police records indicated.35

The Social and Economic Setting

The disparities in reporting of crimes are rooted in the cultural and ethnic differences between the peoples as well as in their different legal definitions and recordkeeping. Until recently America has been more violent than England. The American murder rate from knives alone, for instance, is twice the English murder rate for all weapons.36 Eric Monkkonen argues that “high American violence is not simply a matter of weapon availability.” Indeed guns were available to the English for most of the two hundred years he is considering, but they were seldom used in murders. Monkkonen concludes:
"Even without guns the United States would still be out of step, just as it has been for two hundred years." Just why this is so is debatable. From its founding America has been a land of immigrants, whereas England had little immigration from the eleventh-century Norman invasion until the middle of the twentieth century. The racial and ethnic tensions and demographic differences this produced, the problems of acculturation as each new group worked its way into the American mainstream, and America's less stable culture have had an unfortunate impact on crime. Further, for a host of reasons a disproportionate share of America's violent crime has been committed by blacks. In 1991 of some 160.8 million white American adults 396 per 100,000 were in prison on any given day. Of the 20.6 million black adults 2,563 per 100,000 were in prison. Of the 5.6 million adults of other races some 643 per 100,000 were in prison. Although for policy reasons England incarcerates far fewer criminals, the proportions for each race are comparable. In 1991 of the 36.7 million white adults on any given day 102 per 100,000 were in prison, while of the 759,000 black adults about 667 per 100,000 were in prison. Of the 1.2 million adults of other races some 233 per 100,000 were in prison. In both the United States and England the incarceration of blacks is about six times that of whites, the incarceration rate of other races about two times the white rate. This unfortunate racial disparity plays a large role in the very high American homicide rate, which is "to a great extent, a black phenomenon." Both murderers and their victims are disproportionately black. In 1994 African Americans composed 12 percent of the American population but made up 56 percent of those arrested for murder. There were 5,106 black offenders compared with 4,445 whites, and 5,527 black victims compared with 5,371 white victims. Whatever racial antagonisms exist, blacks generally killed blacks, and whites killed whites. Immigration and race also play a role in English crime. Only a small proportion of the increase in England's crime rate can be due to immigrants, but Scotland Yard has generally refused to disclose the race of criminals in crime statistics. The results of a study on race and crime that Scotland Yard undertook more than twenty years ago "are closely guarded." J. Q. Wilson reckons that if the findings were likely to have changed the popular perception that increased muggings were attributable to West Indians, the data would have been released. In July 2000, just after publication of embarrassingly higher crime figures, Scotland Yard broke with precedent and disclosed that shootings in the black community accounted for nearly three-quarters of gun crime in London. Sixty-eight percent of these shootings involved black gunmen attacking black victims, mostly in disputes over drugs.

Not only race but socioeconomic factors appear to be more instrumental causes of homicide than the availability of guns. A study of international homicide undertaken by the Office of Health Economics (OHE) in London and published in 1976 found that the American homicide rate at the time was higher than in any European country but much lower than in Mexico and other countries with rigorous gun controls. The OHE concluded: "One reason often given for the high numbers of murders and manslaughters in the United States is the easy availability of firearms . . . But the strong correlation with racial and linked socio-economic variables suggests that the underlying determinants of the homicide rate are related to particular cultural factors." One of those factors is the lucrative market in illegal drugs, another the impact of single-
parent and troubled homes. A Detroit investigation discovered about 70 percent of juvenile homicide perpetrators did not live with both parents, and that young black males from single-parent homes were twice as likely to engage in crime as young black males from two-parent families. On the other hand, the breakdown in the family is comparable in England and America.

American homicide is also primarily an urban phenomenon, and urban areas are far more likely to have restrictive gun control. All of which leads to the question of who owns those 200 million firearms in America and what impact their weapons have on them and on crime.

**Gun Owners**

The America media tend to portray the typical gun owner as an ill-educated, boorish “redneck,” a vigilante who relishes shooting creatures great and small. Studies by the National Institute of Justice, an arm of the Department of Justice, found American gun owners disproportionately rural, southern, male, and Protestant, but also disproportionately white-collar workers and affluent or middle-class. Gun ownership is also higher among middle-aged people and among married people. When the “personality profiles” of gun owners were examined they were found to be little different from the rest of the population, although gun owners are more likely to approve the use of defensive force to help victims. Additional information comes from exit polls taken at elections in 1988 and 1996 that asked questions about gun ownership. The results revealed a general increase in gun ownership, from 27.4 to 37 percent, between those dates, with a 70 percent increase in the share of women owning firearms. In 1996 gun owner-

ship by whites exceeded that by blacks by about 40 percent. Blacks may have underreported their guns, but John Lott, author of the most extensive study of the impact of gun laws, argues that even a black gun-ownership rate of 100 percent could not explain “by itself” the difference in the black and white murder rates. The sole exception to the increase in gun ownership was among those living in urban areas with a population over 500,000. While rural areas have the highest gun-ownership rates and the lowest crime rates, Lott found that cities with more than 500,000 people have the lowest gun-ownership rates and the highest crime rates. “If firearms ownership, or legislative regime, were determinant,” J. A. Stevenson concludes, “the American homicide rate should be almost entirely a white phenomenon and a suburban or rural phenomenon. It is, of course, quite the opposite.”

More striking than any distinction between gun owners and nonowners is the difference between both groups and owners of illegal guns. Since probably fewer than 2 percent of handguns and well under 1 percent of all guns will ever be involved in a single violent act, the problem of criminal gun violence is concentrated within a very small group. A government study of adolescents discovered that 74 percent of those owning illegal guns commit street crimes, 41 percent use drugs, and all are far more likely than not to be gang members. But it also found that boys who own legal firearms “have much lower rates of delinquency and drug use and are even slightly less delinquent than nonowners of guns.”

**Is a Gun a Health Risk?**

“That gun in the closet to protect against burglars will most likely be used to shoot a spouse in a moment of rage,” a Phila-
Delphi Inquirer article told readers in 1988, “The problem is you and me—law-abiding folks.” From at least the 1930s experts also assured the public of a gun’s uselessness against intruders. H. C. Brearley, a homicide scholar in the 1930s, claimed: “Those most experienced in such matters generally agree that it is almost suicidal for the average householder to attempt to use a firearm against a professional burglar or robber.” These two common notions about gun use, fostered by the media, police, and the governments of England and America, go to the root of the relationship between guns and violence. Are gun owners more likely to kill someone they know, or to injure themselves than to find their guns helpful for protection? Will the presence of a gun make them aggressive? To the last question three psychologists who conducted laboratory tests of word-and-picture associations would answer yes. FBI figures appear to support these fears, for they show that people are frequently killed by someone they know. But crime statistics and an investigation into whom the FBI puts into the category of “people they know” lead to a different conclusion. First, crime records reveal that rather than gun homicides being the work of peaceful people in a moment of rage, some 90 percent of adult gun murderers have prior criminal records stretching back over an average of six years or more and involving four major adult felony arrests. These are not “law-abiding folks.” Juvenile murderers as well as most of their victims also have criminal backgrounds. Boston records for 1990–1994 showed that 76 percent of juvenile victims and 77 percent of juveniles who murdered other juveniles had prior criminal arraignments. Victims had an average of 9.5 criminal arraignments, offenders an average of 9.7.

But what of domestic homicides? A study by Arthur Kellerman and others published in the New England Journal of Medicine claimed to demonstrate that keeping a gun in the house “was strongly and independently associated with an increased risk of homicide.” The gun was a health hazard. Kellerman and his associates used a sample of 444 homicides that occurred in the victims’ homes in three counties and a control group of people who lived near the deceased and were the same sex, race, and age range. Among other flaws in their methodology, the authors failed to mention the key point that in only 8 of the 444 homicides had the gun involved been kept in the home. Four other physicians, in a study published in 1975, examined records for Cuyahoga County, Ohio, from 1958 through 1973 to determine the value of a gun for protection. They counted 148 fatal gun accidents during those fifteen years, of which 78 percent were in the home and 23 involved burglars, robbers, or intruders killed by people defending their homes. The methodology was again faulty. The authors made a basic mistake of counting all 148 deaths, not just the 115 in the home, in the numerator. Worse, they counted as a valid defense with a gun only the rare instances in which an intruder was killed, and never even established whether any of the recorded accidents were defensive uses. Their conclusion, published in a distinguished medical journal, was that since by their reckoning there were six times as many fatal gun accidents in the home as burglars killed, “the possession of firearms by civilians appears to be a dangerous and ineffective means of self-protection.”

Police records are a more reliable indicator of whether a gun in the home has led an otherwise peaceful citizen to shoot someone, and of the real cost of accidents. According to
records from Detroit and Kansas City, Missouri, in 90 percent of domestic homicides police had been called to the home at least once in the two years before the murder, and in 54 percent of the cases they had been called five times or more. "Most family murders are preceded by a long history of assaults," another study has concluded; intrafamily homicide "is typically just one episode in a long-standing syndrome of violence." Again these are not ordinary "folks" whose domestic peace is unpredictably shattered by gun violence. How, then, is one to understand the FBI finding that most killings are of family, friends, or others "known to the murderer"? Into the category of those known to each other police put members of rival gangs—most murders arise from gang-related turf wars over drugs—drug pushers and buyers, prostitutes and their clients, bar customers, gamblers, even cabdrivers killed by customers.

Accidents with guns are also a cause for concern, especially those highly publicized accidents involving children. In 1988, the last year for which handgun figures were available, there were 200 accidental deaths caused by handguns throughout America. Interestingly, 22 of these accidents were in states with concealed-carry laws and 178 in states without them. Firearm accidents involving children have actually declined in America by 55 percent since 1930, despite the great increase in numbers of firearms. In 1996 there were 1,134 accidental deaths from all firearms in the entire country. Of these some 42 were children, 17 up to the age of four and 25 from five to nine years old. That same year 1,915 children died in car crashes and another 489 were killed when struck by cars, 805 drowned, and 738 were killed by fire. Nearly twice as many children drowned in the bathtub or died from ingesting household poisons than died from all gun accidents. If guns had no legitimate purpose, even one death would be one too many. On the other hand, if they do play a part in personal protection there is an important, countervailing reason for maintaining an item that might hurt a child. Kitchen knives, household chemicals, and bathtubs continue to be found in every home.

The question is whether there is a countervailing reason to keep a firearm. Do guns play a real role in protecting their owners or are individuals, as is often argued, more likely to hurt themselves or someone else than their attackers? There are risks of erroneous killings when someone acts in what he believes to be self-defense. One such incident was the well-publicized mistake when a Louisiana man shot a Japanese student who came to his door in a Halloween disguise and pretended to threaten him. Fortunately, there are only about thirty of these mistaken killings a year in the entire nation. Over the same period the police erroneously kill five to eleven times more innocent people.

But are guns useful for protection? They clearly are one of the few means by which the weak can defend themselves against the strong, women against men, a lone man against two or more attackers. Still, the oft-stated claim is that defensive gun ownership is a "dangerous self-delusion." According to Handgun Control, Inc., if you are attacked the best defense against injury "is to put up no defense—give them what they want or run." But criminological studies have established that victims who resisted with a gun or other weapon were only half as likely to be hurt as those who put up no resistance, while nonresisters were not only more likely to be hurt but far more likely to be raped or robbed. Even in the
grave situation in which a victim with a gun is confronting a robber with a gun, the National Crime Victim Survey found that armed victims were still far less likely to be injured than those who resisted in other ways, and slightly less likely to be hurt than those who didn't resist at all. Some 98 percent of the time armed citizens merely have to brandish their gun to stop an attack. Contrary to popular belief, criminals take the gun away from the victim in less than one percent of such confrontations.

There is also plenty of anecdotal evidence of successful defensive gun use. One such case involved George Smith, aged seventy. A frequent patron of a small variety store in a working-class neighborhood of Indianapolis, Smith was there when two robbers entered and pointed a gun at him. He pretended to faint, and one robber went into the back room while the other stayed by the cash register. When the proprietor screamed from the store's back office, Smith picked himself off the floor, drew the gun he was carrying, shot the intruder who had threatened him, and then wounded his accomplice as he fled. The store had been robbed twice before in the past two years, and the last time the owner, Jerry Moore, and Smith, who had been outside the shop, had been wounded. Smith had been hospitalized for weeks. "So he bought a gun. Two years later, when intruders came again, Smith was ready." No charges were filed, since the police agreed that Smith had acted in self-defence. In another incident the New York Times reported, "Burglar Puts 92-Year-Old in the Gun Closet and Is Shot." Without firearms neither Smith nor the ninety-two-year-old would have been able to defend themselves.

Although anecdotes abound, statistics on defensive use of firearms are harder to come by. The chief difficulty in calculating the effectiveness of resistance with a firearm is that the majority of defensive uses of a firearm are not reported to or by the police. Police statistics report the shootings of victims or felons, but not the many times when the mere brandishing of a firearm scared away attackers. Even studies that include questions on the subject are unlikely to get accurate responses. There are important variations in the way questions are asked and differences in the time period covered. Moreover, respondents have every reason to be cautious about providing information on a defensive gun use that may have involved their illegally carrying a gun in or through a public space, as well as defensive use that might result in police questions. Fifteen national polls of defensive gun use, including polls by the Los Angeles Times, Gallup, and Peter Hart Research Associates, Inc., found between 700,000 and 3.6 million defensive uses annually. One survey, the large and normally reliable National Crime Victimization Survey, conducted by the Census Bureau for the Justice Department, found only about 82,000 uses in 1988 and 110,000 in 1990. The NCVS survey is sharply at odds with the other fourteen and almost certainly represents a serious underestimate, probably because sensitive questions were asked by a law enforcement agency, the survey was not anonymous, and thousands of otherwise law-abiding people own guns without the necessary permit or state licence. Interestingly, the testimony of incarcerated felons supports the large number of defensive gun uses. Thirty-four percent of the felons interviewed in a landmark study admitted to having been "scared off, shot at, wounded or captured by an armed victim." Gary Kleck and Marc Gertz point out that since as many as 400,000 people a year claim to have "almost certainly" saved a life by using their guns for defence, the result "cannot be dismissed as trivial." If only one-tenth of
these people are correct, “the number of lives saved by victim use of guns would still exceed the total number of lives taken with guns.”

Do Armed Citizens Deter or Increase Crime?

There are various ways to look at the issue of the impact of firearms on crime. One is simply comparing numbers of guns owned with the numbers of crimes committed. When a group of researchers did such a study they found that in the years 1973-1992 the number of firearms in American homes nearly doubled, with a 110.2 percent increase in handguns and a 73.3 percent increase in all firearms.44 If guns were the primary cause of homicide, or even one of the main causes, the homicide statistics ought to reflect this immense increase. Indeed, this time span includes the peak year for homicides, 1980. But the murder rate failed to reflect the jump in numbers of guns. In 1973 the homicide rate was 9.4 per 100,000; twenty years later, when the supply of guns had risen by another 77.6 million, the homicide rate had declined to 8.5 per 100,000. Moreover, the number of homicides committed with firearms dropped, from 68.5 percent of homicides in 1973 to 58.7 percent in 1985, went up to 68.5 percent in 1992 but down again in 1994, when another 9,392,279 guns had been purchased.45 Raw crime numbers simply did not rise with the dramatic increase in privately owned firearms.

A second way to test the relationship is to consider the impact of the concealed-carry laws now in force in thirty-three states (Figure 2). These provide clear evidence that armed citizens do not increase crime. States debating the adoption of nondiscretionary concealed-weapons laws were continually

warned of the terrible violence that would be unleashed if hundreds of thousands of citizens were permitted to carry handguns. What would these people do during a quarrel or after a traffic accident? Fears of a bloodbath, especially in large, densely populated states, have proved unwarranted. In all the decades of experience with concealed-carry laws in an increasing number of states, there is only one recorded incident of the use of a permitted handgun in a shooting following a traffic accident, and that was determined to be a case of self-defence. Florida’s concealed-carry law took effect on October 1, 1987. From that date until the end of 1996 over 380,000 licences were issued, only 72 of which were subsequently revoked because the holders had committed crimes, few of which involved the permitted guns.46 During Virginia’s first nine years of experience with the concealed-carry system not a single permit holder was involved in a violent crime.47 After the first year of Texas’ concealed-carry law more than 114,000 licences had been issued and only 17 revoked, while a year after Nevada’s law went into effect police could not document “one case of a fatality that resulted from irresponsible gun use by someone who obtained a permit under the new law.”48 In South Carolina only one person who received a pistol permit since 1989 “has been indicted on a felony charge... That charge... for allegedly transferring stolen property last year, was dropped by prosecutors after evidence failed to support the charge.” North Carolina has not had a single permit revoked as a result of use of a gun in a crime. Not only has no permit holder anywhere ever shot a police officer, but there have been cases in which permit holders have used their guns to save officers’ lives.49

These large numbers of ordinary citizens carrying firearms
since it involves incidents that don’t happen. Yet the overall impact of firearms policies can be tested by comparing jurisdictions before and after they adopt concealed-carry laws, and comparing those that have such laws with those subject to more restrictive firearms policies. The most frequently cited study of the impact of concealed-carry laws, the work of three criminologists at the University of Maryland, was published in March 1995. The authors examined five counties in three states for the years 1973-1992. They concentrated exclusively on urban areas, picked counties without explaining their selection, and failed to take account of other variables that might have an impact on crime rates. In an article titled “The False Allure of Concealed Guns,” the New York Times reported that these researchers found that homicides increased after concealed-carry laws were enacted but “did not conclude that the new laws had caused the increases,” only that they found strong evidence that the laws did not reduce gun homicides. Whatever the researchers found or failed to find in their five counties, the newspaper stuck to its message of the hazards of carrying a gun by citing a study of fifty-one incidents in which police officers were killed, 85 percent without firing their weapons and 20 percent with their own weapons. The University of Maryland study was a start, but not sufficiently inclusive in terms of either the districts examined or the factors considered. For example, such factors as the demographic curve and increase in illegal drugs also have a significant impact on the crime rate. A much larger study that examined 170 cities for a single year, 1980, found that private gun ownership can deter crime, but again the methodology included no other variables that might affect the crime rate and lacked longitudinal perspective.
The most comprehensive investigation in terms of scope, duration, extensiveness of data, and control for key variables is that undertaken by economist John Lott. Lott's study is the first to analyze systematically all 3,054 counties in the United States over an extended period (from 1977 to 1992) to determine whether concealed-carry legislation saved or cost lives. He found that these laws coincided with fewer violent crimes—that is murders, aggravated assaults, and rapes—although property crimes rose, perhaps from what is known as the substitution effect. When concealed-carry laws went into effect in a county, Lott found that murder rates fell by 8 percent, rapes by 5 percent, and aggravated assaults by 7 percent. Not all counties were effected equally: the decline in violent crime was steepest in high-crime areas. When counties with almost 600,000 people passed a concealed-carry law the murder rate fell by 12 percent, or 7.4 times more than for the average county of 75,773 people. This result is not surprising, since the ability of potential victims to be armed is more crucial in high-crime areas and it is in these areas that policing is often inadequate. It is these urban areas and the most vulnerable groups—minorities, the elderly, and women—which are often the most insistent upon gun control, who have benefitted most from concealed-carry laws. When Lott broke down his data by income and by the percentage of a county population that was black and therefore often more susceptible to crime, he found that with the concealed-carry laws both higher-income areas and counties with more blacks had particularly large declines in crime. He also compared the crime rates for states that had concealed-carry laws with states that had restrictive laws (including the District of Columbia). He found the rate of violent crimes 81 percent higher in states that did not have concealed-carry laws. If lives were saved by concealed-carry laws, he reckons they were lost in states and counties without such deterrence. Using 1992 figures, Lott estimated that if the counties without nondiscretionary handgun laws had been required to issue handgun permits that year, murders in the United States would have declined by about 1,400, rapes by 4,200, aggravated assaults by 60,000, and robberies by 12,000. On the other hand there would have been 240,000 more property crimes, a rise of 2.7 percent. If these figures are correct, the value of concealed-carry laws in deterring violent crime is significant and portentous. Lott has since updated this work, using 1996 statistics and including the ten additional states that adopted concealed-carry laws in 1994 and 1995.

But what of other measures to reduce crime? How effective are harsher sentences for crimes committed with guns and waiting periods and background checks for gun purchasers? In an attempt to increase control on gun dealers, the 1994 Violent Crime Control and Law Enforcement Act imposed new licencing regulations that had reduced their numbers by 56 percent within three years. The same act raised licence fees from $30 to $200 for new licences and $90 for renewals. Might the impact of these other measures be at least partly responsible for the decline in violent crime in Lott's concealed-carry counties? When he analyzed the impact of these measures Lott discovered that harsher sentencing reduced aggravated assault and robbery, but that its impact on other violent crimes was inconsistent. There is no evidence that the reduction in numbers of gun dealers had a positive impact. Mandated waiting periods yielded inconsistent results, actually raising the rates of murder and rape while lowering
those for aggravated assault and burglary. The best-known of recent gun-control measures, the Brady Act, which mandates a background check before sale of a gun, took effect in 1994. Although the present decline in violent crime began in 1991, well before the Brady law was instituted, the Clinton administration has given that act considerable credit for the decline in violence by preventing thousands of gun purchases. Since determined felons are less likely to try to get a gun through normal channels, the best test of the Brady Act is not how many people were prevented from buying guns at first application—most rejections were for technicalities—but whether crime fell as a result of the law.

When Lott tested counties for the impact of the Brady Act he found it “associated with significant increases in rape and aggravated assaults,” while the declines it brought about in murder and robbery were “statistically insignificant.” Such analyses of the efficacy of various firearms strategies are essential to wise policy decisions. They also demonstrate that the impact attributed to concealed-carry laws was not merely a reflection of the beneficent effect of other gun laws.

Lott’s results have been unwelcome. His methods and the figures used in his groundbreaking study have been closely scrutinized. His approach is thorough, broadly based, careful, reasoned, and scholarly. No one else has analyzed data for every county in the United States over an extensive period to test the relationship between guns and violent crime. He has made his data available to all academics who requested it, and has provided a detailed response to criticisms of his methods in a second edition of his book. But instead of applauding his efforts many gun-control advocates have virulently attacked him, intent solely upon discrediting his results. The unrelenting assault on Lott’s work, on the distinguished journal that published his original article, and on the foundation that funded his research, is indicative of the unfortunate emotional level at which much debate over firearms policy in America is conducted and the obstinate refusal of many of those involved to consider unwelcome facts. But it is essential to the public interest to understand the actual relationship between guns and violence in order to implement policies that best enhance the safety of law-abiding people.

The decline in America’s rate of violent crime is attributable to many factors. The American judicial system has played a key role in preventing crime. A person committing a serious crime in the United States is more likely to be caught, more likely to be convicted, and more likely to be incarcerated than his or her counterpart in England. Moreover, for every major category of violent crime American offenders are sentenced to longer periods of incarceration and subsequently serve more time in prison than offenders in England. Since 1981 an offender’s risk of being caught, convicted, and incarcerated has been rising in the United States but falling in England.

A close examination of the English and American systems makes it easier to appreciate why English rates of crime are rising while American rates are falling. Whatever the old stereotype and whatever its own imperfections, the American legal system provides its citizens with better protection against crime than does the English system. The American judicial system is tougher and more efficient. At the same time it embodies a more liberal approach to the rules of self-defence and
permits the means for that defence. Americans today possess the right "to have arms for their defence" that the English were guaranteed in the English Bill of Rights three hundred years ago. The English themselves no longer have this right. The decline in violent crime in the United States and its rise in England serve to underline the fact that guns in and of themselves are not a cause of crime. Moreover, there is evidence that armed civilians, as thirty-three states believe, do reduce crime.

8

The Right Equation

...the Bill of Rights still remains unrepealed, no practice or custom, however prolonged, or however acquiesced in on the part of the subject, can be relied on by the Crown as justifying any infringement of its provisions.

—Bowles v. Bank of England, 1913

Crime has many causes. But guns, in and of themselves, have been singled out by many in England and the United States as a direct cause of criminal violence. Less prominent in these discussions, and absent in traditional crime statistics, is the deterrent impact of an armed public. Of course deterrence is, if not quite as complex as crime, also not attributable to a single cause. Deterrence can take many avenues besides, or in addition to, permitting ordinary citizens to protect themselves with guns or with other weapons. Efficient apprehension, conviction, and punishment of offenders help. So too do laws


7. Although offences involving firearms dropped after the handgun ban, from 5,209 in 1996 to 3,143 in 1999, the number of guns "used for violence against the person" rose from 1,206 in 1995 to 1,746 in 1999. A House of Commons report earlier in 2000 noted "a generally increasing trend in the misuse of firearms." See "Smoking Barrels: Is a Gun Culture Taking Root in Britain?" The Economist, August 12, 2000.

8. There is no accurate count of the firearms in America. Consequently estimates vary, although 200 million is the figure most often used. In his study of firearms in America John Lott estimates there are between 200 and 240 million firearms, one-third of which are handguns; Lott, More Guns, Less Crime: Understanding Crime and Gun Control Laws, 2d ed. (Chicago, 2000), p. 1.

9. The murder rate, for example, per 100,000 population from 1992 through 1997 dropped from 9.3 to 6.8. From 1996 through 1997 alone the Federal Bureau of Investigation (FBI) reported that the murder rate had dropped by 8 percent. From 1973 through 1998 the overall rate of violent crime per 1,000 population aged twelve and over dropped from 39 to 39; aggravated assault fell from 13 to 9, robbery from 7 to 4, and rape from 3 to 1. See Anne Geeran, "U.S. Crime Rate Dips to 25-Year Low," Boston Globe, December 28, 1998, p. A3.


11. Zimring, quoted in ibid.


13. The decline in the American rate of violent crime began in 1991. The concealed-carry laws in thirty-two states are nondiscretionary, or "shall-issue;" that is, the licensing authority or police must issue concealed-weapons permits to all qualified applicants. Only eight states had such laws before 1985. Vermont has no statute on guns; law-abiding people may carry weapons without a licence.

14. This is not to imply that all those voting for a particular law,
such as the ban on so-called assault weapons, believe that less powerful firearms must be kept out of the hands of individuals. But these statutes are largely promoted by gun-control advocates, many of whom believe that all private weapons ought to be banned.

15. Convicted felons, however, cannot carry guns.


17. On March 31, 1999, U.S. District Judge Sam Cummings dismissed charges against a man on the basis that the federal statute involved violated his rights under the Second Amendment. The government took the case to the Fifth Circuit Court of Appeals. In a historic opinion the court found that the Second Amendment did protect an individual right to be armed. See United States v. Emerson, 207 F. 3d 203 (5th Cir. 2001).


19. The National Rifle Association had little political clout at this time. On the motive of the Roosevelt administration in opting for handgun registration see ibid., pp. xxvi–xxvii.

20. Ibid., p. xxx.

21. Overwhelming evidence that the Constitution protects an individual right to be armed has been presented in the past twenty years. Even leading liberal experts who formerly dismissed the Second Amendment as protecting only a collective right of the modern militia, the National Guard, have recognized the Second Amendment guarantee of an individual right to be armed. Like all rights, however, it is subject to reasonable regulation. See, for example, Lawrence Tribe, American Constitutional Law, 3d ed., vol. 1 (New York, 2000), pp. 894–903; Leonard W. Levy, Origins of the Bill of Rights (New Haven, 1999), pp. 133–149.

22. Patrick A. Langan and David P. Farrington, Crime and Justice in the United States and in England and Wales, 1981–96 (Washington, D.C., 1998), p. 46. These figures are based on 1996 Home Office and FBI figures. For reasons that will be explained below such police figures are less reliable than the figures obtained from victim surveys. According to 1996 figures the English rate of murder from firearms was .09 per 100,000 while the U.S. firearm murder rate was 5.5.

23. These figures compare the 1995 victim survey in England and the 1996 victim survey in the United States; Langan and Farrington, Crime and Justice, p. 46. The English take a victim survey biannually while the Americans do so annually. These two surveys are the latest Langan and Farrington had at their disposal.


25. The figure for rape, the only other violent crime for which the American rate is higher, is more problematic, since reporting is erratic and until 1994 the English and American definitions of rape were very different.


28. Richard Maxwell Brown finds that Supreme Court Justice Oliver Wendell Holmes and other Americans believed that the right to stand one's ground and kill in self-defense "was as great a civil liberty as, for example, freedom of speech"; Brown, No Duty to Retreat: Violence and Values in American History and Society (Oxford, 1991), pp. 4–5, 36–7.

30. For this analysis I am indebted to R. I. Munday and J. A. Stevenson, *Guns and Violence: The Debate before Lord Cullen* (Brightlingsea, Essex, 1996), pp. 89-91. The FBI instructs police: “Do not count a killing as justifiable or excusable solely on the basis of self-defense or the action of a coroner, prosecutor, grand jury or court. The willful (non-negligent) killing of one individual by another is being reported, not the criminal liability of the person or persons involved”; Munday and Stevenson, p. 90.

31. Ibid., pp. 90-91, 85.


33. Ibid., p. iii.

34. Langan and Farrington, *Crime and Justice*, pp. 9, 11.


36. I thank Patrick Langan for calculating this statistic for me.


38. Monkkonen has an interesting analysis of why the United States has been more violent than Western European countries, particularly England; ibid., chap. 7, pp. 151-179.


40. Langan and Farrington, *Crime and Justice*, p. 44.

41. In 1995 Alfred Blumstein noted that the annual homicide rate for whites from 1976 to 1987 was 8.13 homicides per 100,000 and from 1987 to 1991 almost doubled, from 7.6 to 13.6. The annual rate for blacks more than doubled from 1987 through 1991, from 50.4 per 100,000 to 111.8. From 1984 to 1991 it tripled, from 32.0 to 111.8. See Blumstein, “Youth Violence, Guns, and the Illicit Drug Industry,” *Journal of Criminal Law and Criminology* 86 (Fall 1995): 21-22.

42. Munday and Stevenson, *Guns and Violence*, p. 99. Blacks are 4.6 times more likely to be murdered and 5.1 times more likely to be offenders than are whites. See Lott, *More Guns, Less Crime*, p. 39.


46. Quoted in Munday and Stevenson, *Guns and Violence*, p. 101 and n. 43.


49. A study of those who rescued crime victims or arrested violent criminals found that they were 2.5 times more likely to be gun owners than nonowners; Kates, “Gun Control and Crime Rates,” p. 10.

50. Lott, *More Guns, Less Crime*, pp. 36-40. Of fourteen states with enough respondents to make state-level comparisons, the polls show that thirteen had more people owning guns, and six each had over a million more. Only Massachusetts saw a decline in gun ownership.

51. See Adams and Vise, “FBI’s Report Greeted by Applause,” p. A8. Lott notes that in 1993 cities with more than 500,000 people had murder rates that were over 60 percent higher than the rates in cities with populations between 50,000 and 500,000. Lott, *More Guns, Less Crime*, p. 39.
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52. Munday and Stevenson, Guns and Violence, p. 100.
57. According to historians Lee Kennett and James Laverne Anderson, three-quarters of the nation's newspapers and most of the periodical press support gun control. They point out that in the 1960s large urban dailies with mass circulation, including the New York Times, the Washington Post, the Los Angeles Times, and the Christian Science Monitor issued repeated calls for new and tougher laws and with few exceptions popular magazines agreed. They noted that at one point the Washington Post published pro-control editorials on the gun issue for seventy-seven consecutive days, and in 1988, when a handgun referendum was on the ballot in Maryland, published pro-referendum editorials for nine consecutive days before the vote. See Kennett and Anderson, The Gun in America (Westport, Conn., 1975), pp. 237, 239, 312.

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63. For a quick analysis of the Kellerman study see Lott, More Guns, Less Crime, pp. 24–25.
67. John Lott cites the testimony before the U.S. Senate of Captain James Mulvihill, who reported that the greater Los Angeles area had more than 1,250 known street gangs with a membership of approximately 150,000. These gangs were responsible for nearly 7,000 murders and thousands of injuries over ten years. See Lott, More Guns, Less Crime, p. 8 and n. 26.
68. Ibid., p. 54.
69. In 1991-1993 children under the age of fifteen were killed in firearms-related accidents. Despite the growing concern such incidents have decreased by 55 percent since 1980 although there are now far more firearms in the country. The size of the private gun stock increased from the 1960s through the 1990s, especially for handguns. See Lott, More Guns, Less Crime, p. 16; "Guns: Triggering Safety in the Home," AMICA Insurance Company booklet, January 1999, p. 3; Kleck, "Guns and Violence," p. 13.
74. See Kleck, “Guns and Violence,” pp. 1718. Kleck cites a series of studies to this effect.
75. See Lott, More Guns, Less Crime, p. 3.
77. See Kevin O’Neal, Indianapolis Star, May 19, 2000; and Monica Scandlen, Indianapolis Star, May 20, 2000.
79. Even if defensive gun uses are reported to the police, the police do not keep a record of them or statistics on them. See Kleck, “Frequency of Defensive Gun Use,” p. 185.
80. Ibid., pp. 159160. On the difficulty of the figures in the various surveys see pp. 160167. For problems with the NCVS see pp. 167175. And see Lott, More Guns, Less Crime, p. 11 and n. 47.
81. In two Illinois surveys, even among respondents willing to report gun ownership 28 percent did not have the required Illinois licence; Kleck, “Frequency of Defensive Gun Use,” p. 170. Kleck’s own especially crafted National Self-Defense Survey, conducted in 1993 and involving 4,977 randomly selected respondents, found an estimated 2.1 to 2.5 million defensive gun uses a year; ibid., pp. 183185.
84. See Don B. Kates et al., “Guns and Public Health: Epidemic of Violence or Pandemic of Propaganda?” Tennessee Law Review 62 (Spring 1995): 572573. The number of guns in 1973 is an estimate, but the number added to it comes from domestic manufacture and imports.
85. Ibid., pp. 572573; Munday and Stevenson, Guns and Violence, p. 104.
90. See Wright and Rossi, Armed and Considered Dangerous, p. 146.
91. Lott, More Guns, Less Crime, p. 8; Wright and Rossi, Armed and Considered Dangerous.
94. See, for example, Roger Tarling, Analyzing Offenders: Data, Models and Interpretation (London, 1993), p. 18. Tarling found that the peak age for all offences in England fell between fourteen and twenty.
96. Lott, More Guns, Less Crime, pp. 51, 63, 181. Counties with a 37 percent black population, for example, experienced 11 percent declines in murder and in aggravated assaults.
97. Ibid., table 3.2, p. 46 and pp. 5354. Lott also examined the impact of concealed-carry laws against general crime trends and
found that their impact was still important and that it increased over time.


99. In 1994 there were 279,401 federally licenced gun dealers; by the beginning of 1997 there were 124,286. See Lott, More Guns, Less Crime, p. 163.

100. Ibid., p. 83.

101. The Bureau of Alcohol, Tobacco and Firearms estimates that one percent of dealers sell guns illegally and that this percentage has stayed constant despite the decline in licenced dealers; ibid., p. 163.

102. See, for example, Wright and Rossi, Armed and Considered Dangerous, chap. 9 and table 9.3, p. 186. In 1996 Sarah Brady, for whose husband the Brady Act was named, claimed it had kept more than 100,000 felons and other prohibited buyers from purchasing handguns. But the General Accounting Office reported that in 1996 initial rejections were only about 60,000, of which more than half were for filing and other technical errors. Only 3,000 were for prior convictions. In June 1997 only four people had gone to jail for violations. Lott, More Guns, Less Crime, p. 162.

103. See Lott, More Guns, Less Crime, pp. 122–166. Since the second edition of his book was published other critics have emerged. M. V. Hood III and Grant W. Neeley, “Packin' in the Hood?: Examining Assumptions of Concealed-Handgun Research,” Social Science Quarterly 81 (June 2000): 523–537, criticize Lott’s use of counties as too large a unit and have studied the impact of a concealed-carry law on Dallas, Texas, on a zip code basis. From the profile of those who obtain the certificates to carry handguns they argue that those in lower-crime areas are more likely to have the certificates. In a 2001 article in the

Journal of Political Economy reviewed in advance by The Economist, Mark Duggan uses what the reviewer characterizes as a “high-powered proxy” for numbers of guns, the number of subscribers to a particular handgun magazine, to determine if states with higher magazine sales and a higher number of gun shows suffered higher or lower rates of gun-related deaths. Duggan argues that guns foster rather than deter such deaths. See “New Research Shoots Holes in the Idea That Guns in the Hands of Private Citizens Will Help to Deter Criminals,” The Economist, January 11, 2001 online edition.

104. See John R. Lott and David B. Mustard, “Crime, Deterrence, and Right-to-Carry Concealed Weapons,” Journal of Legal Studies 26 (January 1997). For Lott’s discussion of what he terms “the political process” and his reply to critics see More Guns, Less Crime, pp. 122–158. He notes that although he approached 22 pro-control people asking for their comments on the essay above, upon which his book was based, only a young assistant professor accepted. Apparently pro-control people refused to comment because they didn’t want to “help give any publicity to the paper.” Once it got publicity anyway, they hurriedly asked for copies in order to be able to criticize it. See pp. 122–123.

105. For the comparison on rates of apprehension, conviction, and sentencing see Farrington and Langan, Crime and Justice, p. iv. For statistical purposes, the authors assume that those apprehended and convicted are guilty.

8. The Right Equation


3. See the analysis in Lance Stell, “The Legitimation of Female