THE BIAS AGAINST GUNS: WHY ALMOST EVERYTHING YOU'VE HEARD ABOUT GUN CONTROL IS WRONG. BY JOHN R. LOTT, JR. WASHINGTON, D.C.: REGNERY, 2003.

This year, 2004, will see political realignments that will affect gun-owner rights for years to come. The current Bush administration has been a period of inertia in terms of advancing new controls, but this is largely due to the administration being distracted by the War on Terror. During his campaign for the presidency in 2000, Bush favored extending the "assault-weapons" ban of 1994 that sunsets on September 13, 2004. Should George Bush lose the election, there are more than a few politicians in his party who will gladly join the certain effort of a John Kerry administration to renew the assault-weapons ban.

Although the September 11, 2001 terror attacks in the U.S. triggered a wave of gun buying among the American public, the federal government remains determined to stop the advance of gun freedoms in any areas it directly controls, despite significant pressure to desist in the interest of more effective security. It has, for instance, deliberately dragged its feet on allowing airline pilots to be armed, despite the fact that there is significant support among pilots and the public for allowing pilots to be armed. Adding fuel to the fire in this post-September 11 world is John R. Lott, Jr.'s latest book, *The Bias Against Guns: Why Almost Everything You've Heard About Gun Control is Wrong*.

Lott first infuriated D.C.'s political class with his first gun book, *More Guns, Less Crime: Understanding Crime and Gun Control Laws* (2000) where he challenged some of the most sacred shibboleths of the gun controllers. In *More Guns, Less Crime* Lott's central question was, does gun ownership save or cost lives—on net—and how do gun laws affect this outcome? Lott found that national crime rates have fallen as gun ownership has risen and states with the fastest rates of growth in gun ownership had the greatest reductions in crime. While high arrest and conviction rates reduce crime, criminals respond to more than just police and courts. Concealed-carry permits reduce the occurrence of violent crimes (including public mass shootings) and these reductions correlate very closely with the number of permits issued. On the down side, allowing concealed handguns seems to cause small increases in larceny and auto theft as criminals substitute passive for active crimes.

Ironically, while support for strict gun control is strongest in large cities, the greatest drops in violent crime from legal concealed handguns occurred in the most urban counties with the largest populations and highest crime rates. While increasing arrest rates in the most crime-ridden areas led to the greatest reduction in crime,

concealed-carry permits were the most cost-effective method of reducing crime. Accident and suicide rates were unaltered by concealed-carry laws.

Murder rates decline when either more women or men carry concealed weapons. The effect is more pronounced for women. One additional woman carrying a concealed weapon reduces the murder rate for women by about 3–4 times more than one additional man carrying a concealed weapon reduces the murder rate for men. This is because allowing women to have concealed weapons produces a much larger change in their ability to defend themselves than the change created by providing a man with a concealed handgun. Increased penalties for using a gun in a crime reduce crime but the effect is small. There are no crime-reduction benefits from either state or federal waiting periods or background checks and little benefit from training requirements or age restrictions for concealed-carry permits.

The *Bias Against Guns* is overall a less technical book than *More Guns, Less Crime*, but in its later chapters, quite a few portions are still way over the heads of most laypersons (Poisson regressions and all). *Bias* seeks to explain why the costs of gun ownership to society are emphasized by the government and media over the benefits; despite the fact that the best evidence shows that the benefits clearly outweigh the costs.

Lott reports that so pervasive is the government and media bias against gun ownership, even pro-gun rights supporters don't fully understand the most important points of defensive gun use and find it difficult to argue against feel-good programs such as "gun-free" school zones and gun buybacks that ultimately have no effect on crime but serve to tar gun owners or make them feel guilty for exercising their rights.

In the first four chapters, Lott demonstrates that the media and government have failed to provide the public with a balanced picture of guns. In the last four chapters before the conclusion, he explores the issue of mass shootings (terror-related or not), the safety of keeping guns in the home, and gun shows and assault weapons as attractors of criminals. Lott makes clear that his approach to the gun issue is one of positivist utilitarianism.

> My role as an economist is not to consider whether Americans have a "right" to own guns, to keep them unlocked, to sell them at gun shows, to carry guns with them wherever they go, and so on. My only objective is to study the measurable effect that gun laws have on incidents of violence, and to let the facts speak for themselves. (p. 13)

One can certainly be an economist, respectable, and scholarly and be maximally effective in arguing for rights as well, instead of just putting all eggs in the one tenuous basket of t-tests and specific econometric algorithms.[1]

Lott shows that anecdotes dominate media discussions about guns because of their emotive nature. While citing a 1985 survey that 78 percent of journalists favored greater handgun controls, he doesn't believe that the political leanings of journalists explain much in terms of which stories are covered. This is odd since he then goes on to prove (pp. 24–27) that the *Washington Post* and other newspapers effectively lied about how the January 2002 Appalachian Law School shootings were stopped: by two men with guns. Lott thinks this is just "poor journalism" with potentially serious consequences

[1]I once heard a talk given by Ohio University economist Richard Vedder in which he claimed he could get just about any statistical results he wanted if he ran and tweaked enough regressions.

(p. 27). He cites a *New York Times* series that drew gun-control conclusions through data omission and non-sequitur thinking.

Only Fox News had segments acknowledging defensive gun use. Lott wonders why child deaths from guns get such heavy TV news coverage when many more children die from many other means. Journalists told Lott that child gun deaths get so much coverage because they are so rare. Lott balks at this glibness and he's right: children die in many other rare and tragic ways, yet those instances don't receive the coverage that gun deaths receive, and the wide coverage itself reinforces the incorrect notion that these deaths are anything but rare. While coverage of airline crashes often reminds the public of the relative safety of air travel, the public practically never hears about the benefits of gun ownership. After puncturing journalists' arguments about the reasons for their coverage decisions, one would think Lott would put forth a theory as to why guns receive such negative coverage in the media, but he doesn't.

Even more counterintuitive (at least to libertarians) is Lott's analysis of the government's objections to gun ownership. Lott states that while

> the media coverage is understandable, the government bias is harder to explain. Given how hard-fought national elections are over the gun issue, one might expect government research to take a careful, moderate path when measuring the costs and benefits of guns. (p. 49)

In a gathering of informed libertarians, this statement alone would be enough to evoke a roomful of sighs, moans, and nervous shifting. Lott proceeds to show that regardless of which of the two main political parties controls the federal government, the benefits of gun ownership are never discussed in government studies. The research is flawed and completely anti-gun. Lott later states (p. 52) that the bad side of government research is that "[g]overnment officials simply cannot resist injecting politics into supposedly objective science." If this is truly the case, one wonders how that squares with his earlier finding that Republican administrations didn't foster pro-gun research at the U.S. Department of Justice (DOJ).

Lott mentions the National Academy of Sciences (NAS) panel on firearms research which will release its report right before the 2004 election. Unsurprisingly, almost half of this NAS panel is openly pro-gun control with a third of the panel's funding contributed by three pro-gun control foundations. Lott makes his usual great points, noting that more children (age five and under) die from playing around adult beds than from gunshots, yet the federal government runs only fear-mongering public-service announcements about guns.

Again, Lott never posits a theory as to why the government and media are pro-gun control. Many gun owners and libertarians have their theories, but the interesting promise inherent in the subtitle to this book is never lived up to. It is trivial and even tautological to answer the question—why are people misled about guns?—to say that the media and government are selective in providing information. This only naturally begs the question, "Why?"

A theory might be as follows. The state feels its freedoms and powers are limited by private arms, hence it wants to outlaw them as an ultimate goal. Its law-enforcement subdivisions obviously see private arms as their competitors in the business of public protection. The media reflect the state's interests when a government is large and powerful and media corporations are few and large. A medium that challenges the status quo too strongly is cut off from government sources, scoops, and exclusives and faces disadvantages that the media that play the game do not face.

The September 11 attacks made gun sales skyrocket. Americans, imitating the alleged actions of the passengers aboard United flight 93, decided they also would not go down without a fight. The political elite, which had been teaching Americans for years that the best reaction to assault is passivity, decided to turn their attention to gun shows. U.S. Senator Dick Durbin asserted baselessly that thousands of terrorists were in the U.S. getting their weapons from gun shows. Thus the popular birth of the urban legend of the gun show "loophole."

The ostensibly pro-gun Republican George W. Bush was reluctant to arm pilots. Although Bush revived the air marshal program for domestic flights, clearly the program couldn't provide sufficient protection for passengers against multiple terrorists placed on passenger airplanes. The program's newest post-September 11 incarnation is not only costly, Lott points out (p. 69) that eight months after the attacks (assuming marshals worked the same hours as pilots) less than 1 percent of commercial flights had marshals on board.

Cost and bureaucratic inefficiency aside, one marshal would undoubtedly have his hands full with multiple terrorists. Another problem is that marshals (if they did not consistently ride first class to avoid sitting in predictable locations) would have extreme tactical difficulty defending a cockpit if they sat behind terrorists instead of in front of them to block aisles when terrorists made their way to the cockpit. Armed pilots, unlike marshals, would have the tactical advantage of defending the cockpit with errant projectiles hitting aisle floors, bulkheads, or the fuselage ceiling. Gun battles between marshals and terrorists in the middle of a packed air cabin could easily be lethal to innocent bystanders. Most pilots have military experience and thus have the advantage of not only experience with firearms but better knowledge of aircraft than marshals.

Nevertheless the federal government first advised pilots to use their "fists and feet," then proposed stun guns (ineffective in a number of different circumstances). Finally it only reluctantly gave the green light to arming pilots, but kept the program smothered in red tape.[2] While Lott presents good arguments for arming pilots, what is disappointing is his failure to explore the issue of whether allowing passengers with concealed-carry permits to be armed on planes would be a better alternative to air marshals. Such a program, at a fraction of the cost of air marshals, would put more armed personnel on planes and in many more locations throughout the cabin on some flights. Lott also fails to discuss yet another alternative: arming flight attendants.

Lott only briefly discusses the problems of evidence interpretation. Cross-sectional data have their "endogeneity" problems. Time-series data for one area are problematic in revealing the precise factors behind changes in variables. For cross-sectional data, journalists not trained in statistics quickly find themselves in over their heads. The *New York Times* conducted a cross-sectional study of states with and without the death penalty, and concluded that the death penalty did not deter murder. It overlooked the fact that many states without the death penalty already had low murder rates. Miranda warnings have no doubt made it more difficult for police to get confessions from lawbreakers, but such a contention is impossible to conclusively prove since other factors could be influencing changes in the variables.

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[2]The most recent significant news on the arming-pilots front is that *The Hill* reported on May 13, 2004 that a high-ranking Bush administration official was orchestrating an effort to lobby Congress to kill a Republican bill that would allow more pilots to be armed.

Lott's solution is the use of pooled data, where many different factors can be identified and separated in "geographic fixed effects" panel regressions. The evidence for causative (as opposed to just correlative) relationships is strengthened by many different tests to rule out multiple explanations. Using this approach he found that not only did violent crime fall after concealed-carry laws were passed, but states that issued the most permits experienced the greatest declines (declines continued as more and more permits were issued). Personal crimes (robbery and assault) fell relative to impersonal ones (e.g., theft). Contiguous counties with only a state line between them saw violent crime decline in counties with permits but rise in counties without them.

Nothing generates hysterical and frenzied news coverage like multiple public shootings (two or more people are killed or wounded). Lott looks at these shootings in a study co-authored with William Landes (Chapter 6 in *Bias*). Lott and Landes specifically deal with the question of whether concealed-carry laws on net save lives with respect to multiple public shootings. In economics incentives matter, but do they affect the type of psychotic individuals who perpetrate multiple public shootings? If not, concealed-carry laws are worthless and potentially harmful. Two tables (pp. 106-07) show that between 1977 and 1997, states without right-to-carry laws had more deaths and injuries (absolute and per capita) per year from multiple public shootings. While in Israel the effectiveness of right-to-carry laws forced terrorists to substitute bombings for shootings, Lott found no statistically significant effect for the U.S. and (p. 115) that laws limiting gun buyers to no more than one gun per month produced a statistically significant increase in injuries from multiple public shootings. Waiting periods and safe-storage laws have no significance and additional penalties to perpetrators reduce murder but not injuries or the number of attacks. Lott found that the death penalty was less consistently significant in preventing multiple public shootings than standard murders. Interestingly, he studied the alleged phenomenon of mass shootings leading to more mass shootings (copycat effect). Anecdotes suggest teens may copycat the Columbine-type shootings, but ultimately the evidence is mixed.

It seems bizarre now, but gun locks were all the rage four years ago. A General Accounting Office (GAO) study found that locks were only reliable in thwarting children under the age of seven (p. 139). Lott seems to think the cost of the locks partly limits their appeal, but George W. Bush supported a program in Texas while he was governor that made them *gratis* to gun owners. Lott views them as dangerous because they can limit quick and effective access to guns when they are needed for self-defense, especially locks that prevent guns from being stored loaded. Lott's reasoning is slightly different (and much less plausible), but the process is actually such that locks increase the stigma of firearms, this stigma leads to a reduction in firearms ownership, and this reduction in ownership makes the population more vulnerable to predation. Fascinating is the "lulling effect" discussed by economist Kip Viscusi with respect to child-safety caps for medicine bottles.[3] The same lulling effect could occur with guns, especially dangerous because of the aforementioned GAO results.

Empirically, Lott finds that safe-storage laws have no effect on accidental gun deaths or aggregate suicide rates (there was slight evidence of a reduction in juvenile suicides). The only consistent effect of the laws was to increase rapes, robberies, and burglaries, by 3,738 rapes, 21,000 robberies, and almost 50,000 burglaries in the 15

[3]Parents over-rely on safety caps to shield their children from harmful medicines and thus take fewer precautions in storing medicines.

states enacting safe-storage laws. During the five years after passage of the laws these 15 states faced a yearly average rise of 309 murders and over 25,000 aggravated assaults. This makes "safe"-storage laws pretty dangerous indeed.

Lott doesn't end *Bias* without skewering two of the most oft-cited but ultimately bogus issues in U.S. gun politics. He begins a chapter on these topics with a passage from a 2002 *Campaigns & Elections* article discussing U.S. Senator Joseph Lieberman's apparent belief that hand grenades are available for sale to terrorists at U.S. gun shows. The gun show "loophole" and "assault weapons" are two propaganda terms connoting larger, ultimately empty issues. The gun-show "loophole" is the ability for private (non-dealer) weapons transactions to occur at gun shows without buyer background checks. This of course is no loophole since such transactions routinely occur outside gun shows (classified ads in newspapers, friends, and acquaintances, etc.).

As Lott indicates, to anti-gun organizations closing the "loophole" usually means requiring the same background checks for private sales as dealers. Requiring background checks on all firearms sold at gun shows (dealer and non-dealer) would have little effect on criminals. Lott cites 1991 and 1997 surveys of prison inmates that each revealed that less than 2 percent of criminals purchased their weapons at gun shows or flea markets. The 1997 survey indicated about 40 percent of inmates obtained their guns from friends or family and about 40 percent from street or illegal sources.

Rigidly attached to econometrics, Lott doesn't take what seems to be the most effective path of argument against the assault-weapons non-issue. He finds no empirical benefits to restrictions on gun shows and assault weapons and finds weak evidence that assault-weapons bans appear to *increase* murder and robbery rates.

A better tack might have been to emphasize the emptiness of the "assault weapon" concept. Assault rifles are fully-automatic military small-arms. The propaganda term "assault weapon" was born when (O'Brien 1996, p. 38) anti-gun analyst Josh Sugarman boasted that "assault weapon" would be an effective twisting of nomenclature that would facilitate the passage of new restrictions: "anything that looks like a machine gun is assumed to be a machine gun." All the assault weapon ban of 1994 essentially did was force gun makers to remove one or two cosmetic features from a few semiautomatic rifles and pistols, and then reissue the guns for sale in politically correct form. That was it. It's possible that the weak evidence Lott found for increases in murder and robbery might be due to criminals getting more bolder in thinking that the ban reduced guns across the board; therefore their prey would be more vulnerable.

Lott effectively debunks ballistic fingerprinting.[4] Unlike human fingerprints, bullet prints change over time as friction wears down the grooved interior of a gun's barrel. Cheaper guns experience higher rates of inner-barrel wear. Barrels can also be replaced, deliberately scratched, or altered by coating bullets with toothpaste or Soft Scrub. Linking guns to their places of purchase has little value since only about 12 percent of guns used in crimes are purchased at retail stores or pawn shops.

In sum, John Lott, more than any other scholar, has brought true cost-benefit analysis to the gun debate. Up until his arrival on the scene, the debate was completely

[4]This is not the same thing as creating a database showing the individual bullet patterns created during test firings of all new guns sold. Lott cites a California Department of Justice study (p. 220) showing a 38 percent failure to match guns from the same manufacturer and a 62 percent failure among different manufacturers. This is even before considerations of barrel wear come into play.

political in that it resembled all other debates over increasing economic and political freedom: costs are always emphasized and discussion of benefits is non-existent or ridiculed (e.g., tax cuts, abolition of government agencies).[5] Lott's indefatigable work in assembling data other scholars were too lazy or politically uninterested in assembling has been impressive.

All is not completely well, though, with such a rigidly econometric approach. For surely hanging the legitimacy of armed self-defense so preponderantly on the positivist utilitarian peg of *t*- and *F*-tests, coefficients of determination, and Poisson regressions is a risky strategy. At least some emphasis on the natural or God-given rights traditions can protect against the vagaries of a batch of bad data or algorithms.

As the disparate Bellesiles and Card and Krueger cases show, the statistical lies and damn lies propagated by bad econometrics can be much more difficult to refute. Even Lott has been accused of doctoring his data. The debunking of Bellesiles' work consisted in checking facts and sources. Card and Krueger (1994) apparently engaged in flawed data collection, but their study purportedly showing that increases in the minimum wage *increased* employment of unskilled workers was widely cited by biased media and governments as refutation of long-held economic theory. Indeed Card and Krueger's findings were used to aid the Clinton administration's successful 1996 drive to raise the minimum wage.

The point is that empirical studies can always be "refuted" by later studies, regardless of the ultimate validity of those later studies. As the Card and Krueger case demonstrates, the results of flawed methodology and econometric methods can aid in driving the successful enactment of bad policies. A much saner and safer approach is to say that the econometricians can duel back and forth as they may, but I have a legitimate God-given or natural right to defend myself.[6] Unlike most of Europe, the U.S. has support for such a view in the foundational ideas of its culture. Of course, these can be denied or revised, but the Bellesiles episode suggests at least flagrant attempts to lie and distort this cultural history are getting more difficult.

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[5]This is in contrast to government programs, whose benefits are always championed and whose nominal costs are always underestimated.

[6]This puts the concealed-carry permit debate in a new light. From a rights perspective, concealed-carry permits are a state-sponsored extortion for collecting tax revenue. From this perspective, running dazzling econometric tests to legitimize the right to armed self-defense is absurd.