

# **STUDYING AND PREVENTING HOMICIDE**

**Issues and Challenges**

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Margaret A. Zahn  
Editors**



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## Guns, Gun Control, and Homicide

PHILIP J. COOK  
MARK H. MOORE

In the search for more effective ways to reduce homicide, establishing more stringent controls on gun commerce and use has the broad support of the American public. Guns are the immediate cause of about 15,000 criminal homicides a year (Federal Bureau of Investigation, 1971-1997) and are used to threaten or injure victims in hundreds of thousands of robberies and assaults (Bureau of Justice Statistics, 1997). It makes sense that if we could find a way to make guns less readily available, especially to those inclined toward crime and violence, we could reduce the level and seriousness of crime, including a reduction in homicide.

It is an understatement to say simply that not everyone accepts this perspective on guns. Some people argue that guns are the mere instruments of criminal intent, with no more importance than the type of shoes the criminal wears. If the type of weapon does not matter, then policy interventions focused on guns would have little use. This argument is taken another step by those who argue that although the type of weapon used by the perpetrator does not matter much, the type of weapon available to the victim for self-defense

matters a great deal. Their conclusion is that measures depriving the public of guns would only increase criminal activity.

Deeply conflicting values are at stake here concerning the proper relationship between the individual, the community, and the state. Even a definitive empirical demonstration that a gun control measure would save lives will not persuade someone who believes that any infringement on the individual right to bear arms is tantamount to opening the door to tyranny. Further, empirical research in this area will never resolve all the important factual issues, so the value conflict will flourish in the face of uncertainty about the consequences of proposed reforms.

The purpose of this chapter is to set out a framework for thinking about the next steps that should be taken in the search for an effective gun control policy. We begin with a review of the more or less noncontroversial facts about trends in gun ownership and use and the reasons why Americans are inclined to arm themselves. A discussion follows of the more controversial issue of whether guns influence levels or seriousness of crime. We then identify the important values at stake in adopting any gun control policy and go on to describe the existing policies and the mechanisms by which they and other such measures have their effect. Finally, we make recommendations about promising next steps.

### Gun Ownership: Use and Misuse

Guns are versatile tools with many uses, so their broad appeal is not surprising. They are an especially common feature of rural life, in which wild animals provide both a threat and an opportunity for sport. As America has become more urban and more violent, however, the demand for guns has become increasingly motivated by the need for protection against other people.

### Patterns of Gun Ownership

The General Social Survey by the National Opinion Research Center found that 41% of American households include at least one firearm. Approximately 29% of adults say that they personally own a gun. These percentages reflect an apparent *decline* in the prevalence of gun ownership since the 1970s (Cook & Ludwig, 1996).

Although the prevalence of gun ownership has declined, it appears that the number of guns in private hands has been increasing rapidly. Since 1970, total sales of new guns have accounted for more than half of all the guns sold during this century, and the total now in circulation is on the order of 200 million (Cook & Ludwig, 1996). How can this volume of sales be reconciled with the decline in the prevalence of ownership? Part of the answer is in the growth in population (and the more rapid growth in the number of households) during this period; millions of new guns were required to arm the baby boom cohorts. Beyond that is the likelihood that the average gun owner has increased the size of his or her collection (Wright, 1981). A recent survey, the National Survey of the Private Ownership of Firearms (NSPOF), estimates that gun-owning households average 4.4 guns, up substantially from the 1970s (Cook & Ludwig, 1996).<sup>1</sup>

One addition for many gun-owning households has been a *handgun*. The significance of this trend toward increased handgun ownership is that although rifles and shotguns are acquired primarily for sporting purposes, handguns are primarily intended for use against people, in either crime or self-defense. It remains true, however, that most people who possess a handgun also own one or more rifles and shotguns. The 1994 NSPOF (see Cook & Ludwig, 1996, p. 39) found that just 20% of gun-owning individuals have only handguns, 36% have only long guns, and 44% have both. These statistics suggest that people who have acquired guns for self-protection are for the most part also hunters and target shooters. Indeed, only 46% of gun owners say that they own a gun *primarily* for self-protection against crime, and only 26% keep a gun loaded. Most (80%) grew up in a house with a gun.

The demographic patterns of gun ownership are no surprise: Most owners are men, and the men who are most likely to own a gun reside in rural areas or small towns and were reared in such small places (Kleck, 1991). The regional pattern gives the highest prevalence to the states of the Mountain Census Region, followed by the South and Midwest. Blacks are less likely to own guns than Whites, in part because the Black population is more urban.<sup>2</sup> The likelihood of gun ownership increases with income and age.

### Uses of Guns Against People

A great many Americans die by gunfire. The gun death counts from suicide, homicide, and accidents have totaled more than 30,000 for every year since 1972. In 1994, there were approximately 39,000 firearms deaths, a rate

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of 15 per 100,000 U.S. residents. All but 2,200 of these deaths were either homicides or suicides (although homicides garner the bulk of the public concern, there were actually 1,200 more gun suicides than homicides). The remaining gun deaths were classified as accidents, legal interventions, or unknown (Violence Policy Center, 1997).

Criminal homicide and other criminal uses of guns cause the greatest public concern. Gun accident rates have been declining steadily during the past two decades,<sup>3</sup> and suicide seems a threat only to those whose loved ones are at risk. There has been little variation in homicide rates since 1970, with the homicide rate per 100,000 fluctuating between 8.1 and 10.6. Of these, 60% to 70% were committed with guns, mostly (80%) handguns. The peak rates, occurring in 1980 and 1991, were about the same magnitude (Federal Bureau of Investigation, 1971-1997).

Homicide is not a democratic crime. Both victims and perpetrators are vastly disproportionately male, Black, and young. With respect to the victims, homicide is the leading cause of death for Black males aged 15 to 34, whose victimization rate (in 1994) was 9.5 times as high as for White males and Black females in this age range and nearly 50 times as high as for White females. (The evidence suggests that most victims in the high-risk category are killed by people with the same demographic characteristics.) About 75% of the homicide victims in this age group were killed with firearms. Thus, we see a remarkable disparity between the demography of gun sports and of gun crime: Sportsmen are disproportionately older White males from small towns and rural areas, whereas the criminal misuse of guns is concentrated among young urban males, especially minorities.<sup>4</sup> Young Black men have suffered the greatest increase in homicide rates since 1985; by 1994, the homicide victimization rate for 15- to 24-year-olds in this group had tripled, reaching 160 per 100,000<sup>5</sup> (Centers for Disease Control and Prevention, 1997).

Of course, most gun crimes are not fatal. For every gun homicide victim, there are roughly six gun crime victims who receive a less-than-mortal wound (Cook, 1985) and many more who are not wounded at all. Indeed, the most common criminal use of guns is to threaten, with the objective of robbing, raping, or otherwise gaining the victim's compliance. Relatively few of these victims are physically injured, but the threat of lethal violence and the potential for escalation necessarily make these crimes serious. According to the 1994 National Crime Victimization Survey (NCVS), there were 316,000 gun robberies, 727,000 aggravated assaults (of which 94,000 caused injury), and 25,000 rapes in that year, for a total estimated volume of gun crimes of

about 1,068,000 (Bureau of Justice Statistics, 1997, Table 66). For each of these crime types, guns are used in only a fraction of all cases, as shown in Figure 13.1. When a gun is used, it is almost always a handgun, which accounts for upwards of 92% of these crimes.

### **Gun Use as Self-Defense**

Although guns do enormous damage in crime, they also provide some crime victims with the means of escaping serious injury or property loss. The NCVS is generally considered the most reliable source of information on predatory crime because it has been in the field more than two decades and incorporates the best thinking of survey methodologists. From this source, it appears that use of guns in self-defense against criminal predation is rather rare, occurring on the order of 100,000 times per year (Cook, Ludwig, & Hemenway, 1997). Of particular interest is the likelihood that a gun will be used in self-defense against an intruder. A study using NCVS data (Cook, 1991) found that only 3% of victims were able to deploy a gun against someone who broke in (or attempted to do so) while they were at home. Remembering that 40% of all households have a gun, we conclude that it is rare for victims to be able to deploy a gun against intruders even when they have one available.

Gary Kleck and Marc Gertz (1995) have come up with far higher estimates of 2.5 million self-defense uses each year. Indeed, Kleck and Gertz conclude that guns are used more commonly in self-defense than in crime. Kleck and Gertz's high estimate may result from a significant false-positive rate (Cook et al., 1997)—in short, there is no clear sense of how many shootings were truly justifiable in the sense of being committed in self-defense. It is possible that most "self-defense" uses occur in circumstances such as chronic violence within a marriage, gang fights, robberies of drug dealers, or encounters with groups of young men who simply *appear* threatening.

### **Instrumentality and Availability of Firearms**

An overriding issue in the gun control debate is "Do guns kill people?" or "Do people kill people?" In murder trials, the killer's motivation and state of mind are explored thoroughly, whereas the type of weapon—usually some type of gun—is often treated as an incidental detail. Yet there is compelling evidence

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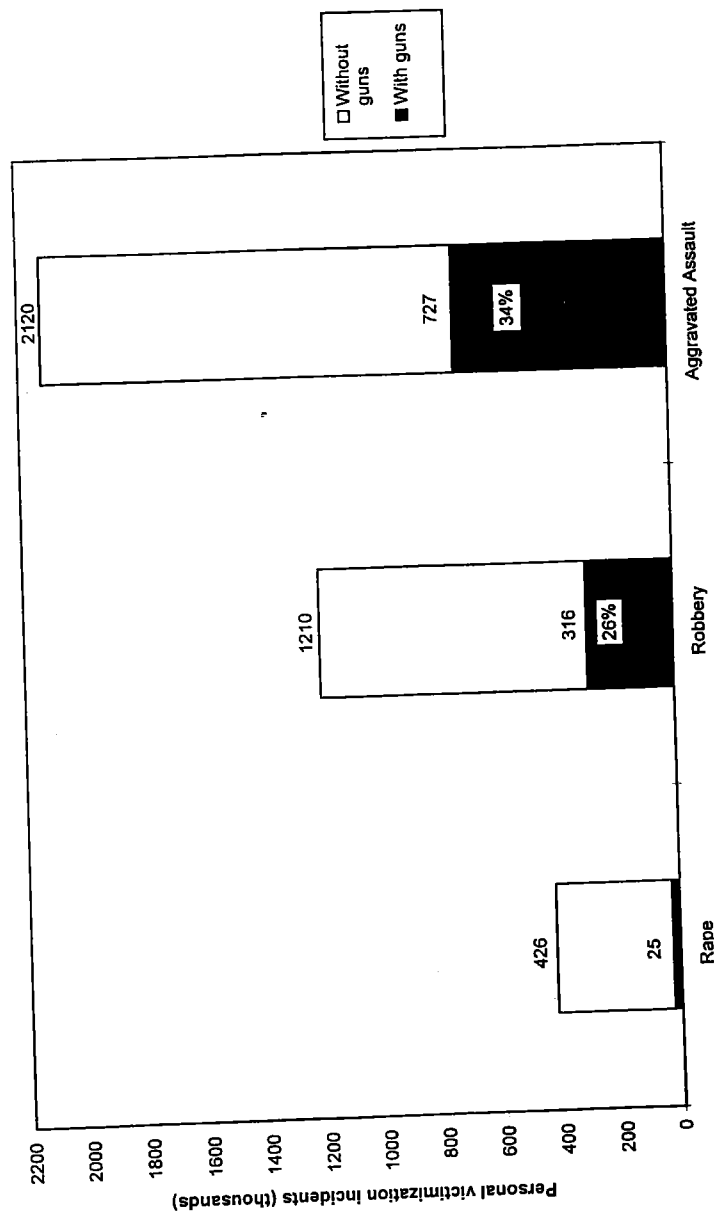


Figure 13.1. Personal Crimes of Violence, 1994  
SOURCE: Bureau of Justice Statistics (1997, Table 66).



that the *type of weapon matters a great deal* in determining whether the victim lives or dies and therefore becomes a homicide victim. This means that depriving potentially violent people of guns probably can save lives, an essential tenet of the argument for restricting gun availability. But then a second question arises: How can we use the law to deprive violent people of guns if such people are not inclined to be law-abiding? The saying "If guns are outlawed, only outlaws will have guns" may ring true.<sup>6</sup> Some evidence on this matter also suggests that some criminals' decisions of what weapon to use are influenced by the difficulty and legal risks of obtaining and using a gun (Wright & Rossi, 1986).

We now explore the evidence on these two issues, designated *instrumentality* and *availability*. The same two issues should also be considered in an assessment of the self-defense uses of guns, and we do so in the next two sections.

### Instrumentality

The first piece of evidence is that robberies and assaults committed with guns are more likely to result in the victim's death than are similar violent crimes committed with other weapons. A prime example is robbery, in which the fatality rate for *gun robbery* is 3 times as high as for robberies with knives and 10 times as high as for robberies with other weapons (Cook, 1987). It is more difficult to come up with significant probability estimates for aggravated (serious) assault because the crime itself is in part defined by the type of weapon used. We do know, however, that for assaults in which the victim sustains an injury, the case fatality rate is closely linked to the type of weapon (Kleck & McElrath, 1991; Zimring, 1968, 1972), as is also the case for family and intimate assaults known to the police (Saltzman, Mercy, O'Carroll, Rosenberg, & Rhodes, 1992).

Fatality rates do not by themselves prove that the type of weapon has an independent causal effect on the probability of death. Possibly, the type of weapon is simply an indicator of the assailant's intent, and it is the intent, rather than the weapon, that determines whether the victim lives or dies. In this view, the gun makes the killing easier and hence is the obvious choice if the assailant's intent is indeed to kill. The overriding assumption is that if no gun were available, most would-be killers would still find a way (Wolfgang, 1958; Wright, Rossi, & Daly, 1983).

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Perhaps the most telling response to this argument comes from Franklin Zimring (1968, 1972; see also Zimring & Hawkins, 1997), who concluded that there actually is a good deal of overlap between fatal and nonfatal attacks; even in the case of earnest and potentially deadly attacks, assailants commonly lack a clear or sustained intent to kill. Zimring's argument in a nutshell is that homicide is, in effect, a by-product of violent crime. Although the law determines the seriousness of the crime by whether the victim lives or dies, the outcome is not a reliable guide to the assailant's intent or state of mind. One logical implication of this perspective is that there should be a close link between the overall volume of violent crimes and the number of murders. One study provided confirmatory evidence, finding that an additional 1,000 gun robberies "produces" three times as many extra murders as an additional 1,000 robberies with other weapons (Cook, 1987). The instrumentality explanation for this result is simpler and more persuasive than an argument based on changes in the prevalence of homicidal intent among robbers.

Zimring's reasoning can also be extended to a comparison of different types of guns. In the gun control debate, the prime target has been the handgun because handguns are used in most gun crimes. But rifles and shotguns tend to be more lethal than handguns; a rifle is easier to aim, and the bullet travels with higher velocity than for a short-barreled weapon, whereas a shotgun blast spreads and causes multiple wounds when it strikes. To the extent that assailants substitute rifles and shotguns for handguns in response to handgun control measures, the result may be to increase the death rate (Kleck, 1984).<sup>7</sup> Unfortunately, there is little evidence on the question of whether effective handgun control would lead robbers and other violent people to substitute long guns (more lethal) or, in contrast, knives (less lethal).

#### *Other Perspectives on Instrumentality*

Instrumentality effects are not limited to differences in fatality rates among weapons. The type of weapon also appears to matter in other ways. For example, gun robbers are far less likely to attack and injure their victims than are robbers using other weapons and are less likely to incur resistance (Conklin, 1972; Cook, 1976, 1980; Skogan, 1978). We have evidence that aggravated assaults also follow similar patterns (Kleck & McElrath, 1991). The most plausible explanation for this pattern of outcomes is simply that a gun gives the assailant the power to intimidate and gain the victim's compli-

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ance without use of force, whereas with less lethal weapons, the assailant is more likely to find it necessary to back up the threat with a physical attack.

The intimidating power of a gun may also help explain the effectiveness of using one in self-defense. According to one study of NCVS data, in burglaries of occupied dwellings, only 5% of victims who used guns in self-defense were injured, compared with 25% of those who resisted with other weapons.<sup>8</sup> Other studies have confirmed that victims of predatory crime who are able to resist with a gun are generally successful in thwarting the crime and avoiding injury (Kleck, 1988; McDowall, Loftin, & Wiersema, 1992b). The interpretation of this result, however, is open to some question. In particular, according to McDowall et al., other means of defense usually are attempted after the assailant threatens or attacks the victim, whereas those who use guns in self-defense are relatively likely to be the first to threaten or use force. Given this difference in the sequence of events, and the implied difference in the competence or intentions of the perpetrator, the proper interpretation of the statistical evidence concerning weapon-specific success rates in self-defense is unclear (Cook, 1986, 1991).

In sum, we postulate that the type of weapon deployed in violent confrontations appears to matter in several ways. Because guns provide the power to kill quickly, at a distance, and without much skill or strength, they also provide the power to intimidate other people and gain control of a violent situation. When there is a physical attack, then the lethality of the weapon is an important determinant of whether the victim survives. But when the assailant's purpose is robbery, intimidation, or self-defense rather than inflicting injury, then a gun appears to be more effective than other weapons in achieving that purpose, and without actual use of violence. These hypothesized effects receive support from the empirical work that has been published in this area, but the current state of that evidence surely leaves room for doubt.

### Availability

If the type of weapon transforms violent encounters in important ways, as suggested in the preceding discussion, then the extent to which guns are available to violence-prone people is a matter of public concern. *Availability* can be thought of relative to time, expense, and other costs. Violent confrontations often occur unexpectedly, and in such cases the weapons that will be used are among those that are close at hand; the relevant question is whether

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a gun is *immediately* available. Logically, the next question concerns the likelihood that a gun will be present *when* a violent confrontation occurs. In particular, do the costs of obtaining a gun and keeping it handy influence the likelihood of gun use in violence?

Arthur L. Kellermann and his associates (1992, 1993) provide evidence on the importance of the first issue, immediate availability. In case control studies of violent events occurring in the home, they found that the likelihood of both suicide and homicide is greatly elevated by the presence of a gun in the home. Kellermann et al. selected each "control" from the same neighborhood as that in which the killing occurred, and, through their matching criteria and use of multivariate statistical techniques, attempted to control for other differences between the suicide/homicide cases and cases used as controls. There is no guarantee that this effort to control for other factors that might be confounded with gun possession was successful, so the proper interpretation of these findings remains controversial.<sup>9</sup> If we accept the authors' interpretation, then two propositions follow.

1. If a member of the household owns a gun, then at-home suicide attempts and armed assaults are more likely to involve a gun than otherwise.
2. A gun is more deadly than other weapons would have been in these circumstances (an instrumentality effect).

Extending these propositions, we can ask whether the extent to which guns are readily available in a community influences the likelihood of weapons used in violent crime (and suicide). Within the American context, many commentators have expressed doubt that guns are in any sense scarce, or that anyone (including youths and violent criminals) would find it more difficult to obtain a gun than, say, a kitchen knife. Regional comparisons, however, suggest otherwise. The prevalence of gun ownership differs rather widely across urban areas, from around 10% in the cities of the Northeast to more than 50% in the Mountain states. (An obvious explanation for these large differences has to do with the differing importance of rural traditions in these areas.)<sup>10</sup> The overall prevalence of gun ownership has been found to be highly correlated with the percentage of homicides, suicides, and robberies that involve guns in these cities (Cook, 1979, 1985). Therefore, where gun ownership is prevalent in the general population, guns tend to be prevalent in violence.

A natural explanation for this pattern is differences among cities in their *scarcity* of guns. Predatory criminals obtain most of their guns from acquaintances, family members, drug dealers, thefts from homes and vehicles, and other street sources, rather than from licensed dealers (Decker, Pennell, & Caldwell, 1997; Sheley & Wright, 1995; Smith, 1996). The ease of making such a "connection" will be greater in a city in which guns are prevalent. Further, the black markets for guns, which are the ultimate source for perhaps half or more of the crime guns, will tend to be more active in cities in which gun ownership is prevalent (Moore, 1981; Wright & Rossi, 1986).

It helps in thinking about the availability of guns to realize how frequently they change hands. For youthful criminals, acquiring a gun is typically not a one-time decision. One statistic from a survey of inner-city male high school students helps make the point: 22% said they currently owned a gun, whereas an additional 8% indicated that they had owned one or more guns in the past but did not at the time of the interview. Further, the number who said they carried a gun on occasion exceeded the number who owned one, suggesting loans and other temporary arrangements may be important features of this scene (Wright, Sheley, & Smith, 1992). The thrust of this research certainly suggests that acquiring a firearm poses little challenge to those persons who are motivated to acquire one.

It is not just street criminals who carry guns; sometimes their potential victims do as well. The practice of going armed in public has been facilitated in recent years by changes in a number of state laws governing concealed-carry licensing; by 1997, a majority of states had liberal provisions that enable most adults to obtain a license to carry. A controversial study by two economists (Lott & Mustard, 1997) found evidence that states that liberalized their concealed-carry regulations enjoyed a reduction in violent crime rates, presumably because some would-be assailants feared that potential victims might be armed. Black and Nagin (in press), however, using the same data, conclude that there is no evidence of a deterrent effect (see also McDowall, Loftin, & Wiersema, 1995). Stronger conclusions will have to await better evidence.

One important question remains: Does gun availability influence the overall *volume* of violent crime? The existing evidence provides little reason to believe that robbery and assault rates are much affected by the prevalence of gun ownership (Cook, 1979; Kleck & Patterson, 1993). Consequently, that the United States is such a violent country<sup>11</sup> does not have much to do with guns; that our violent crimes *are so deadly*—and thus, our homicide rate so high—however, has *much* to do with availability and use of guns (see Zimring

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& Hawkins, 1997, for an extensive argument concerning this aspect of crime in the United States).

### **Guns and Public Policy: The Values at Stake**

Guns have many uses, all of which have legitimacy to the people who use them in those ways. Society as a whole, however, values some uses less highly than do the individual owners. The result is a "great American gun war," a continuing debate and political struggle to determine which uses will be protected and which should be sacrificed to achieve some greater social good. Much of the rhetoric in the debate stems from three broad perspectives that will be considered in the following sections.

#### **The Public Health Perspective**

The essence of the public health framework is whether a proposed control measure would reduce the incidence of injury and death. There is little concern with the value of sporting uses of guns. From this perspective, the modest pleasures associated with recreational shooting and the dubious benefits from self-defense should yield to society's overwhelming interest in reducing gun deaths. Preserving life is the paramount value in this scheme.

#### **The Welfare Economics Framework**

The welfare economics framework is similar to that of the public health framework but has a wider array of consequences and greater attention to individual preferences. It leads us to view the gun "problem" as the harm inflicted on others, with much less attention to suicides and self-inflicted accidents. The uses seen as socially detrimental are virtually the same as those that are prohibited by law. There is no presumption within this framework, however, that punishing criminal uses is an adequate response; consequently, there remains the possibility that the benefits of preemptive controls on guns, such as a ban on carrying concealed handguns, would outweigh the costs. The costs of such controls include the public costs of enforcement and the private costs of compliance (or evasion) of these regulations.

In this calculus of cost and benefit, where does self-defense fit in? For most gun owners, the possibility that the gun will prove useful in fending off



a robber or burglar is one source of its value.<sup>12</sup> Indeed, if guns had no value in self-protection, a ban on possession of guns in the home would quite likely be worthwhile because other sporting uses of guns could be preserved by allowing people to store firearms in shooting clubs and use them under regulated conditions. Given this, the self-defense uses of guns ultimately are more important than sporting uses in assessing the costs of restrictions on home possession and carrying in urban areas.

Some writers have even argued that the private valuation of guns in this respect understates their public value because the widespread possession of guns has a *general* deterrent effect on crime (Kleck, 1991; Snyder, 1993). Indeed, one survey of imprisoned felons found that a paramount concern in doing their crimes was the prospect of meeting up with an armed victim (Wright & Rossi, 1986). Not known, however, is whether the predominant effect on criminal behavior is desisting, displacement to victims who are not likely to be armed, or a change in technique. If the latter two predominate, then the overall impact is negative rather than positive (Clotfelter, 1993).

#### The "Rights and Responsibilities" Perspective

The welfare economics framework helps organize the arguments pro and con for gun controls and suggests a procedure for assigning values. But for those who believe in the "right" to bear arms, it is not a completely satisfactory approach. The debate about gun control can and should be conducted, at least in part, in the context of a framework that defines the appropriate relationship between the individual, the community, and the state.

Much in the foreground of this debate lies the Second Amendment to the U.S. Constitution, which states, "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." The proper interpretation of this statement has been contested in recent years. The U.S. Supreme Court has not chosen to clarify the matter, having ruled only once during this century on a Second Amendment issue—and that on a rather narrow technical basis.<sup>13</sup> Indeed, no federal court has ever overturned a gun control law on Second Amendment grounds.

For most people, the crucial issue concerns self-defense. Some commentators go so far as to assert that there is a public duty for private individuals to defend against criminal predation, now just as there was in 1789 when there

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The Second Amendment to the Constitution, being necessary to the right to keep and bear arms, shall not be infringed. This statement has been consistently interpreted as not chosen to clarify the meaning of the Second Amendment on amendment grounds.

<sup>13</sup> Indeed, no federal court has ever ruled on self-defense. Some commentators have argued that the right of self-defense for private individuals was established in 1789 when there

were no police. The argument is that if all reliable people were to equip themselves with guns both in the home and out, there would be far less predatory crime (Polsby, 1993; Snyder, 1993). Other commentators, less optimistic about the possibility of creating a more civil society by force of arms, also stress the public duty of gun owners but with an emphasis on responsible use: storing them safely away from children and burglars, learning how to operate them properly, exercising good judgment in deploying them when feeling threatened, and so forth (Karlson & Hargarten, 1997). In any event, the right to bear arms, like the right of free speech, is not absolute but is subject to reasonable restrictions and carries with it certain civic responsibilities. The appropriate extent of those restrictions and responsibilities, however, remains an unresolved issue.

In conclusion, each of these three perspectives—public health, welfare economics, and civic rights and responsibilities—provides arguments about the public interest that seem familiar and important. Each is well represented in the debate about the appropriate regulation of firearms. In practice, the public health perspective helps focus greater attention on suicide, whereas the perspective that stresses civic rights strengthens the case for protecting self-defense uses of guns. We are not inclined to argue the relative merits of these differing perspectives in the abstract but will have more to say about policy evaluation in the next sections.

### Alternative Gun Control Policies

Commerce in guns and the possession and use of guns are regulated by federal, state, and local governments. To assess the options for reform, it is first helpful to understand the current array of controls and why they fail to achieve an acceptably low rate of gun violence.

#### **The Current Array of Policies**

The primary objective of federal law in regulating firearms is to insulate the states from one another, so that restrictive laws adopted in some states are not undercut by the greater availability of guns in other states. The Gun Control Act of 1968 established the framework for the current system of controls on gun transfers. All shipments of firearms (including mail-order

sales) are limited to federally licensed dealers who are required to obey applicable state and local ordinances. There are also restrictions on sales of guns to out-of-state residents.<sup>14</sup>

Federal law also seeks to establish a minimum set of restrictions on acquisition and possession of guns. The Gun Control Act of 1968 stipulates several categories of people who are denied the right to receive or possess a gun, including illegal aliens, convicted felons and those under indictment, and people who have at some time been involuntarily committed to a mental institution. Persons with a history of substance abuse are also prohibited from possessing a gun. Dealers are not allowed to sell handguns to persons younger than 21 years old or to sell long guns to those younger than 18, although there is no federal prohibition of gun *possession* by youth. These various prohibitions are implemented by a requirement that the buyer sign a form stating that he or she does not fall into any of the proscribed categories. In 1993, Congress adopted the Brady Bill, which requires dealers in states without screening systems for handgun buyers to enforce a 5-day waiting period between the purchase and transfer of a handgun. The dealers are required to notify law enforcement officials shortly after the purchase so that a background check can be run on the buyer.<sup>15</sup>

State and local legislation tends to make a sharp distinction between keeping a gun in one's home or business and carrying a gun in public. All but a few states either ban concealed weapons entirely or require a special license for carrying concealed weapons (although many states have recently eased the requirements for obtaining a license). Local ordinances typically place additional restrictions on carrying and discharging guns inside city limits.

Facing a daunting array of possibilities for legislation, policymakers need guidance on which approaches hold the most promise of reducing firearms violence and at what cost to legitimate owners. Reliable information is difficult to obtain; still, some evidence is available concerning which general approaches show the most promise. In searching for worthwhile reforms, we find it useful to classify alternative gun control measures into three categories: (a) those designed to affect the supply and overall availability of guns, (b) those designed to influence who has these weapons, and (c) those designed to affect how the guns are used by the people who have them.

On the basis of combined empirical evidence and logic, the generic strengths and weaknesses of each category can be sketched. The result is a rough map of the relevant terrain with some of the details missing, but it is nonetheless a useful guide.

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### Reducing Overall Supply and Availability

Many gun control measures focus on the supply and availability of the guns themselves (or, in one imaginative leap, on the ammunition that makes them deadly). The basic idea is that if guns (or ammunition) become less readily available, or more expensive to purchase, then some violence-prone people will decide to rely on other weapons instead, and gun violence will be reduced.

Many commentators have suggested that this approach is doomed by the huge arsenal of guns currently in private hands. How can we discourage violence-prone people from obtaining guns when there are already enough in circulation to arm every teenager and adult in the country? In response, we note that the number of guns in circulation is only indirectly relevant to whether supply restrictions can hope to succeed; of direct consequence is the *price* and *difficulty* of obtaining a gun. Our discussion of availability in a previous section helps establish the evidence on these matters—availability *does* seem to matter, even within the current context of widespread private ownership.

Basic economic reasoning suggests that if the price of new guns is increased by amending the federal tax or other means, the effects will ripple through all the markets in which guns are transferred, including the black market for stolen guns (Cook & Leitzel, 1996). If the average prices of guns go up, some people—including some violence-prone people—will decide that there are better uses for their money. Others will be discouraged if, in addition to raising the money price, the time or risk required to obtain a gun increases. Although there are no reliable estimates of the elasticity of demand for guns by youths, we believe that youths, in particular, are likely to be more responsive to price than to more remote costs (such as the possibility of arrest and punishment). Those who argue that youthful offenders will do whatever is necessary to obtain their guns may have some hard-core group of violent gang members and drug dealers in mind but surely not the much larger group of kids who rarely get into serious trouble (see Sheley & Wright, 1995; Smith, 1996).

At present, a substantial increase in the federal tax on the purchase of firearms is under discussion for the first time in memory. Potentially even more important is the growing possibility of successful tort litigation against manufacturers of cheap concealable handguns, which, if successful, would raise the price of even the cheapest guns (Teret, 1986). Another approach to

raising prices, however, is to impose safety requirements on gun manufacturers. Proposals in this area include "childproofing" guns so that they are inoperable by children; requiring that domestically manufactured guns meet the same safety requirements as imports, including protections against accidental discharge; and requiring safety devices such as trigger locks and loaded chamber indicators (Teret & Wintemute, 1993). As it is now, firearms manufacturers are remarkably free of safety regulation, in part because the Consumer Product Safety Commission has no authority over personal firearms. Although such regulations may be welcomed by gun buyers who are seeking some protection against gun accidents, they would have little direct effect on suicide and criminal misuse of firearms. To the extent that complying with such regulations made guns more costly, however, there could be some indirect effect comparable with raising the federal tax (Cook & Leitzel, 1996).

A more far-reaching proposal is to encourage the manufacture of guns that are "personalized," in the sense that they would be equipped with an electronic sensing device that would recognize a ring on the owner's finger, or even the owner's fingerprint. Such devices are currently under development. If they prove reliable, law enforcement agencies may adopt them to protect officers from being assaulted with their own guns. If all new handguns were equipped with such devices, it would gradually reduce the number of gun accidents and reduce the profitability of stealing guns.

### **Restricting Access**

The second broad class of gun control policy instruments is designed to influence who has access to different types of weapons. The intuitive notion here is that if we could find a way to keep guns out of the hands of "bad guys" without denying access to the "good guys," then gun crimes would decrease without infringing on the legitimate uses of guns. The challenges for this type of policy are, first, to decide where to draw the line and, second, to develop effective barriers to prevent guns from crossing this line.

A fundamental premise underlying much gun legislation holds that owning a gun is a right granted to all adults<sup>16</sup> unless they do something to disqualify themselves, such as committing a serious crime. A different approach is to treat gun ownership as a privilege, as is the case, say, with driving a vehicle on public highways. Similar to driving privileges, one eminently

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sensible requirement for those who seek to acquire a gun is that they demonstrate knowledge of how to use it safely and legally. It is an intriguing possibility that such a requirement would engender considerable growth in the National Rifle Association's safety training programs because many of those wishing to qualify for a license would need to enroll in such a course.

Wherever the line is drawn, there is the serious problem of defending it against illegal transfers. That task is currently done poorly. The major loopholes stem from the widespread abuse of the federal licensing system, the lack of effective screening of those who seek to buy guns from dealers, a vigorous and largely unregulated "gray" market by which used guns change hands, and an active black market supplied by theft, scofflaw gun dealers (those who knowingly violate the terms of their license on a frequent basis), and interstate gunrunning operations.

#### *Federal Licensing System*

The U.S. Bureau of Alcohol, Tobacco, and Firearms (ATF) is the agency charged with the regulation of federally licensed gun dealers. It is a small agency whose jurisdiction includes not only regulatory inspections of gun dealers but also criminal investigations of violations of federal gun laws. As well, it is responsible for the regulatory surveillance and criminal investigation of the explosives, alcohol, and tobacco industries. Obtaining a federal dealer's license from ATF was formerly just a matter of paying a small fee and filling out a form, and in 1993 there were 260,000 people who had done so—far more than were genuinely in the business of selling guns to the public. ATF at that time lacked the authority and resources to screen applicants effectively or to inspect their operations after issuing the license (Violence Policy Center, 1992). In response to this problem, recent changes in application requirements, combined with the hefty increase in fee mandated by the Brady Law, have had the effect of reducing the number of federal licensees to about 100,000 (as of 1997) and greatly enhancing ATF's ability to serve its regulatory function.

#### *Screening*

People who seek to buy handguns from a dealer are required to submit to state permit requirements or, if there are none, to a 5-day waiting period

required by federal law. If the dealer and purchaser comply with this requirement, there is some chance that disqualified buyers will be identified and screened out. But felons, youths, and others who are not permitted to purchase a gun can ask a qualified friend or relative to make a "straw man" purchase from a dealer on their behalf or find a scofflaw dealer who is willing to sell guns off the books. Most common of all is simply to purchase a gun from a nondealer.

### *Black and Gray Markets*

There is a remarkably active and open market for used guns that is largely unregulated, a market through which buyers and sellers find each other through "gun shows," word of mouth, or the classified ads. These transactions are often entirely legal; someone who sells a gun or two on occasion is not subject to any federal requirements except that they not knowingly sell to a felon, illicit drug user, or other person prohibited from possessing a gun.<sup>17</sup>

In considering intervention strategies, it is useful to distinguish between transfers that move guns from the licit to the illicit sectors and transfers within the illicit sector (Koper & Reuter, 1996). In the former category are sales by scofflaw dealers and theft from legitimate owners, whereas the latter includes the active but highly disorganized black market for guns in which kids and criminals frequently buy and sell (Cook, Molliconi, & Cole, 1995; Kennedy, 1994).

Perhaps the best hope for reducing gun trafficking to youths and criminals is a multifaceted enforcement and regulatory effort aimed primarily at reducing the flow of guns from the licit to the illicit sector. On the regulatory side, the main objective is to rein in scofflaw dealers, which most states have left to the federal ATF. ATF's capacity to act effectively has been strengthened in recent years by the great reduction in the number of licensed dealers resulting from changes in ATF licensing procedures and the increase in the initial license fee from \$30 to \$200 that was required in the Brady Bill. ATF is also beginning to exploit gun-tracing data to identify dealers who are frequently involved in selling guns that are used in crime. Further regulatory efforts to discourage gunrunning include the requirement that dealers report multiple purchases and the prohibition adopted by several states on the sale of more than one handgun to a customer per month.

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Designing policies to reduce theft is conceptually more difficult, yet with an estimated 500,000 guns transferred this way each year (Cook & Ludwig, 1996), it is just as important. To reduce this source of crime guns, it may be possible to impose some obligation on gun dealers and gun owners to store their weapons securely (as we now do on pharmacists who sell abusable drugs) and to step up enforcement against fences who happen to deal in stolen guns.

Considering its various components, the illicit gun market is best seen as a relatively large number of persons engaging in relatively unspecialized enterprises. The type of enforcement that would be appropriate in attacking such markets is probably a high-volume "buy and bust" operation (Moore, 1983). Law enforcement agencies may be reluctant to launch an operation of this sort, given the danger inherent in dealing with guns and the legal difficulties in proving that the guns they are buying are in fact stolen and being sold illegally. Consequently, the possibilities for choking off supply to the illicit sector appear more promising than attempting to disrupt their activities.

### Controlling Uses

The third broad class of gun control policy instruments is concerned with limiting unsafe and criminal uses of guns. Most prominent are provisions for increasing prison sentences when a gun is used in a crime. One clear advantage of this approach as compared with other gun policies is that it does not impinge on legitimate uses of guns. A recent analysis of crime trends in jurisdictions that adopted such sentencing provisions provides evidence that they may be effective in reducing the homicide rate (McDowall, Loftin, & Wiersema, 1992a).

Another and far more controversial tactic is to focus local law enforcement efforts on illegal possession and carrying. The potential effectiveness of this approach is suggested by the success of the Bartley-Fox Amendment in Massachusetts (see Pierce & Bowers, 1981). This sort of gun enforcement typically requires proactive police efforts, and there is considerable variation among police departments in how much effort they direct to halting illegal possession and gun carrying (Moore, 1980). The controversy about enforcement stems in part from the concern that police, if sufficiently motivated, may conduct illegal searches in the effort to get guns off the street. More fundamental is that treating illegal carrying as a serious crime puts in jeopardy



millions of otherwise law-abiding people who carry guns for self-protection. Nonetheless, gun-oriented patrol tactics appear to have the potential to reduce gun violence (Sherman, Shaw, & Rogan, 1995).

Rather than a general effort to get guns off the streets, a more focused effort can be directed at prohibiting guns in particularly dangerous locations such as homes with histories of domestic violence, bars with histories of drunken brawls, parks in which gang fights tend to break out, and schools in which teachers and students have been assaulted.<sup>18</sup> Often, in seeking to reduce the presence of weapons in these particularly dangerous places, groups other than the police may be mobilized to help make the laws effective. Victimized spouses or their advocates might help enforce rules against guns in violence-prone households, liquor-licensing agencies might be enlisted to help keep guns out of bars, recreation departments might be mobilized to reduce gun carrying in public parks, and so on. The point is that there may be some particular hot spots for gun offenses that could be targeted as places to concentrate gun enforcement efforts much as we focus on keeping guns and bombs out of airplanes.

#### Conclusion: What's to Be Done?

Given the important value conflicts and empirical uncertainties surrounding gun control policies, some caution in recommending public or governmental action is warranted. But recommending caution is far from recommending *inaction*. Indeed, we think that it is time to get on with the business of actively exploring alternative gun control initiatives to develop more effective interventions than those on which we now rely. The goal of gun control policy during the next decade should be to develop and evaluate specific gun control measures that can reduce gun crimes, suicides, and accidents while preserving as much legitimate use of guns as possible. There is no reason to believe that there is a single best policy. Rather, we should be looking for a combination of policies that address the full array of gun "problems." To some extent, these policies should differ according to local circumstances and values, with an emphasis ranging from suicide prevention in Iowa to street violence in Washington, D.C. The following suggestions are organized according to the level of government at which the appropriate action should occur.

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### **Action at the Federal Level**

The federal government is best positioned to make guns more valuable and harder to obtain, while insulating the states from one another's supply of guns. Among the next steps that appear most promising are these:

1. Raise the tax on guns and ammunition to make the cost of acquiring and owning particular types of guns more accurately reflect the social costs and benefits of having them. For instance, we favor converting the current excise tax, which is proportional to the wholesale price, to a flat tax. Cheap handguns do as much damage as expensive ones. On the one hand, we recognize that this tax is regressive and will be particularly burdensome on poorer people who want a gun. On the other hand, the benefit of such a tax, reductions in gun crimes and accidents, will be disproportionately experienced by the poor, who are vastly overrepresented among the victims of gunshot wounds and deaths.
2. Require all gun transfers to pass through federally licensed dealers, with the same screening and paperwork provisions as if the gun were being sold by the dealer.
3. Step up criminal enforcement efforts against gunrunning operations.
4. Provide funding and technical know-how to enhance the quality and completeness of state and federal criminal records files and facilitate access by law enforcement agencies to these files.<sup>19</sup>
5. Enhance cooperation with the local law enforcement efforts in investigating and prosecuting those who deal in stolen guns.
6. Mandate that new guns meet minimum safety requirements to reduce gun accidents while encouraging research in devices to personalize guns.

The federal government is also in the best position to accumulate the national experience with gun control policy initiatives. For instance, the National Institute of Justice could expedite the search for more effective gun control policies by noting and evaluating the large number of diverse policy interventions that will be launched at different levels of government during the next few years. As well, the surgeon general and attorney general together could use their offices to help create an environment in which local governments, community groups, and private individuals begin to change their attitudes and behaviors with respect to guns. The message should be clear: Guns are dangerous, particularly in an urban environment, and it is important that owners learn how to store them safely and use them responsibly.

### Action at the State Level

The agenda for each state will and should depend on its circumstances. In the past, the states have been the laboratory for instituting a variety of licensing and regulatory programs, as well as establishing different sentencing schemes for use of guns in crime and for carrying illegally. Technology transfer can take place only if these innovations are subjected to careful evaluation.

A battle in the state arena looms over the extent of liability for manufacturers, sellers, and owners of guns when a gun is used to injure someone. Lawsuits based on a variety of liability theories are moving through the courts. The implicit threat posed by these lawsuits is that if manufacturers and sellers are held responsible for the damage done by handguns, the monetary liability would be prohibitive. This possibility is appealing to those who are impatient with the more moderate results achievable through the political process.

### Action at the Metropolitan or Municipal Level

Perhaps the greatest opportunities to work on reducing gun violence in the immediate future lie in the cities in which the toll of gun violence is so high. Working against effective gun legislation at this level are a persistent fear of crime and the fervent belief by some that a gun will provide protection. Thus, one important goal of gun control policy at the local level should be not to simply reduce the availability of guns but to find other, less socially costly means that people can use to produce security and reduce fear. In many cities, this is one of the important goals of shifting to a strategy of community policing. To the extent that efforts associated with this strategy help diminish fear of crime, these measures might also reduce the perceived need for individual gun ownership; with that accomplished, an increase in the range of feasible and desirable gun control policies might become possible.

The particular targets of city efforts against gun violence that seem important to us are these:

1. Reducing gun carrying by offenders on city streets
2. Reducing youth access to and use of all types of weapons<sup>20</sup>
3. Keeping guns out of places that have records of violent conflicts such as rowdy bars, homes in which domestic violence often occurs, and other community hot spots

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Exactly how to accomplish these particular objectives remains unclear, but it is not hard to list particular actions one could imagine police departments undertaking. Indeed, bringing gun crime down would be a good exercise in problem solving to turn over to an innovative police agency.

#### Action at the Community and Household Level

Through the long run, effective gun control may be best achieved by action at the community and household level, rather than at the governmental level. Just as the battles against the costly social consequences of smoking and drinking (and to some degree, drug abuse) are now being advanced through volunteer community initiatives, so may the problem of gun violence be eased as the public demands that individuals become more responsible gun owners. For instance, in particularly risky circumstances, such as continuing domestic violence or if a member of the household is suicidal, neighbors, counselors, and social workers must be prepared to insist that any guns be removed from those premises.

The challenge of implementing effective gun control measures in the United States is daunting in the face of the considerable uncertainty about what works, especially when coupled with the profound national disagreement about which values concerning guns are most important. Still, with continuing attention to the evidence generated by the state and local innovations, and a vigorous public dialogue on the importance of both rights and responsibilities in this arena, there is every hope of doing better. There is little doubt that one of the benefits of such success would be a reduced rate of homicide in the United States.

#### Notes

1. Kleck (1991, Appendix 2) offers another explanation, that gun ownership increased during the past couple of decades but that survey respondents have become increasingly reluctant to admit to gun ownership during this period. We favor our explanation because it is supported by the survey evidence on the number of guns per household as well as the growth in household disposable income during this period.

2. These patterns are based on surveys and are subject to potential biases induced by the sensitivity of the topic and the difficulty of contacting a representative sample of young urban males.

3. Much has been made of the unintentional firearm deaths of children, but tragic as such cases are, they are rare. Between 1985 and 1990, the annual average number of deaths for children less than 10 years old was 94 (Fingerhut, 1993).

4. On the other hand, the demography of gun suicide looks much more like that of gun sports, with victims coming disproportionately from the ranks of older White males.

5. Pierce and Fox (1992) demonstrate that between 1985 and 1991, the homicide arrest rate for males more than doubled for those under age 21, while actually declining for those age 30 and over (also, see Blumstein, 1995; Smith & Feiler, 1995).

6. It is, after all, a tautology.

7. Kleck (1984), like Wright et al. (1983), claims that Zimring and others have not succeeded in demonstrating that guns are more lethal than knives but accept with confidence the claim that long guns are more lethal than handguns. See Cook (1991) for a discussion of this paradox.

8. The source is unpublished data provided by the Bureau of Justice Statistics (see Cook, 1991, for details).

9. In their case control study of homicide, Kellermann et al. (1993) discuss the possibility that their results are due in part to reverse causation, noting that in a limited number of cases, people may have acquired a gun in response to a specific threat, which eventually led to their murder. They also note that both gun ownership and homicide may be influenced by a third, unidentified factor. From those characteristics that were observed in this study, it is clear that the victims differed from the controls in a number of ways that may have contributed to the likelihood that there was a gun in the house. In comparison with their controls, the cases or the people they lived with were more likely to have a criminal record, to use illicit drugs, and to have a drinking problem.

10. Kleck and Patterson (1993) assert that the intercity differences in the prevalence of gun ownership are influenced by crime rates. Although this may explain some small part of the variance, it could not reasonably be considered the dominant explanation. For one thing, the vast majority of gun owners in the United States are sportsmen, for whom self-defense is a secondary purpose at most.

11. A recent comparison of victim survey estimates found that the U.S. robbery rate was substantially higher than that of England, Germany, Hong Kong, Scotland, and Switzerland. On the other hand, Canada's robbery rate was nearly twice as high as that of the United States (Block, 1993).

12. This is not just true for law-abiding citizens but is felt even more keenly by drug dealers and other criminals who are frequently threatened by the bad company they keep (Wright & Rossi, 1986).

13. William Van Alstyne (1994) argues that the Second Amendment has generated almost no useful body of law to date, substantially because of the Supreme Court's inertia on this subject. In his view, Second Amendment law is currently as undeveloped as First Amendment law was until Holmes and Brandeis began taking it seriously in a series of opinions in the 1920s.

14. The McClure-Volkmer Amendment of 1986 eased the restriction on out-of-state purchases of rifles and shotguns. Such purchases are now legal as long as they comply with the regulations of both the buyer's state of residence and the state in which the sale occurs.

15. On June 27, 1997, the Supreme Court ruled that the federal requirement that local law enforcement agencies conduct background searches on the purchasers of handguns could not be enforced.

16. Although federal law does not prohibit gun possession by youths, a number of states have placed limits on when youths can carry guns in public.

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17. A provision of the 1986 McClure-Volkmer Amendments to the Gun Control Act creates a federal criminal liability for individuals who transfer a gun to a person they know or have reasonable cause to believe falls into one of the seven high-risk categories specified in the act.

18. Surprisingly, it is a *federal* crime (under the Gun-Free School Zones Act of 1990) for an individual to carry a gun in a school zone.

19. Upgrading criminal history files will of course have value in a variety of other law enforcement tasks as well.

20. Boston has implemented a comprehensive strategy of this sort. The Boston Gun Project was designed to curb the city's epidemic of youth gun violence and has met with considerable success. See Kennedy, Piehl, and Braga (1996) for a description and an analysis of the program.

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