

Policy Research and Policy Initiatives: The Case of “Gun Control”

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Over a dozen years ago, Marvin Wolfgang—who was then perhaps the most eminent criminologist in the United States—deplored the failure of politicians to adopt the gun control restrictions endorsed by a presidential commission’s policy research. He noted that in other areas such policy research had influenced crime-control policymaking. There has certainly been a considerable amount of policy research regarding firearms since then by criminologists and public health practitioners, although much has focused on the scope of the problem of gun-related violence rather than on specific remedial policy proposals. Most actual policy initiatives, however, have been pursued without specific policy research—handgun locks and firearm personalization, for example—or in defiance of policy-research findings—e.g., gun turn-ins, and bans on small-guns, “Assault weapons,” and magazines. For the most part, criminologists and public health professionals have not opposed adoption of policy proposals, even when they were not backed by scientific research.

I. INTRODUCTION

One of the common complaints about the “gun control” issue is that it is not driven by criminological research. In an entertaining polemic against the America’s gun culture and lack of gun laws, Robert Sherrill complained, “Logic and evidence have absolutely nothing to do with the gun debate in or out of Congress; only instinct and emotions and gut reactions count for anything” (1973, p. 180). A few years later, Harvard criminologist Mark Moore differed only slightly from that assessment, suggesting that the evidence had not yet been gathered, rather than that it was destined to be irrelevant. In a memorandum summarizing work in the field, and attempting to justify federal funding of research by Philip Cook and himself, Moore observed: “Close examination makes one think it is less the NRA’s power than the failure of gun control supporters to make this case persuasive, that explains the lack of effective gun control legislation. If true, we are important” (memo to Edward D. Jones, III, Office for Improvements in the Administration of Justice, U.S. Department of Justice, August 11, 1976).ⁱ

Others believed the research had already been done, and that gun policy simply was prevented from being driven by criminology because of the gun lobby’s power. In the 1980s, while looking back on the impact of presidential crime commission work in a plenary session of the American Society of Criminology, Marvin Wolfgang complained that about the only area where the policy recommendations seemed consistently to be ignored by policymakers was in gun policy. In fact, by the time Wolfgang spoke, the Justice Department had funded extensive research on the gun issue (Wright, Rossi & Daly, 1983; Wright & Rossi, 1986) in addition to the research done by Moore and Cook. He nonetheless believed that legislative bodies, while responding to some criminological research, were neglecting that research with regard to firearms policy.ⁱⁱ

Other criminologists too, see a gap between academic research findings and legislative policymaking and public opinion formation. In summarizing his position as a candidate for President-elect of the American Society of Criminology in 1998, Roland Chilton said he saw “ASC’s efforts as an endless search for knowledge and a constant review of practice. Moreover, I believe this search and review can be more focused and more effective than it has been in the resolution of real-world crime problems [calling attention to

research findings] might help to shape public opinion on crime and justice issues, and could occasionally have an impact on public policy.”

But the gap is not based on the absence of a considerable body of research. Rather, the gap is caused by the indifference of researchers and policymakers to the results of research. In addition to research funded by the Department of Justice, largely through its National Institute of Justice and Bureau of Justice Statistics, federally-funded research on the gun issue was conducted done in the 1980s and 1990s by the Centers for Disease Control and Prevention (CDC), with additional research funded by (generally anti-gun) foundations such as the Joyce Foundation and the California Wellness Foundation. Additional academic research was performed by academicians without such grants. Most of that research undermined commonly supported policy positions, or was irrelevant to policy positions. Most criminologists and public health professionals involved in gun research support policies either in defiance of research or lacking specific research. It is the NRA and gun-control skeptics now, more than supporters of restrictive gun laws, who bemoan the indifference of policymakers and the press to research findings on the issue.

II. POLICIES DEFYING EXISTING RESEARCH

A. ACQUISITION OF FIREARMS

1. Brady Act

When the Brady Bill—named after Sarah Brady, Chair of Handgun Control, Inc.—was being debated, the NRA cited research findings indicating that waiting periods and background checks failed to reduce violent crime (summarized in Kleck, 1991 and 1997). In a sense, the Brady Bill was a weaker control than those evaluated in criminological research, since the state laws generally mandated waiting periods and background checks. The Brady Bill established a maximum waiting period, which, however, could be cut short by either a state law with faster background check, or by action of the “chief law enforcement officer” for the jurisdiction in question. If a county sheriff, for example, simply faxed approval of a transfer to a gun dealer, the Brady Bill’s five-government-working-day waiting period could be ignored.ⁱⁱⁱ In addition, state background check laws required background checks to be performed. Although the Brady Bill, as enacted, said local law enforcement officers were obligated to conduct background checks, it was generally recognized in Congress before adoption of the measure that the federal government could not constitutionally order local authorities to conduct background checks; hence, the federal checks were optional. Eventually, the Supreme Court confirmed that.^{iv} So the waiting periods and background checks found to be ineffective prior to the enactment of the Brady Act were stronger measures than those in the Brady Act itself.

Once adopted, the Brady Act was subject to some evaluation.^v The federal government periodically claims that the law was effective, based on the fact that some handgun transfers were prevented. Others found that claim misleading, since the formal title of the legislation was the Brady Handgun Violence Prevention Act, not the Handgun Transfer Prevention Act. Transfers could be denied based upon mistaken identities, arrests where records failed to show acquittals or other dispositions, and various other reasons. Even when a person was denied firearms, harm was not necessarily prevented; one-time felons may well have been rehabilitated before attempting a purchase. Anecdotal evidence suggests that some prospective buyers, uncertain whether youthful records were disqualifying, have been told by dealers simply to fill out the forms and let the government decide. In addition, those denied lawful handgun purchases by dealers might either have purchased a long gun from a licensed dealer, without a background check or waiting period, or obtained a firearm from a non-licensee.

Evaluation of the Brady Act as a handgun violence prevention measure has found it to be a failure. Anti-gun economists/criminologists, working under a grant from the Joyce Foundation, found no evidence that homicide was reduced (Ludwig & Cook, 2000). That small-scale study confirmed the more sophisticated research by Lott (2000a, pp. 91, 162-163), finding a similar lack of statistically significant impact on homicide and robbery, but a statistically significant increase in rape and aggravated assault associated with the Brady Act, suggesting the Act was not merely ineffective, but harmful.^{vi} Those findings confirm the Kleck (1991 and

1997) evaluations finding that state waiting period and permit laws are generally ineffective, although Lott (2000a, pp. 106-107) found some waiting periods associated with increased homicide rates.

2. Regulating gun shows

Following the shootings in Columbine High School, there was a concerted effort to regulate gun shows, since the culprits had, indirectly, acquired guns through that source. A few facts were generally ignored in the debate on the topic. First, to the extent anything is known on the topic, very few criminals obtain their guns from gun shows. When Wright and Rossi (1986) took a survey of felons to find out the source for their guns, gun shows were small enough an answer, less than 0.5%, that they did not warrant even being listed (personal communication). A later survey of incarcerated juvenile offenders similarly failed to report gun shows as a source (Sheley & Wright, 1995, pp. 46-50). Based on questions from the Drug Use Forecasting surveys of arrestees in selected cities, less than two percent of criminals obtained guns from a gun show (Latimore et al., 1997, p. 99). Cook and Ludwig have noted that only a very small share of teenagers and convicts get their guns from gun shows (2000, p. 8).

Second, most sales at gun shows are regulated in the same way as sales by licensees from their stores. When the 1986 Firearms Owners' Protection Act made it lawful for federally-licensed dealers to sell guns at gun shows, the dealers remained bound by all other regulations of dealers. With the imposition of the Brady Act, that included a waiting period/background check, which sunset into a national instant-check background check system at the end of November 1998. It has generally been estimated that about 60% of the tables at gun shows are rented to licensed dealers. Since some of the other tables are for persons selling gun-related products, but not guns, this means that the lion's share of gun transfers at gun shows are already regulated by federal law in the same way as transfers at gun shops.

Efforts were, however, made to have the federal government more stringently regulate gun shows, with the Senate adopting the Lautenberg amendment to its version of a juvenile crime bill in 1999. The Senate action occurred absent any criminological or public health research indicating that gun shows were somehow criminogenic, or that the proposed regulations would solve any problem.^{vii} The House of Representatives also voted to regulate gun shows, although not so stringently. That policy was also endorsed by Texas Governor George W. Bush (Atlanta Constitution, 2000). Were they a problem, regulating transfers at gun shows would simply represent a step toward a waiting period and/or a license/permit system regulating firearms transfers, which generally fail statistical tests of effectiveness (Kleck, 1991 and 1997).

3. Licensing/permit to purchase

Vice President Al Gore, trying to demonstrate that he could be as anti-gun as primary opponent former Senator Bill Bradley, endorsed a licensing system for handgun ownership, a policy subsequently similarly endorsed by President Bill Clinton. Clinton proposed no legislation regarding the matter, since it would not be seriously considered by Congress during his term in office (Clymer, 1999). The policy is frequently, albeit falsely, proposed as analogous to licensing motor-vehicle drivers.^{viii}

To the extent licenses and permit systems have been evaluated, they have been found ineffective, so no policy based on criminological research would support such a system. There have been two efforts pretending that licensing systems are effective. The more misleading one was the evaluation by Colin Loftin and his colleagues (Loftin et al., 1991), who evaluated the prospective ban on handguns in the District of Columbia as if it were "restrictive licensing." No licensing—as generally understood to be a system whereby a person qualifies to purchase a handgun—was involved. Prior handgun owners were allowed to keep their handguns if they reregistered them, with no restrictiveness involved (except with regard to how the guns had to be stored thereafter). Non-owners were permanently and forever barred from acquiring handguns in D.C.

The other study which ostensibly endorsed licensing was a public health comparison of Seattle, Washington, and Vancouver, British Columbia (Sloan et al., 1988), finding that homicide rates were lower in Vancouver. The authors observed that the difference was primarily in firearm-related homicides, and asserted that the difference was actually a difference in handgun-related homicide.^{ix} Sloan, et al., then suggested the Canadian licensing system might explain the difference. The finding has been disputed by others, noting that the data presented demonstrate that there was no statistically significant difference between the homicide

rates among non-Hispanic whites in the two cities—Seattle’s rate was slightly lower—and suggesting that it was the dramatically different experiences of different ethnic groups in the two cities which explained the difference in homicide rates. Centerwall, noting that a study stratifying by race would probably cause the statistically significant difference between the cities’ homicide rates to cease, reported that the authors told him they were “disinclined to calculate a summary odds ratio stratified by race” (1991, p. 1246).

4. Regulating the Secondary Market

This is one of the proposals most popular with criminologists (Kleck, 1991 and 1997; Cook & Ludwig, 2000). It really seems simply to be licensing of handgun buyers, or issuing permits for such purchases, under a different name, and with a slightly different enforcement mechanism. It is possible that Kleck, Cook, and Ludwig envision something less formal than an actual permit or license being required to purchase,^x but would require that (hand)gun transfers be conducted through licensed dealers, with whatever waiting period and/or background check was required for such a transfer to occur. However described, it is similar to systems which exist in several states, most prominently California, with no evidence purporting to support its effectiveness.

Experience in states which require private transfers to be run through dealers, or be approved in advance by the authorities, suggest that almost no one conforms to the law. For example, after California revised its law so that all guns (not just handguns), and all transfers (not just those through dealers) had to be run through the state background check system, the number of such background checks would have been expected to approximately quadruple, based on survey data and other evidence suggesting that handguns account for roughly half of gun transfers, and private transfers approximately half of transfers. Instead, the number of background checks approximately doubled, suggesting widespread (knowing or unknowing) disobedience of the law.

There is nothing surprising in this. Personal conversations with police in some states with such requirements (such as Tennessee) suggest all but universal non-compliance with the law. Survey research previously indicated that less than one-quarter of respondents expected general compliance with a requirement that gun transfers be run through dealers (with a waiting period), with the rest expecting half or fewer gun owners to comply (Decision Making Information, 1979^{xi}).

5. Gun rationing

Another popular policy is gun rationing, which could establish any standards, but now, most commonly, is a policy to limit handgun purchases to one per 30-day period (casually referred to as a month). In some of the more ambitious days of congressional anti-gun activities, proposals would have rationed handgun purchases to two per 365-day period (casually referred to as a year), unless permission from the Attorney General were obtained for three or more purchases.^{xii}

It is more difficult to contemplate criminological research on the matter of gun rationing. For one thing, while most gun restrictions are aimed at curbing crime in the adopting jurisdiction, gun rationing is purportedly aimed at curbing gun trafficking from that jurisdiction to others, and thus to curbing crime elsewhere. In the 1970s, South Carolina was shamed into enacting such legislation based on reports that South Carolina’s guns were being used in crime in New York. No study found that crime in either jurisdiction benefited from the rationing procedure. Rationing was similarly adopted in Virginia, in response to allegations of trafficking of guns into New York City, and, secondarily, into Washington, D.C. The most prominent such allegations came in a Batman comic book, developed for the rationing lobbying effort, and distributed to the state legislature, marking possibly the first time a policy was adopted, not because of research, but because of efforts by a violence-glorifying comic book (Ostrander & Giarrano, 1993).

One problem is that trafficking assertions are based on tracing data from the Bureau of Alcohol, Tobacco and Firearms, which are unrepresentative of crime guns, and are designed to exaggerate the amount of interstate trafficking (Kleck, 1999; Blackman, 1998; Kopel & Blackman, 2000). Where interstate trafficking occurs, it is not the sort of organized trafficking at which rationing is aimed, but a matter of an individual buying a gun for himself and friends (BATF, 1977; Vizzard, 1997). Because tracing is related to what BATF is looking for, and which policies it is promoting, enactment of a rationing law in one state satisfies BATF’s

policies, and it then can turn enforcement and tracing resources to other jurisdictions. So studies showing that tracing becomes less frequent in the affected jurisdiction (Weil and Knox, 1996) does not indicate that rationing is working, only that BATF has altered the focus of its attentions.^{xiii}

The only effort actually to evaluate gun rationing—recognizing the problem of its only having been adopted in three jurisdictions—found it associated with higher levels of homicide, robbery, and aggravated assault, with rather large effects (Lott, 2000a, pp. 193, 201-202). But the author cautioned about how preliminary the results had to be, and that the increases could have been due to regional trends. At any rate, given no criminological research as the basis for adopting the legislation, the only study of its criminological effects has found the policy counterproductive. It remains one of the more popular gun policies among anti-gun politicians and advocacy groups.

B. OWNERSHIP/STORAGE OF FIREARMS

1. Registration

One traditional proposal calls for the registration of firearms, or at least of handguns. The precise meaning of the proposal varies, and is not clear. Cook and Ludwig (2000, p. 132) refer to their proposals to regulate the secondary transfer market as registration. In general, registration is understood to apply not merely to the acquisition of firearms, but to their possession (Licensing is similarly unclear, since in some contexts it refers to a license to acquire a firearm and in others to a license to possess. To the extent it is a license to possess, it is similar criminologically to registration, albeit of the person rather than of his gun.) .

To the extent that the goal is—as expressed by promoters of the policy such as former Senator, and former presidential candidate, Bill Bradley—to allow the government to keep track of who has what firearms, registration suggests a regulation of the ownership (and possibly the storage), rather than merely the acquisition, of firearms. Such certainly was the premise of S. 2099,^{xiv} a federal bill to require registration of handguns similar to the current National Firearms Act (NFA) registration requirement for sawed-off long guns, machine guns, and some other weapons.^{xv}

Criminologically, the policy is without evidence of effectiveness (Kleck, 1991 and 1997). There are additional problems as well, which would argue against its adoption. In terms of law enforcement, there is no evidence of its utility. When New Zealand scrapped its registration system in the 1980s, it was because the authorities testified that it had been of no use to them since its adoption around the time of the First World War (personal communication).^{xvi} To comparisons with motor-vehicle registration, the anti-gun Violence Policy Center (VPC) noted that “registration and licensing had virtually no effect on automobile death and injury,” crediting declines to changes in design and driving environment (VPC, 2000).

The same ineffectiveness applies to the NFA’s required registration of unusual arms. While the registered guns are rarely involved in crime, the registration requirement seems not to have affected the use of the regulated types of guns in crime. Machine-gun misuse diminished with the end of Prohibition, prior to adoption of the NFA in 1934. But misuse of sawed-off rifles and shotguns continues. BATF’s Operation CUE found a substantial minority of long guns to be NFA weapons (BATF, 1977). A Justice Department sponsored survey of felons found the convicts more apt to admit to having owned an NFA shotgun than an un-sawed-off one (Wright & Rossi, 1986).

Registration is also expensive. The VPC noted that registration of firearms in Canada, originally expected to cost \$185-million (Canadian) over five years, including a one-time start-up cost of \$85-million, had already cost \$327-million by March 2000, and was running up an annual bill nearly ten times the government’s original forecast (VPC, 2000).

In Durham, North Carolina, the authorities sought to abandon efforts to enforce an old city handgun registration law based on exorbitant costs (Curliss, 2000).

An additional problem with registration is non-compliance. When California and New Jersey prospectively banned so-called “assault weapons,” requiring those already owned to be registered, the number registered amounted to only about 10% of those estimated to be privately owned in the two states. When New York City retrospectively banned long guns it designated as “assault weapons,” the city noted about 90% compliance. What the city did not note was that, having long established long-gun registration, the

number of registered rifles and shotguns lawfully registered amounted—based on survey research estimates on the number of long guns in the city—to about 10% of those owned.^{xvii} This is somewhat lower than popularly expected compliance, which was slightly higher than compliance expected for a law requiring that private transfers be conducted through dealers: 71% expected half or fewer gun owners to comply with a federal gun registration law (Decision Making Information, 1979).

Another example of non-compliance with registration is compliance with the Illinois law requiring that gun owners be licensed. Survey research for that non-restrictive licensing law suggests about one-quarter of gun owners do not comply (Bordua et al., 1979). It may be premature to estimate the compliance of Canadians with their registration/licensing law, but less than 10% of the estimated owners had complied with the registration law as of mid-June, and the fees were temporarily lowered from \$45 to \$10 (Canadian) in an effort to encourage compliance (Winnipeg Free Press, 2000).

2. Locks/Child Access Prevention (CAP) laws

Two related proposals are aimed primarily at gun acquisition by children, although the purported benefits include limiting access to some criminals and potential suicides. The first calls for locks of some kind to be sold with each handgun.^{xviii} The measure has been supported by such generally pro-gun politicians as Gov. George W. Bush (R-Tex.) (Hoffman, 2000), as well as by Vice President Al Gore (D-Tenn.), who was inspired to call anew for gun locks following a shooting by a teen-aged gang member at the National Zoo, in a city which banned handguns for adults as well as teenagers, and which required the pre-ban handguns to be stored unloaded and either locked or disassembled (McCaslin, 2000). One obvious limitation: “it is doubtful that a substantial number of gun owners will use gun locks, especially if they want immediate access to a weapon to defend against intruders” (Levin, 2000).

The second measure essentially requires that purchased locks be used, although that is not how it is written. So-called CAP laws make it unlawful—either felony or misdemeanor—for a gun owner to leave a gun where a child (defined by age) might have unsupervised access, with the crime generally based on a child getting access and misusing the gun in some way. Access alone is rarely enough. The laws generally exempt guns acquired by “children who are” in the residence without the owners’ permission, and guns acquired despite being locked up.

CAP laws are not uniformly supported or opposed by pro- and anti-gun advocates. The NRA has supported some such laws; the Johns Hopkins Center for Gun Policy and Research has been critical, primarily because researchers there support personalized guns and find various locking devices insufficient, and ineffective at preventing accidents (Hahn, 2000).

Some critics have noted, too, the threat of effectiveness at preventing self-defense. Lott found an increase in burglaries associated with such legislation, suggesting a reduction in burglar fear of armed victims, and increases in violent crimes as well (Lott, 2000a, pp. 199-201). But critics are not merely noting that a locked gun slows effective use by the adult. Some point out that guns can be used by children for protection.^{xix} They cite a case where children trained in how to use guns were kept from using a gun to prevent the murder of two other children by a pitchfork-wielding man because the parents had dutifully complied with California’s CAP law (Lott, 2000b; Supryniewicz, 2000).

The goal of such legislation is rather modest, even if the total number of gun-related deaths and injuries is cited as part of the call for such a remedial measure. The law is aimed especially at curbing the number of accidental shootings of young children, which now account for approximately 0.4% of gun-related deaths and 14% of accidental firearm fatalities (Murphy, 2000)—and perhaps another 1,600 non-fatal injuries (CDC, 1999)—a number which has been falling during the past quarter century. A secondary goal is reducing gun-related criminal activity by children, although data on how many gun-related crimes involve children and teenagers covered by the legislation, who obtain unlocked guns from their own homes, are lacking. A tertiary goal is reducing suicide by youngsters. No data or studies prior to any adoption of such legislation focused on how the minority of suicides who used guns (Murphy, 2000) obtained that means of death, or the likely impact of CAP laws. At best, where it was adopted, the legislation was enacted without criminological or public health research indicating its likely success.

Any further enactment, at state or the federal level, would be in defiance of most criminological and public health research. One public health study, focusing solely on mortality, purported to find a statistically significant decrease in accidents, but not in suicides or homicides (Cummings et al., 1997). The study, however, ignored the general downward trend in accidents in other states, comparing the actual trend to the expected trend in the 12 states which then had such laws. No effort was made to determine whether the law was being enforced, or whether other factors (such as the NRA's Eddie Eagle GunSafe program teaching gun avoidance and safety) might have explained the trend. In addition, the study itself noted that the beneficial effect was only found in the three states where violation was a felony offense rather than a misdemeanor.

Critics from the Johns Hopkins Center for Gun Policy and Research noted that all of the change was accounted for by the (felony) state of Florida,^{xx} suggesting that, overall, the CAP law did not have any effect (Webster & Starnes, in press). More sophisticated criminological research suggests that the laws, by discouraging gun ownership and delaying access to guns for protective use, are associated with increases in burglaries, homicides and other violent crimes overall, and provide no protective benefits against accidental deaths or suicides by children (Lott, 2000a, pp. 199-201; Lott & Whitley, 2000).

C. MANUFACTURE/DESIGN OF FIREARMS

1. "Assault" weapons

The "assault weapon" issue was invented, as one of its supporters noted, to take advantage of "the public's confusion over fully automatic machine guns versus semi-automatic assault weapons—anything that looks like a machine gun is assumed to be a machine gun"(Educational Fund to End Handgun Violence & New Right Watch, 1988, p. 26). The confusion is enhanced by the fact that NBC News, from 1989 to the present, when discussing the issue of semi-automatic "assault weapons," shows a videotape of a fully automatic machinegun being fired.

For a while, during the beginning of the extensive debate on to the topic, in 1989, it was alleged that there was a thriving cottage industry in converting the semi-automatics to full-auto; when that allegation was belied, the charge was switched to the argument that the guns were more dangerous as semi-automatics because they could be aimed better—a statement that, while accurate, fails to distinguish the military-looking semi-automatics from any other aimable firearm.

Shortly after the issue became topical, the Cox Newspapers (1989) campaigned for a ban by using BATF tracing data to allege that the guns were disproportionately used in crime. The tracing data were worthless, since they showed more extensive "assault weapon" tracing in various cities than city police reported "assault weapon" involvement in crime. Cox Newspapers, for example, found 19% of Los Angeles's traces by BATF to be of "assault weapons," while the city police reported 3% of their crime guns to meet that definition (Blackman, 1998). Cox Newspapers also underestimated, dramatically, the percentage of guns that were "assault weapons," coming up with an estimate of 0.5%, where other data indicated that the actual percentage was closer to 2.5%, with most city police reporting 0-3% of crime guns to meet the definition of "assault weapon." In short, criminological study showed there was no disproportionate involvement (Kopel, 1999; Kleck, 1997, pp. 112-117). The same was true of public health studies of shootings in various areas (Hargarten et al., 1996; Hutson, Anglin & Pratts, 1994; Hutson et al., 1995).

Even a study by anti-gunners noting a slightly greater tendency for "assault-type handguns" to be purchased by young men with non-disqualifying criminal records than by other young men, observed that "the use of assault-type firearms in crimes was uncommon even before their sale was banned" (Wintemute et al., 1998, p. 49). There was simply no problem justifying remedial legislation.

Nonetheless, the federal government included a ten-year prohibition on the manufacture or importation of various makes and models of guns called "assault weapons"—mostly rifles, although, to the extent "assault weapons" were misused in crime, it was mostly pistols—along with guns fairly identical to the banned models, and to others identified by various cosmetic features. In addition, more permanent bans were enacted in California, New Jersey, and New York City. In a pretense of fairness, the federal legislation called for there to be a study of the effectiveness of the "assault weapon" ban, although it is unclear how effectiveness could be measured, where there were no national or reliable data on misuse to begin with. Nonetheless, the Urban Institute came up with a study suggesting that nothing much had happened (Roth & Koper, 1997).

A similar result was found by anti-gun public health researchers in a small-scale study in Milwaukee (Hargarten et al., 2000). Others, too, have reached the conclusion that “assault weapons” were not a problem and the ban was not likely to achieve any effect on the overwhelming majority of murders (Levin, 2000): “the long-run effects are likely to be quite modest” (Cook & Ludwig, 2000, p. 129).

With no criminological or public health support for the enactment to begin with, or finding of beneficial effects, California strengthened its ban in 1999, and Massachusetts and New York State enacted their own (1999-2000). The prospect of the federal ban being retained after the current law sunsets in 2004 was strengthened by its support even by NRA-endorsed Senate candidates such as Virginia’s George Allen: “I would not repeal the existing ban. I would vote to continue the existing law” (O’Hanlon, 2000).

2. “Saturday Night Special” (SNS) or “junk” guns

Long one of the most popular policies proposed is a ban on what are commonly thought of as smaller—in terms of size and/or caliber—and cheaper handguns, commonly referred to as “Saturday Night Specials,” although more recently referred to as “junk guns.”^{xxi} The precise definition is unclear, since various proposals over the decades since the issue was raised, would have banned some fairly large and/or expensive handguns. In addition, while opponents of the guns would, in the past, have identified them in terms of size, caliber, and price, more recently, it has been suggested that larger caliber handguns could still be so designated (Wintemute, 1996).

There have, over the years, been occasional efforts to show that smaller and cheaper handguns were disproportionately involved in crime (BATF, 1977; Hargarten et al., 1996; Wintemute et al., 1998). Those studies are all limited in some way by issues regarding the quality of the data. The BATF studies are generally based on tracing data and/or on undercover purchases where the buyers help determine the types of guns being bought (Blackman, 1998; Kopel & Blackman, 2000). The Wintemute et al. study was based on a relatively small sample of guns purchased by younger persons and not necessarily representative of criminals or of older qualified buyers. And the Hargarten et al. study compared guns involved in deaths in Milwaukee to national manufacturing data contemporaneous with the mortalities; using a longer time frame would have found the smaller handguns manufactured nationally and misused locally at approximately the same proportions, and handguns in urban areas may differ from those owned nationally. In addition, the Police Foundation long ago noted that guns seized by police may be very different from those involved in violent crimes, and those involved in fatalities may be bigger and better than those involved in less serious crimes (Brill, 1977). Surveys clearly indicate that criminals, adult and juvenile, prefer bigger and better handguns (Wright & Rossi, 1986; Sheley & Wright, 1995). The guns, in short, are not particularly significant in crime (Kleck, 1986).

In addition, efforts to curb the guns would appear to be efforts to discriminate based on income, disarming persons who cannot afford better firearms. Although a supporter of such restrictions, Philip Cook recognized that such bans would constitute, in effect, an effort by the government to raise the price of handguns, and thus disarm some less affluent citizens, where achieving the same goal by taxing guns might violate the Equal Protection Clause of the U.S. Constitution (Cook, 1981). Thus, journalist Sherrill suggested that such bans were really more ghetto control than gun control, and criminologist Kleck similarly noted that such legislation is aimed at the politically weak (Sherrill, 1973; Kleck, 1997, pp. 130-135), and at persons who report lacking sufficient police protection (Lott, 2000a, p. 69). To the extent less affluent citizens purchase cheaper handguns, efforts to disarm them would clearly interfere with protective use of guns by persons who, surveys show, are more apt to use handguns for protection than more affluent, ethnic-majority citizens (Kleck and Gertz, 1995).

States which have enacted such bans have generally not used the traditional description of small size, low caliber, and cheap price as the basis. South Carolina, Illinois, Hawaii, and Minnesota used melting point temperature as a definition, although that temperature had nothing to do with the ability of guns to be fired without suffering damage. Maryland established a Handgun Roster Board which was to determine which handguns were lawful for sales in the state, using far broader criteria, and prohibiting focus on such limited criteria as size alone.^{xxii} Massachusetts and California recently have enacted laws ostensibly aimed at more than merely the size, cost, quality, and caliber of handguns—and have been adopted too recently for any

evaluation. For the other states, no criminological or public health evaluation of the effectiveness of the guns has been conducted.

Kleck, and Wright and his colleagues, however, have noted that, to the degree such a law was effective, the results would be counterproductive. While disarming those disproportionately more likely to be in a position to use a gun for protection, the law would encourage criminals to use bigger and better guns. Those guns would, if fired, be more apt to seriously injure or kill the victims of the predators than smaller handguns (Wright, Rossi & Daly, 1983; Kleck, 1991 and 1997). In oral discussion at the Homicide Research Working Group meeting (June 1997), Kleck described Saturday Night Special bans as perhaps the most criminologically discredited of policy proposals. Since the anti-SNS policy of Handgun Control, Inc., was enunciated best in the wake of the research by Brill (1977) showing that SNSs were not the preferred weapon of criminals, it appears unlikely that policy research will affect anti-gun policy goals (Kleck, 2000).

3. Magazine restrictions

One of the less-discussed provisions of the 1994 crime bill (which mandated the redesign of some firearms) banned the future manufacture of medium- and large-capacity magazines—those carrying over 10 rounds of ammunition—for sale to civilians. Since no magazines existing at the time the bill was signed into law were affected, manufacturers produced a substantial number of new medium- and large-capacity magazines during the time between which Congress passed the crime bill and President Clinton returned from vacation to sign the measure. Importation of already-manufactured magazines from abroad remains lawful. It would not be possible to evaluate the impact of the ban on the magazines since there was no opportunity for a dearth to develop. But efforts, led by Senator Dianne Feinstein (D-Calif.), have been made to curb import of all medium- and large-capacity magazines on the grounds that it is not possible to be sure which were manufactured before and which after the manufacturing ban went into effect.

There was never any criminological or public health support for the curb on magazines based on their capacity. Even studies purporting to show an increase in the number of gunshot wounds inflicted by criminals (e.g., Webster et al., 1992) report numbers well below those held in medium-capacity magazines, and fewer than the number contained in most revolver cylinders. Reports on shootings between police and perpetrators in New York City regularly report an average of fewer than three shots fired by the criminals (Cerar & Goehl, n.d.). A study of multiple shootings nationwide found that magazine capacity was irrelevant. Either the total number of shots fired was below that of even medium-capacity magazines, or there was plenty of time to reload (Etten & Petee, 1995).^{xxiii} One small study after the ban took effect found it to have had no apparent effects (Hargarten et al., 2000). With no criminological support for the ban, an extension of the manufacturing ban to all imports was included both in the 1999 juvenile crime bill as passed by the Senate (S. 254) and the NRA-backed Dingell amendment adopted by the House, which led to gun-related matters being stripped from the House version of that bill.^{xxiv}

4. Personalization of handguns

In one sense, the proposals to personalize guns—often referred to as “smart guns”—constitute a policy made in the absence of research rather than in defiance of it. Since personalized firearms have not been developed, much less mandated, the impact of such a mandate cannot have been subject to direct criminological or public health research. There is, however, a current push for immediate legislation to mandate personalized guns within two or three years (DeFrancesco et al., 1996; Robinson et al., 1996). And such proposals have recently been considered by at least two states (Maryland and New Jersey), with New Jersey allocating at least \$1.5-million to study possible technologies (Associated Press, 2000b). And the lack of personalization was cited as a basis for municipal lawsuits against the firearms industry (O'Malley & Blackman, 1999).

There are two senses in which those proposals to mandate personalized guns defy existing research. First, the federal government studying the idea of developing personalized guns for law enforcement—envisioned as preceding that development for the general public—sees such technology as nowhere near completion (Weiss, 1996; Taylor, 2000).

Second, analogies with other such mandates suggest that consumer response to such products at least has to be considered in evaluating their likely effectiveness. Harvard economist Kip Viscusi (1984) has noted that one response to mandated efforts to make it difficult for children and adults to open prescription medications is for adults to remove the caps, making them less secure than ordinary containers. It is at least an issue worthy of study as to how gun owners would respond to mandated personalization. While the mandate may allow a variety of personalization mechanisms to be adopted, they are likely to vary in the difficulty owners—as well as criminals—may have in overriding the undesired feature (Blackman, 1999; Cook & Ludwig, 2000, p. 131).^{xxv}

However defined, personalization of handguns would add significantly to the costs, thus having the same impact—desired or not—as other policies that would increase the cost of guns. That is, purchase of guns would become more difficult for persons on limited incomes, who are more likely to need, and to have used, guns for protection (Kleck & Gertz, 1995), and who have less effective police protection (Lott, 2000a, p. 69).

5. Handgun ban

An actual ban on handguns is a policy position less espoused by politicians than by some advocacy groups and the news media. It is the formal policy of such groups as the Coalition to Stop Gun Violence (formerly the National Coalition to Ban Handguns), the HELP Network, the United States Conference of Mayors, some religious denominations, and was the policy of the National Council to Control Handguns until it changed its name to Handgun Control, Inc., in 1979. It is also the official editorial stance of the Washington Post.

As a practical matter, handgun-ban proponents differ between those favoring a prospective ban and those wishing also that the existing supply be confiscated, with or without compensation.^{xxvi}

Only two major American jurisdictions have banned handguns, Chicago and Washington, D.C. No effort has been made to pretend that Chicago's handgun ban worked, beyond the city's lawsuit against gun manufacturers and dealers noting that handgun abuse remains a problem in that city (O'Malley & Blackman, 1999).

The Washington, D.C., ban was studied a few times by persons who credited the drop in homicides there between 1974 and 1976 to the handgun ban which took full effect in February 1977 (e.g., Loftin et al., 1991). The studies have also generally ignored any other explanatory factors (such as gun-law enforcement efforts by BATF), ignored slightly greater reductions in homicide in the most likely control jurisdiction, Baltimore, and the like (Britt, Kleck, & Bordua, 1996). In fact, the homicide rate in Washington was below that in 1976 only one year after, immediately following the 1982 adoption of an initiative providing a mandatory penalty for misuse of a gun in the commission of a violent crime (Blackman, 1995).

No systematic evaluations have been done of the few foreign handgun bans, although there is some evidence that Great Britain's has not been followed by a decline in homicide and other violent crime (Wheeler, 2000).

While non-adopted policies are difficult to evaluate, criminological studies have warned against handgun bans—or, for that matter, other restrictive policies aimed only at handguns (Kleck, 1984). As has been noted, to the extent criminals are successfully encouraged to switch from handguns—the D.C. handgun ban has seen handguns increase as a portion of guns used in homicides, so substitution has clearly not been encouraged—a switch to rifles and shotguns means a switch to guns which are deadlier at close range (Wright et al., 1983; Kleck, 1984). And surveys indicate a willingness and ability of criminals to move up should handguns become unavailable (Wright & Rossi, 1986).

D. DISACQUISITION

1. Voluntary gun surrenders^{xxvii}

Probably the greatest combination of continued popularity among policymakers and proven worthlessness by criminologists and public health researchers—regardless of their views on guns—is achieved with the various gun-surrender programs. Anti-gun public health researchers and institutions finding

gun-surrender programs ineffective include Arthur Kellermann of Emory University (Kellermann et al., 1998, p. 285), Harborview in Seattle (Kellermann et al., 1998; Callahan, Rivara & Koepsell, 1994), the CDC (Kellermann et al., 1998), Garen Wintemute of the Violence Prevention Research Program of the University of California at Davis (Dorning, 2000), and the Johns Hopkins University Center for Gun Policy and Research (Romero, Wintemute & Vernick, 1998). Criminologists dismissing the programs include Gary Kleck of Florida State University, David Kennedy and his colleagues at Harvard, Richard Rosenfeld (Plotkin, 1996), Jack Levin at Northeastern (2000), Lawrence Sherman (Sherman et al., 1998), Philip Cook^{xxviii} and Jens Ludwig (2000, p. 123)—although Levin and Kennedy et al. suggested that the symbolic value—such as changing public attitudes toward guns, by stigmatizing gun ownership (Lott, 2000a, p. 18)—might be considered a possible benefit (Plotkin et al., 1996). Even Handgun Control, Inc., has said the programs have not been cost-effective (Crime Victims Digest, 1994).

But it seems universally agreed that there is no evidence that crime is reduced, and the guns turned in are not by persons apt to commit crimes, nor the sorts of guns used by criminals. Among those turned in are muskets, rifles from World War II, target pistols, and collectibles. Offered in exchange are amnesty, or cash, gift certificates, food, toys, and the like^{xxix} (Brown, 2000; Washington Post, 2000; Department of Housing and Urban Development, 2000). Others have reported that most of the guns turned in for the equivalent of \$50 are not worth that much.

Occasionally, gun collectors have offered more than \$50 for the few real collectibles brought in (Day, 2000). When the price offered rose, police officers cashed in by submitting old service revolvers (Claffey, 2000). More problematic are those occasions when law enforcement officers collecting the guns diverted more valuable ones from destruction to their private collections, and the fact that the authorities collecting the guns apparently never inform widows and others that their firearms are valuable and that they could make substantially more money—and still get the guns out of their homes—by selling them to licensed dealers.

Yet not only have numerous cities adopted the program, but the Department of Housing and Urban Development (HUD) has made gun-surrender programs a major item for expenditure, allocating some \$15-million to buy guns from urban residents (Lott, 2000a, p. 168). Under the program, HUD is providing 43 cents in matching funds for every dollar in HUD Drug Elimination Grant Program funds which local housing authorities set aside for the so-called “BuyBack America” program (Department of Housing and Urban Development, 2000a and 2000b). The Clinton administration has not only endorsed the programs but called for a study of their effectiveness. That last call is rather silly, since the Justice Department has already evaluated the programs and found them worthless (Sherman et al., 1998), confirming a study done as part of an anti-gun report for Congress in 1978 (General Accounting Office, 1978).

Nonetheless, so determined is the Clinton administration to proceed that it is willing to break the law, illegally diverting moneys budgeted for drug elimination to fund a program aimed at gun elimination (Washington Post, 2000; Dao, 2000).^{xxx} Representative James T. Walsh (R-New York), with the support of Rep. Allan B. Mollohan (D-West Virginia), notes that the General Accounting Office agrees with his interpretation that the expenditures represent unlawful diversion, and, if they break the law, local housing officials could face fines or even jail (Washington Post, 2000; Dao, 2000). Responding both to the gun-surrender programs and to calls for locking devices, a pro-gun group in Maryland promoted a lock-surrender program at the Takoma Park Folk Festival, with the locks to be melted and used to make new handguns (Mizejewski, 2000).

2. Involuntary gun surrenders

While some handgun-ban proposals are prospective, banning the new manufacture or distribution of guns, some anti-gun advocates would like to call in the existing stock of firearms or some category of firearms (handguns, “assault weapons,” etc.). Both the United Kingdom (handguns) and Australia (“assault weapons”) enacted laws banning continued possession, and calling for the existing stock to be turned in for what the government determined to be fair value. It cannot be known to what extent law-abiding citizens complied, since it was never known precisely how many such guns were owned before the ban. There are, however, reports of continuing, if not increasing amounts of violent crime and gun-related guns in both countries (Wheeler, 2000; Celom, 2000).

As with registration and secondary transfers, survey research indicates a low expectation of compliance with any confiscation law. While around one quarter of the people expected most or almost all gun owners to comply with a registration or private-transfer/waiting period law, less than one-twentieth of the people expected that much compliance with a handgun confiscation law—virtually identical to the percentage expecting general compliance with a state alcohol prohibition law. This is with another 15% expecting about half of gun owners to comply (Decision Making Information, 1979).^{xxxii} A similar Illinois survey got similar results asking about a complete gun ban, with 95% of gun owners and 93% of non-owners expecting half or fewer to comply. “The response to the question, ‘Do you think you would comply?’ is a researcher’s dream. Of the non-owners 73% said ‘yes,’ and 73% of owners said ‘no!’” (Bordua, 1983, p. 350).

III. POLICIES PURSUED ABSENT RELEVANT RESEARCH FINDINGS

A. DESTRUCTION OF GUNS CONFISCATED, SURRENDERED, OR REPLACED

When New Orleans sued handgun manufacturers because of their distribution practices, the city government was quickly attacked as hypocritical, because the city used the same distribution practices, indirectly, to dispose of the law enforcement guns being replaced with newer models. The result was that New Orleans and various other cities and counties around the nation, whether or not they were involved in the municipal lawsuits, were pressured to refrain from selling guns they no longer needed to licensed dealers, who would, in turn, sell them to the public, in compliance with operable federal, state, and local laws (O’Malley & Blackman, 1999). Instead of making money from the sale of used guns, governments instead have to pay for their destruction.

There have apparently been no criminological or public health studies indicating that dealer sales of superfluous government-owned guns to the public have posed any sort of a problem. Similarly, there have been no studies indicating that such destruction does either good or harm to the commonweal. The only obvious fact is that, instead of selling guns—generally acquired at discount or for free (when confiscated by, or turned in to, police)—at some profit to the government, the same government must pay for their destruction. Since, in some instances, the discounts meant that new guns were being practically exchanged for rather than purchased, the policy will probably, over the course of several years, cost American jurisdictions tens or hundreds of millions of dollars (O’Malley & Blackman, 1999). But no studies have been made on the topic.

Similarly exempt from any studies is the other approach: state laws requiring that confiscated firearms be sold. Their sales are to federally-licensed dealers, but the practice nonetheless offends those who generally oppose anything which enables private citizens, directly or indirectly, to acquire firearms, especially at reduced prices (Louisville Courier Journal, 2000; Hanna, 2000). To encourage that the guns not go on the open market, Senator Robert Torricelli (D-New Jersey) proposed a federal gun-surrender program for used police guns (Curran, 2000).

B. PERSONALIZATION

Similarly, there have been no studies, nor the opportunity for studies, on how mandatory personalization policies for firearms will affect society. The guns do not exist, and, for the most part, neither does the policy. The sole basis for evaluating the impact would be by looking at likely responses based on familiarity with firearms and their owners (Blackman, 1999), or by looking at analogous situations. Analogous situations might include regulations on how automobiles are manufactured, how regulated drugs are distributed, and the like.

Harvard’s Kip Viscusi has suggested that pill bottles became less safe, overall, due to the way people adjusted to the new devices, following orders that they be made “child proof” (Viscusi, 1984). Mandated design changes for other products, which consumers might have opposed since the changes increased the

products' cost, have not met with widely-publicized defiance of the new products—with one notable exception. An interlock keeping the car from being started unless seat belts were properly fastened, was overridden by so many buyers, and criticized by others, that the policy was quickly changed. The reason: that particular design change made the automobile less reliable in what might be an emergency situation. The same objection would likely be made to mandatory personalization of firearms (Blackman, 1999).

C. “CONSUMER PRODUCT”

One popular proposal is to treat handguns, or firearms in general, as a consumer product subject to regulation by a designated federal agency. In general, such ideas suggest something similar to the Consumer Product Safety Commission, since guns are consumer products. Rhetorically, this usually involves noting that the design of toy guns (intended for transfer to children) is regulated, but not the design of real guns (whose transfer to children is generally proscribed by law), but that the NRA managed to get Congress to expressly keep firearms from the CPSC's jurisdiction.

The NRA did that after anti-gunners suggested that the CPSC would be in an ideal position to declare that ammunition was an unsafe consumer product and to ban its manufacture. The most thorough proposal, however, expressly chose another agency than the CPSC on the grounds that the CPSC was ineffective (Sugarmann & Rand, 1994). The Violence Policy Center envisioned handguns as obviously being banned by such an approach, with actual regulations being aimed at rifles and shotguns.

While Congress has not seriously considered such a proposal, there have been three key legislative efforts to so regulate guns, or handguns, in addition to using litigation as a way, in effect, for judges so to regulate the industry (O'Malley & Blackman, 1999). Massachusetts recently enacted legislation regulating handguns as consumer products, demanding various features and qualities, in ways which seem to make most currently manufactured handguns unlawful. The measure was initially promulgated by the state's attorney general, supposedly based on the authority given him by the state's general consumer-fraud legislation. To prevent a court challenge from being successful, the legislature gave him the express authority he claimed, and has now exercised. Gun dealers have responded to the uncertainty regarding which handguns meet the standards by sharply curtailing sales of new handguns. Smith & Wesson handguns, from a Massachusetts manufacturer, are generally being sold, as are some guns from Sigarms.

Maryland established a Handgun Roster Board in 1988 to determine, using nine fairly vague criteria, which handguns would be lawful for sale in the state. Maryland was, and remains, a high-crime state, and no criminological effort has been made to determine if the law had any impact at all on crime or gun use in crime. The Handgun Roster Board approved most handguns submitted to it by handgun manufacturers, but many handguns were not submitted, since the manufacturer deemed the likely profit from the Maryland portion of the market not to be worth the expenses of qualifying the handgun with the Board; in some case, the manufacturer may have expected that the handgun would fail to meet Maryland's criteria as they were likely to be enforced.

To the extent such regulations are similar to bans on “Saturday Night Specials,” one might expect the same general impact: making guns more expensive and thus discriminating against those who are in greater need of protection, driving a few criminals to better guns, and not affecting crime. To the extent such regulations simply ban retail sales, the law would be equivalent to failed handgun bans. But, as a specific measure, treating guns as a consumer product has not been scientifically evaluated.

D. REDUCTION IN NUMBER OF FEDERAL LICENSEES

One of the gun policies adopted early by the Clinton administration was to reduce the number of federally licensed firearms dealers (FFLs). The number was reduced by roughly two-thirds between 1993 and 1998. This was done primarily by targeting the smaller dealers, generally referred to as convenience dealers or, pejoratively, kitchen-table dealers—that is, dealers who generally worked from their homes, rather than from store-fronts. These individuals frequently had FFLs for the convenience of themselves and their friends, so that they could purchase guns at lower prices, and by mail order. The Clinton administration began by demanding that persons applying for, or attempting to renew, FFLs meet various state and local business regulations, including zoning ordinances applying to businesses. After applying those arbitrary standards for a

while, Congress enacted legislation, as part of the Brady Act, having the same effect on FFLs, and making the administration's ultra vires actions lawful.

In a debate in Los Angeles, anti-gun researcher Garen Wintemute, who has worked with BATF on a number of its reports related to firearms tracing, indicated that the policy was based on findings that the convenience dealers were disproportionately involved in transferring guns which were later traced back to them as crime guns. No study has ever been produced to support the policy.

Kleck (1991 and 1997) found a difficult-to-explain relationship between state/local dealer licensing and assault reduction, but that finding dealt with types of commercial dealers, not with commercial versus convenience dealers; the data for the Kleck analyses preceded BATF's enforcement of state and local regulations, before which most convenience dealers did not bother with state or local dealer licensing.

The Northeastern University studies, conducted for BATF, indicated that a disproportionately large number of traces were to a small number of dealers, with no indication that these dealers were small-scale, convenience dealers, or the sort likely to be targeted by the policies of the Clinton administration (Pierce, Briggs & Carlson, 1995 and 1998). An American Bar Association publication noted that reported cases "overwhelmingly reflect that cases are brought against retail sellers, not federal firearms licensees who obtain licenses for their own personal convenience" (Bumann, 1999).

Essentially, the Clinton administration goal was to reduce the number of small dealers in order to make it easier for the agency to focus on larger dealers, to whom larger number of guns were eventually traced as possible crime guns. (The policy might thus be similar to the idea of sharply restricting driver's licenses being issued to persons over the age of 40 in order that police could concentrate their traffic enforcement efforts at the remaining drivers who are disproportionately involved in unlawful driving practices.). One response to the allegations, based on Pierce et al., that small numbers of dealers were responsible for large numbers of crime guns, was to suggest that those dealers were not necessarily sloppy, but that they were the subject of more traces because they sold more guns. This allegation was since confirmed by a small study in California, which noted that not all large-scale dealers were subject to large numbers of traces (Wintemute, 2000), but that study did not (yet) also determine what sorts of neighborhoods were served by the large dealers with lots of traces compared to large dealers subject to fewer traces.

E. "JUVENILE BRADY"

Another popular proposal is commonly referred to as "Juvenile Brady" legislation, even though it has nothing to do with the Brady Act, since it deals with the qualifications for acquiring a firearm. The Brady Act dealt not with qualifications for acquiring or possessing a firearm, but established a procedure for determining whether prospective transferees were disqualified under terms established primarily in the Gun Control Act of 1968. "Juvenile Brady," on the other hand, expands disqualification of firearms acquisition—and possession (Brady, of course, dealt solely with acquisition through a licensed dealer)—to persons adjudicated delinquent for offenses which would be serious violent felonies if they had been tried, with the standard protections of due process, as adults and convicted under federal law. Rhetorically popular, the provision was part of the Senate version of the 1999 juvenile crime bill, and was also part of the Dingell amendment which passed the House, and was then kept off the final version of the House crime bill along with other gun-related provisions. The NRA did not oppose the "Juvenile Brady" portion of the bill.

If enacted, such a proposal could have a racist impact. Laws denying voting rights based on an adult felony conviction are being challenged partly on that basis (Fletcher, 2000). It has been suggested that nearly one-quarter of Florida's black males are ineligible to vote due to a criminal conviction, compared to less than five percent of Floridians generally. That also means the same proportion of the black male population is disqualified from gun ownership. One question would be how much larger a portion of the black male population would be disqualified from gun ownership if "Juvenile Brady" were adopted, compared to what percentage of the white population, and whether such a racist impact is acceptable, desirable, or constitutional. In terms of curbing crime, although there are no studies on the topic, those looking at where and how criminals obtain firearms would suggest no likely impact (Wright & Rossi, 1986).

IV. POLICY IN LINE WITH RELEVANT RESEARCH

There is only one major area in the debate over gun policy where relevant research supports a policy, and it is unclear that the policy research has played a significant role. After several states adopted laws making it relatively easy for law-abiding sane adult citizens to obtain licenses to carry concealed handguns, a massive statistical study of all the nation's counties found that the laws effectively reduced violent crime (Lott, 2000a). There have been extensive criticisms of the study, and some ~~reanalyses~~ reanalysis—although, as John Lott has noted in defense of this study, both orally and in the book—those generally are of only parts of the country, and involve either fewer variables or so many that nothing would be likely to have a significant effect.^{xxxii}

From Lott's point of view, studies of "right to carry" either support the conclusion that it is a crime-reducing policy or the conclusion that it is a policy with no significant impact on violent crime. Making it lawful for ordinary citizens to carry handguns for protection thus becomes either a positive good for the community, or a policy that does not harm society. While Lott has testified in support of the adoption of such laws by states which currently lack them, most states with such legislation adopted it prior to sophisticated statistical evidence that it was a good idea. In noting the states where "Lott's research findings have figured prominently in recent debates about concealed-carry laws," Jens Ludwig left out the fact that none of the five states named adopted "right to carry" (Ludwig, 2000, pp. 365-366).

V. CONCLUSION

In general, criminological research has found that most popular gun laws, to the extent adopted at the federal, state, or local levels, have failed to reduce crime, criminal access to firearms, and the like (Kleck, 1991 and 1997; Lott, 2000a). There are other proposals that have not really been tried or evaluated. Such include various design requirements, or tangential restrictions, such as changing the lawful age for gun or handgun acquisition or possession. For these proposals, the failure of general restrictions, and criminological research on the sources of criminals' guns, would provide scant reason for support.

For the most part, however, the political community simply ignores policy-related research in determining whether more, and which kind of, gun laws ought to be enacted—or, for that matter, rescinded. In discussing a number of issues where facts seemed irrelevant, conservative columnist Thomas Sowell (2000) wrote: "It is the same story with gun control. People argue fiercely on the basis of opposing beliefs and assumptions about what will or will not happen when gun ownership is either widely permitted or narrowly restricted. Although there have been large and careful empirical studies of this issue by John Lott of Yale and by Gary Kleck of Florida State, neither study is even mentioned in most controversies over gun control by either politicians or the media. People have made up their minds and do not want to be confused by the facts."

And, while criminologists like to voice concern that policymakers fail to take advantage of criminological findings when legislating, criminologists themselves pay relatively little heed to such research. Kleck, despite research finding little reason to expect much, if any, benefit from most gun laws, espouses restrictive gun laws. Cook, after a quarter-century of studying the issue with an eye toward finding support for gun laws, rarely actually evaluates the likely impact of various policies (an exception being a negative evaluation of the Brady Act in Ludwig and Cook, 2000), although some skepticism is mentioned regarding some restrictions (for example, "assault weapon" legislation). Nonetheless, as Cook and Ludwig note (2000, p. 215n): "Interestingly, our proposals are quite similar to those offered by Gary Kleck (1997) in his book *Targeting Guns*, even though his research is often used by opponents of gun control measures."

Regarding the firearms issue, then, there is little evidence that policymakers pay attention to the findings of criminologists and public health researchers. On the other hand, there is little evidence that criminologists and public health researchers let their own policy-related research affect their positions on legislation, either.

REFERENCES

Associated Press. (July 29, 2000a). Marshalltown Rotary gives away trigger locks.

Associated Press. (September 25., 2000b). Money for gun lock study advances.

Atlanta Constitution. (September 25, 2000). Candidates miss root of gun problem (editorial). *Atlanta Constitution*, p. A6.

BATF [Bureau of Alcohol, Tobacco and Firearms]. (1977). Concentrated Urban Enforcement: an analysis of the initial year of Operation CUE in the cities of Washington, D.C., Boston, Mass., and Chicago, Ill. Washington, DC.

Blackman, P.H. (1995). The federal factoid factory on firearms and violence: a review of CDC research and politics. *Journal on Firearms and Public Policy*, 7: 21-74.

Blackman, P.H. (1998). The uses and limitations of BATF tracing data for law enforcement, policymaking, and criminological research. *Journal on Firearms and Public Policy*, 10, 27-64.

Blackman, P.H. (1999). Why should handguns be made less reliable? A paper delivered at the annual meetings of the American Society of Criminology, Toronto.

Bordua, D.J. (1983). Adversary polling and the construction of social meaning: implications in gun control elections in Massachusetts and California. *Law & Policy Quarterly*, 5: 345-366.

Bordua, D.J., Lizotte, A.J., Kleck, G., with Cagle, V. (1979). Patterns of firearms ownership, regulation and use in Illinois. Springfield: Illinois Law Enforcement Commission.

Brill, S. (1977). Firearm abuse: a research and policy report. Washington, DC: *Police Foundation*.

Britt, C.L., III, Kleck, G., & Bordua, D.J. (1996). A reassessment of the D.C. gun law: some cautionary notes on the use of interrupted time series designs for policy impact assessment. *Law & Society Review*, 30: 361-380.

Brown, T.A. (May 9, 2000). Getting guns off streets: police say exchange works. *Hartford Courant*, p. B1.

Bumann, T.A. (Fall, 2000). Gun control through retailer litigation. *The Brief*, 29: 21 & 26-27.

Callahan, C.M., Rivara, F.P., & Koepsell, T.D. (1994). Money for guns: evaluation of the Seattle gun buy-back program. *Public Health Reports*, 109: 472-477.

CDC [Centers for Disease Control and Prevention]. (November 19, 2000). Nonfatal and fatal firearm-related injuries—United States, 1993-1997. *Morbidity and Mortality Weekly Report*, 48: 1029-1034.

Centerwall, B.S. (1991). Homicide and the prevalence of handguns: Canada and the United States, 1976 to 1980. *American Journal of Epidemiology*, 134: 1245-1260.

Cerar, J.C., & Goehl, G. (n.d.). 1992 firearms discharge assault report. Police Academy Firearms and Tactics Section. NY: New York Police Department.

Claffey, M. (July 28, 2000). Queens DA's gun buy-back backfires. *New York Daily News*, p. 4.

Clymer, A. (July 15, 1999). Clinton joins in Gore's call for licensing of gun owners. *New York Times*, p. A18.

Cook, P.J. (1981). The "Saturday Night Special": an assessment of alternative definitions from a policy perspective. *Journal of Criminal Law & Criminology*, 72: 735-745.

Cook, P.J., & Ludwig, J. (2000). Gun violence: the real costs. Oxford and New York: *Oxford University Press*.

Crime Victims Digest. (February, 1994). Voluntary disarmament: do gun buybacks make you safer? *Crime Victims Digest*, pp. 8-9.

Cummings, P., Grossman, D.C., Rivara, F.P., & Koepsell, T.D. (1997). State gun safe storage laws and child mortality due to firearms. *Journal of the American Medical Association*, 278: 1084-1086.

Curliss, J.A. (June 8, 2000). Handgun measure besieged. *Raleigh News & Observer*, p. B1.

Curran, J. (April 18, 2000). Taking aim: Torricelli proposes \$50 million for gun buybacks. *Associated Press*.

Dao, J. (July 31, 2000). Clinton defies Republicans on buyback of weapons. *New York Times*, p. A14.

Day, M. (July 10, 2000). Gunsmith reports on guns abandoned in buy-up programs (letter). *Gun Week*, p. 4.

Decision Making Information. (1975). A national survey of the American electorate for the National Rifle Association. Santa Ana, CA. D.M.I.

Decision Making Information. (1979). A national survey of the American electorate, for the National Rifle Association, May-June 1978. Santa Ana, CA: D.M.I..

DeFrancesco, S., Lester, K.J., Teret, S.P., & Vernick, J.S. (1996). A model handgun safety standard act. Baltimore: Johns Hopkins Center for Gun Policy and Research.

Department of Housing and Urban Development. (March 12, 2000a). Cuomo says HUD gun buybacks to continue after House committee drops plan to kill the initiative. Press release.

Department of Housing and Urban Development. (May 9, 2000b). Secretary Cuomo announced HUD-funded buyback initiative exceeds expectations. Press release.

Dorning, M. (June 9, 2000). Gun buybacks fail to cut crime, killings: programs attract wrong weapons, study says. *Chicago Tribune*, p. 1.

Eckholm, E. (January 2, 1994). Add gun buybacks to the public wish list. *New York Times*.

Espiner, G. (October 8, 2000). Long jail terms for gun crimes. *Sunday Star-Times*, p. A1.

- Etten, T.J., & Petee, T.A. (November, 1995). Mass murder in public places: questioning the viability of episode-motivated crime policy. Paper presented at the annual meetings of the American Society of Criminology, Boston.
- Fletcher, M.A. (September 22, 2000). Fla. voting rights law challenged. *Washington Post*, p. A7.
- General Accounting Office. (February 6, 1978). Handgun control: effectiveness and costs. Report to the Congress by the Comptroller General of the United States.
- Gun Week. (November 10, 2000). Handgun testing by state worries FFLs in California. *Gun Week*, p. 1.
- Hahn, B. (August 6, 2000). Gun locks trigger Florida debate: new laws popular, but do they work? *Ft. Lauderdale Sun-Sentinel*, p. 1A.
- Hanna, J. (September 25, 2000). Reluctant tax agency schedules sale of confiscated guns. *Associated Press*.
- Hargarten, S.W., Karlson, T.A., O'Brien, M., Hancock, J., & Quebberman, E. (1996). Characteristics of firearms involved in fatalities. *Journal of the American Medical Association*, 275: 42-5.
- Hargarten, S.W., Kuhn, E.M., Nie, C.L., et al. (2000). Homicide gun characteristics before and after the 1994 crime bill. In Blackman, P.H., Leggett, V.L., Olson, B.L., & Jarvis, J.P. (Eds.), *The varieties of homicide and its research: proceedings of the 1999 meeting of the Homicide Research Working Group* (pp. 179-182). Washington, DC: Federal Bureau of Investigation.
- Hoffman, K.B. (September 13, 2000). Bush guns. *Associated Press*.
- Hutson, H.R., Anglin, D., Kyriacou, D.N., Hart, J., & Spears, K. (1995). The epidemic of gang-related homicides in Los Angeles County from 1979 through 1994. *Journal of the American Medical Association*, 274: 1031-6.
- Hutson, H.R., Anglin, D., & Pratts, M.J., Jr. (1994). Adolescents and children injured or killed in drive-by shootings in Los Angeles. *New England Journal of Medicine*, 330: 324-7.
- Kellermann, A.L., Fuqua-Whitley, D.S., Rivera, F.P., & Mercy, J. (1998). Preventing youth violence: what works? *Annual Review of Public Health*, 19:271-92.
- Kleck, G. (1984). Handgun-only gun control. In Kates, D.B., Jr. (Ed.), *Firearms and violence: issues of public policy* (pp. 167-99). Cambridge: Ballinger.
- Kleck, G. (1986). Evidence that "Saturday Night Specials" not very important for crime. *Social Science Review*, 70, 303-7.
- Kleck, G. (1991). *Point blank: guns and violence in America*. New York: Aldine de Gruyter.
- Kleck, G. (1997). *Targeting guns: firearms and their control*. New York: Aldine de Gruyter.
- Kleck, G. (1999). BATF gun trace data and the role of organized gun trafficking in supplying guns to criminals. *St. Louis University Public Law Review*, 18: 23-45.
- Kleck, G. (In press). Absolutist politics in a moderate package: prohibitionist goals of the gun control movement. In Kleck, G., & Kates, D., *Armed: new perspectives on gun control*. Amherst, NY: Prometheus Books.
- Kleck, G., & Gertz, M. (1995). Armed resistance to crime: the prevalence and nature of self-defense with a gun. *Journal of Criminal Law & Criminology*, 86: 150-87.
- Kopel, D.B. (1999). Clueless: the misuse of BATF firearms tracing data. *Law Review of Michigan State University Detroit College of Law*, 1, 171-85.
- Kopel, D.B., & Blackman, P.H. 2000. Firearms tracing data from the Bureau of Alcohol, Tobacco and Firearms: an occasionally useful law enforcement tool but a poor research tool. *Criminal Justice and Policy Review*, 11: 39-54.
- Laframboise, D. (2000, October 10). The gun registry wants your secrets. *National Post*, p. A19.
- Lattimore, P.K., Trudeau, J., Riley, K.J., Leiter, J., & Edwards, S. (1997). Homicide in eight U.S. cities: trends, contexts, and policy implications. Washington, D.C.: National Institute of Justice.
- Levin, J. (August 16, 2000). Gun control needs a middle ground (editorial). *Boston Herald*, p. 23.
- Loftin, C., McDowall, D., Wiersema, B., & Cottey, T.J. (1991). Effects of restrictive licensing of handguns on homicide and suicide in the District of Columbia. *New England Journal of Medicine*, 325: 1615-20.
- Lott, J.R., Jr. (2000a). *More guns, less crime: understanding crime and gun control laws*, 2nd ed. Chicago: University of Chicago Press.
- Lott, J.R., Jr. (September 22, 2000b). Unsafe gun laws: reducing access to guns makes people sitting prey. *Investor's Business Daily*, p. 24.
- Lott, J.R., Jr., & Whitley, J.E. (December, 2000). Safe storage gun laws: accidental deaths, suicides, and crime. A paper delivered at the Conference on Guns, Crime, and Safety, American Enterprise Institute, Washington, D.C.
- Louisville Courier-Journal. (April 18, 2000). Arming the thugs (editorial). *Louisville Courier-Journal*, p. A8.
- Loving, N., Holden, S., Alviani, J., et al. (1977). *Organizing for handgun control: a citizen's manual*. Washington, DC: U.S. Conference of Mayors.
- Ludwig, J. (2000). Gun self-defense and deterrence. *Crime and Justice*, 27: 363-417.
- Ludwig, J., & Cook, P.J. (2000). Homicide and suicide rates associated with implementation of the Brady Handgun Violence Prevention Act. *Journal of the American Medical Association*, 284: 585-91.
- McCaslin, J. (April 27, 2000). Inside the beltway. *Washington Times*, p. A8.

- Mizejewski, G. (September 9, 2000). Gun-lock protest set for Takoma fair. *Washington Times*, p. A8.
- Murphy, S.L. (2000). Deaths: final data for 1998. *National vital statistics reports*, 48(11): 1-106. Hyattsville, MD: National Center for Health Statistics.
- O'Hanlon, A. (Sept. 13, 2000). Robb extols stand on gun control: in Arlington, senator contrasts record with Allen's on hot N.Va. issue. *Washington Post*, p. B1 & B5.
- O'Malley, P.G., & Blackman, P.H. (November, 1999). The law and politics of municipal litigation against the gun industry: the NRA response. A paper delivered at the annual meetings of the American Society of Criminology, Toronto.
- Ostrander, J., & Giarrano, V. (1993). *Batman: seduction of the gun*. NY: DC Comics.
- Pierce, G.L., Briggs, L., & Carlson, D.A. (December, 1995). The identification of patterns in firearms trafficking: implications for focused enforcement strategy. A report to BATF.
- Pierce, G.L., Briggs, L., & Carlson, D.A. (December, 1998). National report on firearm trace analyses for 1996-1997.
- Plotkin, M.R. (Ed.). (1996). *Under fire: gun buybacks, exchanges and amnesty programs*. Washington, DC: Police Executive Research Forum.
- Robinson, K.D., Teret, S.P., Vernick, J.S., & Webster, D.W. (1996). *Personalized guns: reducing gun deaths through design changes*. Baltimore: Johns Hopkins Center for Gun Policy and Research.
- Romero, M.P., Wintemute, G.J., & Vernick, J.S. (1998). Characteristics of a gun exchange program, and an assessment of potential benefits. *Injury Prevention*, 4: 206-210.
- Roth, J.A., & Koper, C.S. (March 13, 1997). *Impact evaluation of the Public Safety and Recreational Firearms Use Protection Act of 1994: final report*. Washington, DC: Urban Institute.
- Sherman, L.W., Gottfredson, D.C., MacKenzie, D.L., et al. (July, 1998). Preventing crime: what works, what doesn't, what's promising. National Institute of Justice Research in Brief. Washington, DC: U.S. Department of Justice.
- Sherrill, R. (1973). *The Saturday night special, and other guns with which Americans won the west, protected bootleg franchises, slew wildlife, robbed countless banks, shot husbands purposely and by mistake and killed presidents—together with the debate over continuing same*. New York: Charterhouse.
- Sheley, J.F., & Wright, J.D. (1995). *In the line of fire: youth, guns, and violence in urban America*. New York: Aldine de Gruyter.
- Simpson, J.C. (October 11, 2000). We can have guns and safety. *Raleigh News & Observer*, p. A19.
- Sloan, J.H., Kellermann, A.L., Reay, D.T., et al. (1988). Handgun regulations, crime, assaults, and homicide: a tale of two cities. *New England Journal of Medicine*, 319: 1256-1262.
- Sowell, T. (October 7, 2000). Placing fact over fantasy. *Washington Times*, p. A10.
- Sugarmann, J., & Rand, K. (1994). *Cease fire: a comprehensive strategy to reduce firearms violence*. Washington, DC: Violence Policy Center and *Rolling Stone*.
- Sullum, J. (October, 2000). Guns down under. *Reason*, pp. 10-11.
- Suprynowicz, V. (September 24, 2000). If it'll save a single child . . . repeal the gun laws. *Las Vegas Review-Journal*, p. 2K.
- Taylor, L.R. (July, 2000). Getting smarter: making guns safer for law enforcement and consumers. *National Institute of Justice Journal*, pp. 16-9.
- Viscusi, W.K. (1984). The lulling effect: the impact of child-resistant packaging on aspirin and analgesic ingestions. *American Economic Review*, 74: 324-7.
- Vizzard, W.J. (1997). *In the cross fire: a political history of the Bureau of Alcohol, Tobacco and Firearms*. Boulder, CO: Lynne Rienner.
- VPC [Violence Policy Center]. (2000). *Licensing and registration: what it can and can not do*. Washington, DC: author.
- Washington Post. (July 31, 2000). Clinton: U.S. will keep funding gun buybacks; HUD project faces House opposition. *Washington Post*, p. A2.
- Webster, D.W., Champion, H.R., Gainer, P.S., & Sykes, L. (1992). Epidemiological changes in gunshot wounds in Washington, D.C., 1983-1990. *Archives of Surgery*, 127: 694-8.
- Webster, D.W. & Starnes, M. 2000. Reexamining the association between child access prevention gun laws and unintentional firearm deaths to children. *Pediatrics*, 106: 1466-1469.
- Weil, D.S. (1997). *Traffic stop: how the Brady Act disrupts interstate gun trafficking*. Washington, DC: *Center to Prevent Handgun Violence*.
- Weil, D.S., & Knox, R.C. (1996) Effects of limiting handgun purchases on interstate transfer of firearms. *Journal of the American Medical Association*, 275: 1759-1761.
- Weiss, D.R. (1996). *Smart gun technology project: final report*. National Institute of Justice, U.S. Department of Justice.
- Wheeler, T. (2000). *The unnatural death of a natural right*. The Claremont Institute. <<http://www.claremont.org/publications/wheeler000918.cfm>>.
- Wilson, K.K. (July 29, 2000). Rewards offered for toy firearms. *St. Petersburg Times*, p. 3.

Winnipeg Free Press. (June 15, 2000). Gun registration red tape frustrates hunters. *Winnipeg Free Press*, p. A5.

Wintemute, G.J. (1996). The relationship between firearm design and firearm violence: handguns in the 1990s. *Journal of the American Medical Association*, 275: 1749-53.

Wintemute, G.J. (2000). Relationship between illegal use of handguns and handgun sales volume. *Journal of the American Medical Association*, 284: 566-7.

Wintemute, G.J., Parham, C.A., Wright, M.A., Beaumont, J.J., & Drake, C.M. (1998). Weapons of choice: previous criminal history, later criminal activity, and firearm preference among legally authorized young adult purchasers of handguns. *Journal of Trauma*, 44: 155-60.

Wintemute, G.J., Wright, M.A., Parham, C.A., Drake, C.M., & Beaumont, J.J. (1998). Criminal activity and assault-type handguns: a study of young adults. *Annals of Emergency Medicine*, 32: 44-50.

Wolfgang, M.E. (1995). A tribute to a view I have opposed. *Journal of Criminal Law & Criminology*, 86: 188-92.

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vii. Lost in the debate was the fact that the Lautenberg amendment, ostensibly regulating gun show sales in the same way as dealer sales, actually would have defined gun shows, and required registration and regulation of such shows, with advance notice of participants, and the like, so that, in all likelihood, the gun shows, as operated in the 1990s, would have been outlawed rather than regulated. The debate instead focused on whether, absent instant approval or denial of transfers, the authorities would be allowed 24 or 72 hours to complete the background check—largely an irrelevancy if there were no gun shows with proposed transfers which could be checked.

viii. A better analogy would be between licensing drivers and licensing persons to carry handguns. Both of those involve taking a product out in public. There are generally no restrictions on what one does with a motor vehicle on private property, nor are transfers of motor vehicles approved in advance by the government. Indeed, the closest analogy is between driver’s licensing and “shall issue” carry permits, where the authorities are obligated to issue permits to non-disqualified individuals (Lott, 2000a). Discretionary issuance of licenses to carry is certainly in no way similar to the treatment of prospective drivers. A key distinction is that a driver’s license allows one to drive in any of the American states (and, sometimes with an international license issued on the basis of the state license, in foreign countries), while only a limited number of states recognize the carry permits issued by other states. In addition, driver’s licenses are regulated by each state (or other jurisdiction), not by the federal government—although Gore’s proposal did conform to this slightly, by suggesting federal standards to be met by state licensing authorities. And the information sought for gun licensing/registration is more intrusive than that normally involved in motor vehicle licensing. For example, the Canadian system asks whether applicants have, in the past two years, experienced a divorce, separation, breakdown of a significant relationship, job loss, or bankruptcy (Laframboise, 2000).

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may be equally available in both cities. But, despite repeated requests by this author, Congress, and other researchers, Kellermann and his colleagues have not released actual data from this federally-funded study either to this author or to the public.

x. Cook and Ludwig describe regulating the secondary market as “registration” (2000, p. 132).

xi. Although privately funded, with no legal or moral obligation to be made public, the DMI surveys—with some proprietary questions stripped out—were given to ICPSR in the 1980s.

xii. Senator Edward M. Kennedy (D-Mass.), S. 1936, 96th Congress, 1st Session, p. ~~43~~, October ~~13~~, 1979. The House version was sponsored by Rep. Peter Rodino (D-N.J.), hence, the Kennedy-Rodino Bill.

xiii. Also, with Virginia’s law, multiple sales were not proscribed, but permission was needed from the state police before rationing could be ignored. According to state police, there was no real drop in the number of multiple sales, and almost all multiple-purchase requests were approved (Blackman, 1998).

xiv. Senator Jack Reed (D-R.I.), S. 2099, 106th Congress, 2nd Session, February 2000. The registration fee would have been five dollars, compared to \$200 for National Firearms Act-regulated arms.

xv. Another policy related to registration—since it would be worthless to the extent that tested firearms were not registered—is “ballistic fingerprinting.” This generally applies to keeping a copy of the markings left on a bullet—and possibly firing pin and ejector on ammunition casing—in order that bullets and casings associated with crime could be traced to the gun that fired them.

There are numerous reasons for thinking this form of registration would be ineffective. First, of course, is the problem of whether the person to whom the gun is registered is the person associated with the crime to which the gun is tied by ballistic fingerprinting. Second, there are apt to be relatively few gun-related crimes in which “ballistic fingerprinting” was relevant: the gun would have to be fired, leaving an undamaged bullet and/or casing. Third, the “fingerprint” would have to be the same as it was at the time it was taken. “Ballistic fingerprints” are not like human fingerprints. They vary over time, either deliberately or incidentally. Age and use alter the print the barrel and firing pin make, and guns can readily be altered, with files and other devices, to change the “fingerprint.” Fourth, while registration itself is apt to be expensive, “ballistic fingerprinting,” involving computerization of identification marks, is apt to make it substantially more expensive, with little chance that many bullets or casings will be successfully traced.

xvi. New Zealand retained licensing. The authorities now wish to revive registration, although the estimated compliance rate is expected by pro-gun opponents to be about 30%—noting that, since licensing means the authorities know licensees have some guns, at least a token gesture of compliance could be expected (Espinier, 2000).

xvii. New York City’s experience does demonstrate the effectiveness of registration in helping to enforce compliance with a ban on guns.

xviii. Generally, these are referred to as trigger locks, although only some locks are of that type. Included in the legislative definition, generally, are locking devices which could be used on more than one firearm at a time, such as gun safes. Legislative proposals mandating that a locking device be sold with each handgun, while allowing safes to qualify, would still require an additional lock or safe to be purchased with the next handgun the safe buyer had acquired. S. 254, 106th Congress, 1st Session, May 1999. At the time, the NRA’s official position was non-opposition to that particular feature of S. 254, although other features meant opposition to the bill. Non-opposition is distinct from support. There has generally been no opposition to voluntary efforts simply to give away locks to those who will take them (Associated Press, 2000a).

xix. John Lott notes that, as a child, Secretary of Labor Alexis Herman was handed a handgun by her father when he left her in the car to face some Klansmen, with instructions to shoot if they broke into the car (Lott, 2000a, pp. 68-69).

xx. Florida is probably the state where the Eddie Eagle program was adopted most extensively by school districts around the same time as the NRA-backed CAP law was enacted.

xxi. A still newer description is “pocket rocket,” the target of Rep. Rod Blagojevich’s H.R. 4876. His definition is based on the length of pistols, banning those shorter than 7.5 inches, a measure which would include numerous handguns of relatively high cost, high quality, and high caliber, and including numerous law enforcement side-arms, in addition to those suited for carrying by licensed citizens in the majority of states where such licenses are relatively easy to obtain. No studies really exist to indicate the involvement of guns meeting his definition in crime, although they are apparently disproportionately not among crime guns in the city of Chicago, part of which he represents in Congress.

xxii. As a practical matter, the establishment of the Handgun Roster Board had the effect of banning the sale of some handguns simply because the cost of presenting information on the handguns to the board exceeded likely profits, even from expensive guns—with small markets—certain to be approved.

xxiii. A discussion of a particular protective use of guns prevented by California’s CAP law went on to note that, when police eventually arrived, it took “police 13 rounds of gunfire (interestingly enough, equivalent to one now-banned ‘high-capacity’ handgun magazine) to bring the killer down” (Simpson, 2000).

xxiv. The NRA supported the amendment introduced by Rep. John Dingell (D-Mich.), while opposing the overall ban, or at least seeking for the ban to exempt magazines for curio or relic firearms, temporary importation for use by foreign visitors, and the like.

xxv. Arguably, of course, the legislation might be written in such a way that if the gun’s personalization feature can be permanently overridden, then the gun does not meet the mandate and may not be sold. In all likelihood, the inevitability of people overriding technological developments would imply a ban on guns.

xxvi. When Massachusetts held a referendum in 1976 to determine whether handgun possession should be banned, the proposal called for compensating owners who turned their handguns in (Loving et al., 1977). The United Kingdom and Australia have similarly compensated gun owners who turned in proscribed firearms, although gun owners might disagree with the governments as to whether they were given fair market value. Most state and local bans of types of guns in the United States have not offered compensation, presumably because the owners had the option of storing the gun in a different jurisdiction or of selling the banned guns to some person or dealer in a jurisdiction where their sale and possession was not proscribed.

xxvii. The most popular expression for gun-surrender programs is “buy back.” That term is both too limited and incorrect. It is limited because not all of the temptations are purchase. In some instances, other products—tickets to various events, vouchers for items, etc.—are offered in exchange for guns surrendered to the authorities, thus causing the programs occasionally to be called gun exchange programs. But some programs are simply amnesties, where nothing is offered except an exemption from prosecution for activities associated with the prior possession of the gun by the person turning it in. And buy *back* suggests, erroneously, that the gun was previously the property of the government to which it is being restored.

While the term gun turn-in might be accurate and acceptable, gun surrender in some ways fits in with broader usage. Australian gun-ban advocate Rebecca Peters, working in the United States for the Soros Foundation, described the Australian program of reimbursing persons for surrendering their banned semi-automatic firearms as a gun buy-back program that, she said, worked. In that case, the Australians were indeed surrendering their guns to the authorities. Thus understood, one may readily distinguish between voluntary and mandatory gun-surrender programs.

xxviii. Phil Cook has been quoted on both sides, saying, on the one hand, that having fewer guns in a jurisdiction through a surrender program could increase guns’ value and the incentive for theft or gun-running from other jurisdictions (Crime Victim Digest, 1994) and, on the other, that a sustained program could raise the floor price for guns, pricing some teenagers seeking illegal guns out of the market (Eckholm, 1994).

xxix. In a spin-off on the idea, toys have been traded for toy guns (Wilson, 2000).

xxx. Actually, of course, the Clinton administration is willing to break the law as a matter of course, on matters of import and no import. It is that willingness which makes the Clinton administration easily the most corrupt administration in American history. The venal corruption allowed by Presidents Lincoln, Grant, and Harding cannot compete. Nor can the combination of ideological and political corruption attempted—generally without success—by President Nixon. The Clinton administration has combined venal, ideological, political, and moral corruption.

Clintonology could easily become a division within the American Society of Criminology, one including white collar crimes, crimes by government, and even violent crimes committed directly or through proxies. While it is not initially clear how many of the crimes were ordered, requested, suggested, or merely condoned by President Clinton, that could certainly be an aspect of Clintonological research. Some of his activities may merely involve going beyond the authority granted him by Congress, in terms of appointments, executive orders, and international agreements. And his law enforcement efforts, legislative and administrative, have involved pushing Fourth Amendment protections to the side.

Clinton developed an enemies list (Filegate), incomplete at the time it was stopped. Nonetheless, whereas Nixon unsuccessfully sought to have the IRS harass his administration’s enemies, Clinton’s IRS has used harassing audits against individuals and organizations critical of the regime. With Travelgate, in addition to firing the White House travel office to give patronage to friends, he went on to have the head of the travel office maliciously prosecuted to justify the lawful firing of at-will employees. His political fundraising activities involved domestic and foreign illegalities, to the point of selling militarily useful technology to an anti-American totalitarian regime.

And his Justice Department refuses to investigate illegal activities by his administration, either itself or through independent or special prosecutors. To avoid investigation of misdeeds by others, the administration has defied subpoenas from Congress and the courts, and FOIA requests from individuals, organizations, and the news media. And, of course, Clinton engaged in unlawful sexual harassment, perjury, obstruction of justice, with the privacy rights of his various accusers unlawfully violated. His legacy is as a corruptionist without presidential peer or the likelihood of competition for that “honor.”

xxxi. Three years earlier, a similar survey found a slightly higher nine percent expecting all or most gun owners to comply with a complete firearms ban. For those concerned about civil liberties issues in gun-law enforcement, that survey also found 21% responding affirmatively to the question: “If a law were passed by the Congress requiring all guns to be registered, would you favor or oppose letting police to search every home to make sure that no one had an unregistered gun?” (Decision Making Information, 1975). Gun-control supporters were disproportionately in the supportive minority.

xxxii. One also used National Center for Health Statistics mortality data, rather than Uniform Crime Reports data, which would include justifiable homicides as negative measures of the effectiveness of the gun-law reform rather than positive (Ludwig, 2000, pp. 405-6).

NOTES

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xxxii. Senator Jack Reed (D-R.I.), S. 2099, 106th Congress, 2nd Session, February 2000. The registration fee would have been five dollars, compared to \$200 for National Firearms Act-regulated arms.

xxxii. Another policy related to registration—since it would be worthless to the extent that tested firearms were not registered—is "ballistic fingerprinting." This generally applies to keeping a copy of the markings left on a bullet—and possibly firing pin and ejector on ammunition casing—in order that bullets and casings associated with crime could be traced to the gun that fired them.

There are numerous reasons for thinking this form of registration would be ineffective. First, of course, is the problem of whether the person to whom the gun is registered is the person associated with the crime to which the gun is tied by ballistic fingerprinting. Second, there are apt to be relatively few gun-related crimes in which "ballistic fingerprinting" was relevant: the gun would have to be fired, leaving an undamaged bullet and/or casing. Third, the "fingerprint" would have to be the same as it was at the time it was taken. "Ballistic fingerprints" are not like human fingerprints. They vary over time, either deliberately or incidentally. Age and use alter the print the barrel and firing pin make, and guns can readily be altered, with files and other devices, to change the "fingerprint." Fourth,

while registration itself is apt to be expensive, “ballistic fingerprinting,” involving computerization of identification marks, is apt to make it substantially more expensive, with little chance that many bullets or casings will be successfully traced.

xxxii. New Zealand retained licensing. The authorities now wish to revive registration, although the estimated compliance rate is expected by pro-gun opponents to be about 30%—noting that, since licensing means the authorities know licensees have some guns, at least a token gesture of compliance could be expected (Espinier, 2000).

xxxii. New York City’s experience does demonstrate the effectiveness of registration in helping to enforce compliance with a ban on guns.

xxxii. Generally, these are referred to as trigger locks, although only some locks are of that type. Included in the legislative definition, generally, are locking devices which could be used on more than one firearm at a time, such as gun safes. Legislative proposals mandating that a locking device be sold with each handgun, while allowing safes to qualify, would still require an additional lock or safe to be purchased with the next handgun the safe buyer had acquired. S. 254, 106th Congress, 1st Session, May 1999. At the time, the NRA’s official position was non-opposition to that particular feature of S. 254, although other features meant opposition to the bill. Non-opposition is distinct from support. There has generally been no opposition to voluntary efforts simply to give away locks to those who will take them (Associated Press, 2000a).

xxxii. John Lott notes that, as a child, Secretary of Labor Alexis Herman was handed a handgun by her father when he left her in the car to face some Klansmen, with instructions to shoot if they broke into the car (Lott, 2000a, pp. 68-69).

xxxii. Florida is probably the state where the Eddie Eagle program was adopted most extensively by school districts around the same time as the NRA-backed CAP law was enacted.

xxxii. A still newer description is “pocket rocket,” the target of Rep. Rod Blagojevich’s H.R. 4876. His definition is based on the length of pistols, banning those shorter than 7.5 inches, a measure which would include numerous handguns of relatively high cost, high quality, and high caliber, and including numerous law enforcement side-arms, in addition to those suited for carrying by licensed citizens in the majority of states where such licenses are relatively easy to obtain. No studies really exist to indicate the involvement of guns meeting his definition in crime, although they are apparently disproportionately not among crime guns in the city of Chicago, part of which he represents in Congress.

xxxii. As a practical matter, the establishment of the Handgun Roster Board had the effect of banning the sale of some handguns simply because the cost of presenting information on the handguns to the board exceeded likely profits, even from expensive guns—with small markets—certain to be approved.

xxxii. A discussion of a particular protective use of guns prevented by California’s CAP law went on to note that, when police eventually arrived, it took “police 13 rounds of gunfire (interestingly enough, equivalent to one now-banned ‘high-capacity’ handgun magazine) to bring the killer down” (Simpson, 2000).

xxxii. The NRA supported the amendment introduced by Rep. John Dingell (D-Mich.), while opposing the overall ban, or at least seeking for the ban to exempt magazines for curio or relic firearms, temporary importation for use by foreign visitors, and the like.

xxxii. Arguably, of course, the legislation might be written in such a way that if the gun’s personalization feature can be permanently overridden, then the gun does not meet the mandate and may not be sold. In all likelihood, the inevitability of people overriding technological developments would imply a ban on guns.

xxxii. When Massachusetts held a referendum in 1976 to determine whether handgun possession should be banned, the proposal called for compensating owners who turned their handguns in (Loving et al., 1977). The United Kingdom and Australia have similarly compensated gun owners who turned in proscribed firearms, although gun owners might disagree with the governments as to whether they were given fair market value. Most state and local bans of types of guns in the United States have not offered compensation, presumably because the owners had the option of storing the gun in a different jurisdiction or of selling the banned guns to some person or dealer in a jurisdiction where their sale and possession was not proscribed.

xxxii. The most popular expression for gun-surrender programs is “buy back.” That term is both too limited and incorrect. It is limited because not all of the temptations are purchase. In some instances, other products—tickets to various events, vouchers for items, etc.—are offered in exchange for guns surrendered to the authorities, thus causing the programs occasionally to be called gun exchange programs. But some programs are simply amnesties, where nothing is offered except an exemption from prosecution for activities associated with the prior possession of the gun by the person turning it in. And buy *back* suggests, erroneously, that the gun was previously the property of the government to which it is being restored.

While the term gun turn-in might be accurate and acceptable, gun surrender in some ways fits in with broader usage. Australian gun-ban advocate Rebecca Peters, working in the United States for the Soros Foundation, described the Australian program of reimbursing persons for surrendering their banned semi-automatic firearms as a gun buy-back program that, she said, worked. In that case, the Australians were indeed surrendering their guns to the authorities. Thus understood, one may readily distinguish between voluntary and mandatory gun-surrender programs.

xxxii. Phil Cook has been quoted on both sides, saying, on the one hand, that having fewer guns in a jurisdiction through a surrender program could increase guns’ value and the incentive for theft or gun-running from other jurisdictions (Crime Victim Digest, 1994) and, on the other, that a sustained program could raise the floor price for guns, pricing some teenagers seeking illegal guns out of the market (Eckholm, 1994).

xxxii. In a spin-off on the idea, toys have been traded for toy guns (Wilson, 2000).

xxxii. Actually, of course, the Clinton administration is willing to break the law as a matter of course, on matters of import and no import. It is that willingness which makes the Clinton administration easily the most corrupt administration in American history. The venal corruption allowed by Presidents Lincoln, Grant, and Harding cannot compete. Nor can the combination of ideological and political corruption attempted—generally without success—by President Nixon. The Clinton administration has combined venal, ideological, political, and moral corruption.

Clintonology could easily become a division within the American Society of Criminology, one including white collar crimes, crimes by government, and even violent crimes committed directly or through proxies. While it is not initially clear how many of the crimes were ordered, requested, suggested, or merely condoned by President Clinton, that could certainly be an aspect of Clintonological research. Some of his activities may merely involve going beyond the authority granted him by Congress, in terms of appointments, executive orders, and international agreements. And his law enforcement efforts, legislative and administrative, have involved pushing Fourth Amendment protections to the side.

Clinton developed an enemies list (Filegate), incomplete at the time it was stopped. Nonetheless, whereas Nixon unsuccessfully sought to have the IRS harass his administration's enemies, Clinton's IRS has used harassing audits against individuals and organizations critical of the regime. With Travelgate, in addition to firing the White House travel office to give patronage to friends, he went on to have the head of the travel office maliciously prosecuted to justify the lawful firing of at-will employees. His political fundraising activities involved domestic and foreign illegalities, to the point of selling militarily useful technology to an anti-American totalitarian regime.

And his Justice Department refuses to investigate illegal activities by his administration, either itself or through independent or special prosecutors. To avoid investigation of misdeeds by others, the administration has defied subpoenas from Congress and the courts, and FOIA requests from individuals, organizations, and the news media. And, of course, Clinton engaged in unlawful sexual harassment, perjury, obstruction of justice, with the privacy rights of his various accusers unlawfully violated. His legacy is as a corruptionist without presidential peer or the likelihood of competition for that "honor."

xxxii. Three years earlier, a similar survey found a slightly higher nine percent expecting all or most gun owners to comply with a complete firearms ban. For those concerned about civil liberties issues in gun-law enforcement, that survey also found 21% responding affirmatively to the question: "If a law were passed by the Congress requiring all guns to be registered, would you favor or oppose letting police to search every home to make sure that no one had an unregistered gun?" (Decision Making Information, 1975). Gun-control supporters were disproportionately in the supportive minority.

xxxii. One also used National Center for Health Statistics mortality data, rather than Uniform Crime Reports data, which would include justifiable homicides as negative measures of the effectiveness of the gun-law reform rather than positive (Ludwig, 2000, pp. 405-6).