

## More Guns, Less Crime, by John R. Lott, Jr.

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# Book Review

## REVIEW OF *MORE GUNS, LESS CRIME* BY JOHN R. LOTT, JR.

KEVIN P. LATULIP, JR.\*

### INTRODUCTION

On February 29th, 2000, a six-year-old boy in Mt. Morris Township, Michigan boarded the bus for the ride to school, a slight bulge in the beltline of his pants.<sup>1</sup> Hours later, as most of his class was lining-up to head to another classroom, the boy pulled a semi-automatic, 32-caliber handgun from his pants.<sup>2</sup> After initially pointing the gun at several other classmates, he turned the gun on Kayla Roland, also six years old.<sup>3</sup> "I don't like you," the boy said, as he fired one shot into Kayla, piercing her heart.<sup>4</sup> The young boy claims to have been seeking revenge for a playground disagreement with Kayla the previous day.<sup>5</sup>

One would think that the rise in gun violence, and particularly gun violence in schools, would have gun advocates seeking the shadows and erecting defensive ramparts. In the midst of this mayhem, John R. Lott, Jr. published the provocative *More Guns, Less Crime*,<sup>6</sup> in 1998, discussing not only saving lives, but also saving money by virtue of restructuring our nation's approach to gun control.<sup>7</sup> Far from striking a defensive posture, Lott claims that if more guns were on the street, fewer crimes would be committed.<sup>8</sup>

This review of *More Guns, Less Crime* begins by examining Lott's major arguments: (1) violent crime is reduced when more concealed-

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1. *Did Kayla Have to Die? After a 6-year-old kills his classmate, the search for answers raises fears about parenting and guns. Untangling the troubled life of a little boy*, NEWSWEEK, Mar. 13, 2000, at 24-25.

2. *See id.*

3. *See id.*

4. *Id.*

5. *See id.*

6. JOHN R. LOTT, JR., *MORE GUNS, LESS CRIME* (1998). Although the book was published in 1998, much of the material included in the book was first published as *The Concealed-Handgun Debate*, J. LEGAL STUD. 27 (Jan. 1998). Lott's book was largely an attempt to answer his critics and to explain his study in greater detail.

7. *See id.*

8. *See id. passim* (1998).

handgun permits are issued;<sup>9</sup> (2) guns are the great equalizer between the sexes;<sup>10</sup> and (3) most current gun control measures do not deter gun violence.<sup>11</sup> Working from Lott's assertions, this review moves next to an analysis of the conclusions reached by Lott, including areas that call for more research and those that seem to run counter to common sense.<sup>12</sup> Finally, the review concludes by summarizing the questions raised by experts in the field of gun control regarding Lott's book.<sup>13</sup>

## I. LOTT'S ARGUMENTS

### A. *The Rate of Violent Crime Drops as the Number of Concealed-Handgun Permits Increases*

Lott's major contention is that if the number of concealed-handgun permits is increased, violent crime will be reduced.<sup>14</sup> In support of his proposition, Lott offers two theoretical rationales—the concept of deterrence and the substitution theory.

#### 1. *Deterrence*

Lott's theory regarding deterrence is based on the assumption that “[c]riminals are motivated by self-preservation.”<sup>15</sup> If more concealed-handgun carry permits are issued, a greater percentage of the population will be armed. Lott envisions this situation as a minefield for criminals.<sup>16</sup> If criminals want to survive, they will choose not to commit crimes, for fear of coming across an armed victim.<sup>17</sup> Concealed handguns are particularly effective in this regard, because criminals will be unable to determine whether a potential victim is armed prior to striking. These effects may extend to unarmed people in what Lott refers to as “third-party effects.”<sup>18</sup> The gun wielding citizen's “halo” will protect those around him or her.

In support of his theory, Lott discusses several real world situations that anecdotally demonstrate his point. The first example that Lott offers is based on a taped conversation between police investiga-

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9. See *infra* notes 14-36 and accompanying text.

10. See *infra* notes 37-44 and accompanying text.

11. See *infra* notes 45-54 and accompanying text.

12. See *infra* notes 55-98 and accompanying text.

13. See discussion *infra* Part III.

14. See LOTT, *supra* note 6.

15. *Id.* at 5.

16. See *id.*

17. See *id.*

18. *Id.*

tors and "Bubba" Lowery and "Fatman" Raglin, published in the *Cincinnati Enquirer*.<sup>19</sup> In the interview, Lowery stated that he and Raglin had originally planned to rob a cab driver or a "dope boy."<sup>20</sup> However, the criminals later decided not to rob a cab driver or a drug dealer "because both sometimes carried guns."<sup>21</sup> As a result, Lott explains that "cab drivers and drug dealers who carry guns produce a benefit for cab drivers and drug dealers without guns."<sup>22</sup> Lott hopes that in the same way, citizens armed with concealed-handguns will benefit unarmed citizens.<sup>23</sup>

Lott's second example in support of the deterrence effect is based on interviews conducted with convicted felons in ten different states.<sup>24</sup> Fifty-six percent of the felons surveyed stated that they would not attack someone whom they knew to be armed.<sup>25</sup> Lott believes that if criminals knew more people were carrying concealed weapons, it would reduce the number of violent crimes.<sup>26</sup> If many concealed-handgun permits were issued, it would pressure criminals by increasing the risks involved in committing a crime.<sup>27</sup> This argument comes full-circle to the idea that criminals are motivated by self-preservation.

## 2. *Substitution Effect*

The next logical question is how deterrence leads to a reduction in *violent* crimes in particular. Lott answers this query by explaining the substitution effect.<sup>28</sup> If it is assumed that criminals begin to fear armed victims, what will they do? It seems unlikely that all of these criminals will turn their lives around and become productive members of society. Instead, Lott believes that they will substitute non-violent crimes, such as property crime, in place of violent crimes.<sup>29</sup>

Lott bases his analysis on statistical data examined on both a county and a state level.<sup>30</sup> He applies an economic approach to the substitution effect in an attempt to buttress its validity.<sup>31</sup> Lott's idea is

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19. *See id.* at 4, 5. Lowery and Raglin robbed and murdered Michael Bany on December 29, 1995.

20. *Id.*

21. *Id.*

22. *Id.* at 5.

23. *See id.*

24. *See id.* at 6.

25. *See id.*

26. *See id.* at 5.

27. *See id.*

28. *See id.*

29. *See id.* at 19.

30. *See id.* at 50.

31. *See id.* at 54-56.

based on a desire to force states to pass non-discretionary handgun laws—requiring issuance of permits unless there is a significant reason not to.<sup>32</sup> For example, Lott contends that if states not currently operating under non-discretionary, concealed-handgun laws implemented such laws, the number of murders nationwide could be reduced by 1,400, rapes by 4,200, and aggravated assaults by 60,000.<sup>33</sup> Due to the substitution effect, however, 247,000 more property crimes could be expected nationwide.<sup>34</sup> Consistent with his law and economics approach to crime reduction, Lott assigns a value to both the violent crimes avoided and the property crimes substituted.<sup>35</sup> After doing the math, Lott believes that if such non-discretionary, concealed-handgun laws were passed, the country would realize a net gain of \$6.2 billion.<sup>36</sup>

Lott believes that the concepts of deterrence and the substitution effect explain how more concealed-handgun permits can lead to a reduction in violent crime.

#### *B. Concealed-Handgun Laws are the Great Equalizer Between the Sexes*

One of Lott's secondary theories states that concealed-handguns are "the great equalizer among the sexes."<sup>37</sup> By this, Lott means that the benefit to society is greater if one more woman carries a gun than if one more man does the same.<sup>38</sup> This can be explained by the fact that women are more often targets of violent crime because of perceived vulnerability when compared to the average man.<sup>39</sup> If one additional woman carries a gun, however, that "reduces the murder rate for women by about 3-4 times more than one additional man carrying a concealed-handgun reduces the murder rate for men."<sup>40</sup> This number is based on the assertion that a woman carrying a gun increases her ability to defend herself more than a gun increases a man's ability to defend himself.<sup>41</sup>

Lott supports this contention with statistics showing that though fewer women carry concealed-handguns, the number of rapes was reduced in a similar percentage to the other violent crimes.<sup>42</sup> This ap-

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32. *See id.* at 143.

33. *See id.* at 54.

34. *See id.*

35. *See id.*

36. *See id.* at 54-56.

37. *Id.* at 20.

38. *See id.*

39. *See id.* at 62.

40. *Id.*

41. *See id.*

42. *See id.*

pears to show that one woman carrying a gun can disproportionately benefit all women.<sup>43</sup> Lott also believes that this proves that rapists as a group are particularly deterred by the possibility of an armed victim.<sup>44</sup>

*C. Waiting Periods, Firearms Education, and Background Checks do not Deter Gun Violence*

While Lott does not deny the effect of arrest rates and convictions on the violent crime rate, he feels that several popular gun control measures have proved to have little effect. The first gun control measure that Lott takes issue with is the federal Brady law.<sup>45</sup> Although proponents of the Brady law extol the 100,000 felons who were denied guns as a result of background checks, Lott states that the Government Accounting Office estimates that number at closer to 60,000.<sup>46</sup> Of those 60,000, most were denied due to technical errors, with only perhaps 3,000 applicants denied permits due to prior criminal history.<sup>47</sup> While this is certainly still a success, Lott also points out that the background check portion of the Brady law was struck down by the Supreme Court in 1997.<sup>48</sup> Finally, Lott argues that the downward trend in gun violence began in 1991, three years before the Brady law became effective.<sup>49</sup>

In addition to his reservations about the Brady law, Lott also believes that waiting periods and civilian firearms training are ineffective in reducing violent crime.<sup>50</sup> Lott attempted to account for the passage of these types of laws in his statistical analysis and concluded that their passage had no effect on violent crime.<sup>51</sup> Lott offers a logical explanation for this. While police officers are given extensive training in how to handle their weapons in difficult situations, civilian training is usually only a few hours long.<sup>52</sup> As a result, civilians are not prepared to handle handguns in stressful, real-world situations.<sup>53</sup> Likewise, waiting periods are not normally long enough to prevent crimes.<sup>54</sup>

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43. *See id.*

44. *See id.*

45. *See id.* at 20.

46. *See id.* at 161.

47. *See id.*

48. *See id.*

49. *See id.*

50. *See id.* at 86.

51. *See id.*

52. *See id.*

53. *See id.*

54. *See id.* at 83.

## II. ANALYSIS

Although Lott has attempted to compensate for many variables that may affect the drop in crime that he attributes to more concealed-handgun permits, there are still several apparent problems with Lott's work. These problems are ripe for further study and analysis. This section will discuss problems of logic related to problematic variables, methodology, and public policy.

### A. Problematic Variables

The greatest hurdle Lott must overcome in proving his theory that more concealed-handgun permits will reduce crime is that of causation. This causation problem can be described in terms of the logical fallacy of *post hoc, ergo propter hoc*—the assumption that because something happened *after* variable A, it happened *because* of variable A.<sup>55</sup> In this instance, Lott must overcome the appearance of assuming that because the crime rate dropped after more concealed-handgun permits were issued, it consequently dropped because of the issuance of more permits. One way to examine this issue is by looking at some of the other possible causes for the reduction in crime, such as arrest rates and crime cycles, as well as by looking at the likelihood that the great benefit Lott describes could actually be caused by such a small increase in the number of permits issued.

#### 1. Effect of Arrest Rates

Lott argues that he has accounted for the effect of arrest rates on crime rates.<sup>56</sup> Lott also states that even when he removes the arrest rate information from his statistical analysis, there is no change in the overall numbers—indicating arrest rates' lack of statistical importance.<sup>57</sup> As one can imagine, Lott's critics disagree with him regarding arrest rates and causation. One critic, Jens Ludwig, claims that "[t]he use of arrest rates as an explanatory variable is itself quite problematic. . . . [w]hen the arrest rate is included as an explanatory variable in a regression equation, this leads to the statistical problem known as 'endogeneity,' or 'simultaneity bias.'"<sup>58</sup> By including arrest rate information in the statistical analysis, Lott has created a situation where it is difficult to isolate the impact of concealed-handgun permits on vio-

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55. BLACK'S LAW DICTIONARY 489 (1996).

56. See LOTT, *supra* note 6, at 146.

57. See *id.*

58. *Id.* at 145 (quoting Jens Ludwig, *Do Permissive Concealed-Carry Laws Reduce Violent Crime*, Georgetown University working paper 7, 8 (Oct. 8, 1996)).

lent crime.<sup>59</sup> The increase in permits could be due to the increase in violent crime in the time period prior to this study, and the downturn in violent crime could be attributable to arrest rates.<sup>60</sup> Though Lott is aware of this problem, it is unclear without objective verification that he has successfully overcome it.<sup>61</sup>

## 2. *Crime Cycles*

Lott claims that his statistical analysis has sufficiently controlled for the effect of crime cycles on violent crime rates.<sup>62</sup> He contends that the change he discusses is not part of a normal cycle.<sup>63</sup> Again, several critics disagree with Lott's treatment of crime cycles.<sup>64</sup> Crime rates in the United States are normally cyclical in nature, rising often for an extended period of time, but always coming back down.<sup>65</sup> If concealed-handgun permit issuance is increased during a peak in one of these cycles, it is difficult to determine whether the issuance of those permits produced the decline in violent crime or whether they just caught the wave on its way down.<sup>66</sup> Again, this problem seems to call for further research, perhaps comparing the size of the decline post-concealed-handgun permit laws to the typical size of a cyclical decline.

## 3. *Scope of the Claimed Effect of Concealed-Handgun Permits*

As discussed earlier in Section I, Lott claims that an increase in the number of concealed-handgun permits has had a huge effect on violent crime and that the passage of similar laws could save the country billions of dollars.<sup>67</sup> However, using Lott's numbers, for instance, only five percent of the population of Pennsylvania and two percent of the population of Florida have concealed-handgun permits.<sup>68</sup> Assuming that not all of these people acquired their permits after new shall-issue laws<sup>69</sup> took effect, it may seem unreasonable that a relatively

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59. See LOTT, *supra* note 6, at 22.

60. See *id.*

61. See *id.* at 145.

62. See *id.* at 130-31.

63. See *id.* at 131.

64. See *id.* at 130.

65. See *id.* (citing Daniel W. Webster, *The Claims That Right-to-Carry Laws Reduce Violent Crime Are Unsubstantiated*, The Johns Hopkins Center for Gun Policy and Research, copy obtained Mar. 6, 1997, p.1).

66. See *id.*

67. See *id.* at 54-56. See *infra* notes 1-46.

68. See *id.* at 129.

69. Shall-issue laws, also known as nondiscretionary or "do-issue" laws, "require law-enforcement officials or a licensing agency to issue, without subjective discretion, con-

small increase in the number of concealed-handgun permits issued could have such a pronounced effect on the rate of violent crime.<sup>70</sup> Two critics of Lott's proposition, Zimring and Hawkins, claim that "[l]arge reductions in violence are quite unlikely because they would be out of proportion to the small scale of the change in carrying firearms that the legislation produced."<sup>71</sup>

### B. *Flaws in Study Methodology*

In addition to the variable-generated problems raised above, many of Lott's detractors have argued that there are additional flaws in his methodology. These statistical issues are important, but need not be dealt with in great depth to understand their import. This section will attempt to explain the basic issues raised by Nagin, Black, and Webster, without delving into statistical theory. The question that must be answered is whether these flaws in methodology are fatal to the conclusions reached by Lott. James Brady's comments about Lott's study provide a powerful introduction to this section:

The gun lobby claims to have a new weapon in its arsenal this year — a study by economist John Lott. But the Lott study shoots blanks. In reviewing Lott's research and methodology . . . Nagin, Black, and Ludwig recently concluded in a televised debate with Lott that "there is absolutely no credible evidence to support the idea that permissive concealed-carry laws reduce violent crime," and that "it would be a mistake to formulate policy based on the findings from Dr. Lott's study."<sup>72</sup>

#### 1. *Nagin and Black*

Nagin and Black are the most vocal of Lott's detractors, and the only people who publicly criticized the study at the time Lott's book was published.<sup>73</sup> Of Lott and his colleagues, the two researchers

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cealed-weapons permits to all qualified applicants." *Id.* at 43. Such laws were adopted in thirty-one states at the time Lott's book was published. *Id.*

70. See *id.* at 129 (citing Franklin Zimring & Gordon Hawkins, *Concealed-Handgun Permits: The Case of the Counterfeit Deterrent*, THE RESPONSIVE COMMUNITY, 59 (Spring 1997)).

71. *Id.* The legislation the authors are referencing is a concealed-carry, shall-issue law—the centerpiece of Lott's analysis.

72. James Brady, *Concealed Handguns: Putting More Guns on Streets Won't Make America Safer*, MINNEAPOLIS STAR TRIB., Mar. 21, 1997, at 21A. Brady was permanently injured during John Hinkley's attempted assassination of President Reagan. Hinkley used a cheap, 22 caliber handgun, the type of gun targeted by the Brady law.

73. See LOTT, *supra* note 6, at 128-29. Nagin and Black are colleagues at Carnegie-Mellon University.

stated that they “think the study falls far short of any reasonable standard of good social science research in making [their] case.”<sup>74</sup> Nagin and Black feel that the models used in the statistical analysis make too many assumptions.<sup>75</sup> For instance, the two are most concerned that the statistical models assumed “(1) an immediate and constant effect of shall-issue laws, and (2) similar effects across different states and counties.”<sup>76</sup> Lott counters by stating that it is necessary to extrapolate from basic models at the beginning of any research, and that he realizes it may take years for the ultimate results to come in.<sup>77</sup>

## 2. Webster

Webster raises several problems with the methods used by Lott in his study. First, as Black and Nagin argue, Webster believes that Lott’s statistical models assumed an “immediate and constant effect from shall issue laws” and “similar effects across different states and counties.”<sup>78</sup> The best explanation offered by Lott is that one begins with simple models when conducting research and adds complexity.<sup>79</sup> By simplifying the models to this extent, however, the question remains regarding the accuracy of the results produced. Webster implies that assuming such consistency in statistical effect may be intellectually dishonest on Lott’s part.<sup>80</sup>

The second problem that Webster raises regarding Lott’s research is the dates that Lott uses for passage of shall-issue concealed-carry laws in a few states.<sup>81</sup> The significance of the dates used affects Lott’s ability to draw correct cause and effect relationships between passage of such laws and the purported resulting drop in crime. In particular, Webster claims that Lott used the incorrect passage date for the concealed-carry law in Virginia and that Lott arbitrarily chose a date for Maine’s liberalization of its concealed-carry policy.<sup>82</sup> By appearing reckless regarding passage dates, Lott again raises issues of

74. Richard Morin, *Unconventional Wisdom: New Facts and Hot Stats from the Social Sciences*, WASH. POST, Mar. 23, 1997, at C5.

75. See Dan Black and Daniel Nagin, *Do “Right-to-Carry” Laws Deter Violent Crime*, 27 J. LEGAL STUD. 213 (Jan. 1998).

76. *Id.*

77. See LOTT, *supra* note 6, at 131-32.

78. *Id.* at 131 (citing Daniel W. Webster, *The Claims That Right-to-Carry Laws Reduce Violent Crime Are Unsubstantiated*, The Johns Hopkins Center for Gun Policy and Research, copy obtained March 6, 1997, p.2).

79. See *id.* at 132.

80. See *id.* at 131-32.

81. See Daniel W. Webster, *Concealed-Gun Research Flawed*, OMAHA WORLD HERALD, Mar. 12, 1997.

82. See *id.*

accuracy in his representations. Further research may be necessary to determine if these timing problems change any of Lott's conclusions.

### C. *Public Policy Concerns*

Lott makes no excuses for his law and economics approach to handgun control—that is his background and his area of expertise.<sup>83</sup> Lott recognizes that “[t]o the non-economist, it may appear cold to make this comparison, but just as grocery shoppers switch to cheaper types of produce, criminals switch to attacking more vulnerable prey.”<sup>84</sup> The problem is that Lott is not discussing produce, a simple allocation of resources, or the distribution of wealth. He espouses theories that may affect human lives. Is law and economics an appropriate theoretical framework for this discussion? The answer may become clearer by analyzing Lott's approach to several issues directly impacting human lives.

#### 1. *Accidental Death*

Accidental death is a hot topic in the gun control debate.<sup>85</sup> Lott believes that the news media are responsible for much of the fear created regarding accidental gun deaths.<sup>86</sup> From a law and economics perspective, Lott believes that this fear is not proportional to the risk of accidental gun death actually posed.<sup>87</sup> Lott begins by stating that there were 1,400 accidental firearms deaths in this country in 1995.<sup>88</sup> He then compares accidental firearms deaths to other causes of death in the country, particularly for children.<sup>89</sup> Lott concludes his analysis by explaining that “[m]ore children die in bicycle accidents each year than die from all types of firearms incidents.”<sup>90</sup> The first problem with Lott's conclusion is that the number of children riding bikes is probably not equivalent to the number of children exposed to handguns, and Lott's proposals would increase the number of children exposed to handguns.<sup>91</sup> Even assuming that the comparison were legitimate, where economists might see futility in restricting guns to save *only* 1,400 lives, most people might see a need to increase bicycle

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83. See LOTT, *supra* note 6, at 5.

84. *Id.*

85. See *id.* at 9, 110-12.

86. See *id.* at 9.

87. See *id.*

88. See *id.*

89. See *id.*

90. *Id.*

91. See *id.* at 110. Lott admits that “[a]s more people carry handguns, accidents may be more likely.” *Id.*

safety. It is not clear that a cost/benefit analysis is reasonable in the context of human lives.

## 2. *Suicide*

The next discussion that reveals problems with the law and economics approach to gun control is suicide. Lott begins by admitting that concealed-carry laws "increase the probability that a gun will be available when an individual feels particularly depressed; thus, they could conceivably lead to an increase in the number of suicides."<sup>92</sup> After analyzing the data, Lott concludes that any increase in suicides is statistically insignificant.<sup>93</sup> As a result, the loss of life does not create any economic roadblocks for Lott in encouraging passage of concealed-carry laws. It would be difficult to discern from Lott's brief discussion of the issue that suicide is the leading cause of firearms deaths in America, accounting for 17,566 deaths in 1997, the most recent year with complete figures.<sup>94</sup> Even if only a handful more suicides occur as a result of these laws, is that an acceptable cost for most people?

## 3. *Mass Public Killings*

The final issue that raises questions regarding the appropriateness of a law and economics approach to gun control is mass public killings. Gun control advocates often discuss mass killings because such killings often seem to involve concealed-weapons.<sup>95</sup> Lott counters by explaining that the rate of mass public killings remained constant from 1977 to 1992 and may have even dropped after some shall-issue concealed-carry laws were passed.<sup>96</sup> Lott mentions a disturbing spike, however, in such killings immediately after shall-issue laws are passed.<sup>97</sup> He attributes this to the fact that most of the public has not had a chance to arm themselves, thus creating the necessary deterrence.<sup>98</sup> It also seems possible that such an initial increase could be due to the ability of otherwise suspicious individuals to acquire concealed-carry permits under the new, liberal shall-issue policies. It re-

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92. *Id.*

93. *See id.* at 112.

94. *See* Josh Sugarmann, *Loaded Logic: Making Guns Smart Won't Stop Killings Like the One in Michigan*, WASH. POST, Mar. 5, 2000, at B2.

95. As an example, Lott points to the Long Island Railroad shooting where a man boarded a crowded commuter train with a concealed weapon and executed random passengers.

96. *See* LOTT, *supra* note 6, at 100-02.

97. *See id.*

98. *See id.*

mains to be seen whether the long-term effect of shall-issue concealed-carry laws causes an increase or a decrease in mass public shootings.

#### CONCLUSION

Lott's work took the gun control debate by surprise and sent people scurrying to buttress or rebuke his work depending on their ideology. In a time of rampant gun violence, it is difficult to understand an individual calling for allowing more guns to be on the street, much less concealed-guns. Nonetheless, Lott's theories raise difficult questions about how fundamentally we are willing to change our society to lessen gun violence. Lott pushes the envelope—proposing that all discretion in issuing concealed-carry permits be taken away from authorities via shall-issue laws. Lott believes that the economic benefit to society from passing shall-issue laws is greater than any demonstrated as the result of any gun control measures.

Despite efforts to defend his theories, Lott's work is not without its problems. Many of the assumptions in Lott's research have been criticized as non-scientific and at times simply defying logic. Finally, several of Lott's suggestions leave the reader cold. Prior to resolving the issue of concealed-carry laws, society must decide if it can accept Lott's law and economics approach to an issue that deals not with a fungible commodity, but with human lives.