

Research on the Individual Right to Self-Defense from Crime, Tyranny and Genocide

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4. Colorado has historically high rate of CBI denials reversed upon appeal.
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Semi-auto ban and magazine ban had little effect on gun violence.
6. Kates and Mauser- You either get nothing or worse results with gun control.
7. Kleck- Gun is most effective way to resist robbery and assault.
8. Wright and Rossi- Armed citizens have a deterrent effect on crime.

Problems with Background Checks and Related Statistics "The 40% Myth"

Background checks don't actually deter criminals. The checks are inaccurate. Violations by prohibited persons are rarely prosecuted. A survey by the National Association of Chiefs of Police and Sheriffs in 2005 indicated that 96% of the respondents thought that any criminal could obtain a firearm by illegal means (without going through a background check.)

Reports that 40% of firearms are purchased without background checks apparently came from a Clinton-Era survey of 251 individuals. Overlooking the extremely small sample size in this report, most of the survey was done before implementation of the Brady Bill background checks in 1994. Dr. John Lott, a former economist at the US Sentencing Commission, wrote in an on-line article at *National Review on Line* that, "...the high figure" (40%) "comes primarily from including such transactions as inheritances or gifts from family members... If you look at guns that were bought, traded, borrowed, rented, issued as a requirement of the job, or won through raffles, 85% went through federally licensed dealers." That 40% figure could be less than 10% today, according to Dr. Lott.

Colorado's reversal rate on appeals of background check denials was around 57% during the 2009 reporting period, down from 70 plus percent in 2008. How much higher would these rates have been if more people had appealed? What happens to a wrongly denied, battered woman who needs a gun for immediate protection? She must navigate a complicated appeals process that she may not live to complete.

In 2010, the Bureau of Alcohol, Tobacco, Firearms, and Explosives reversed 94% of initial denials after preliminary review. Only 13 people were convicted of background check-related crimes. In Chicago, notorious for its draconian gun laws and numerous murders, there were only 25 federal firearms' prosecutions in 2011. Chicago had 432 murders in 2014. Nationally, in another recent period, out of 76,142 background checks reported by licensed dealers, only 62 resulted in prosecution.

When a person is denied on a background check, he or she is reported to the authorities as a "prohibited person," regardless of the validity of the denial. This could work a real hardship on honest citizens, were the laws actually enforced. What about the legality of guns owned at the time of the denial?

Gun control doesn't work. As one young gang member so eloquently put it a few years ago on a Denver radio talk show, "If you're going to smoke somebody, you don't need no paperwork." Even if a "prohibited person" is denied on a background check, the odds are very low that he or she will be prosecuted, as evidenced by the above figures. It is then a simple matter for a felon or other ineligible individual to buy a gun "on the street" or arrange for a "straw purchase" through a third party.

Even if all the "legal" guns in the US were registered, which few gun control advocates want to admit might be the goal of background check legislation; current gun ownership, smuggling, and black market activity would be more than enough to supply the criminal demand for firearms. As we often hear from gun control advocates, there are about 88 guns for every 100 US citizens. All background checks really accomplish is the creation of a barrier to legal firearms ownership for citizens who try to obey the law.

If felons and gangsters had a lobby, they would, no doubt, be in favor of any bill that would tend to disarm their victims, while leaving the bad guys armed for mayhem. Canada dropped its "Long Gun Registry," because it was extremely expensive and could not be proven to have been of significant help in the solution of any crime. Background checks encourage crime in the same way that Prohibition promoted the rise of criminal gangs, notably in Chicago, which is arguably, the gun control and murder capitol of the country...

Survey, National Association of Chiefs of Police and Sheriffs, 2005

Workman, Dave, "Nearly 11,000 wrongly denied by background checks, *The New Gun Week*, 09-15-09, page 2.

Testimony from Colorado Bureau of Investigation in committee, 2013

Lott, John, "The 40% Myth," *National Review on Line*, 01-24-2013

Small Arms Survey, Geneva, Switzerland, 2007

Brady Law had no effect on Murder or Suicide Rates

According to an article in the *Journal of the American Medical Association* published in the year 2,000, The Brady gun registration law, enacted in 1993, failed to reduce murder or suicide rates. (The law went into effect on February 28th, 1994.) Two well-known advocates for increased gun control, Dr. Ludwig and Dr. Cook, reported that the act did not produce "reductions in homicide rates or overall suicide rates," in states that implemented background checks.

"Homicide and Suicide Rates Associated With Implementation of the Brady Handgun Violence Prevention Act," *Journal of the American Medical Association*, vol. 284, no. 5, August 2nd, 2,000.

Firearms Coalition of Colorado, PO Box 1454, Englewood, CO 80150-1454

Gun Control Research: The CDC Study

A comprehensive study done by one of the most prestigious scientific organizations in the country has found no statistically significant evidence that gun control has prevented a single violent crime.

If you believe that scientific research is the most logical way to understand the reality of the world, then you pay attention to studies done by groups and individuals. You also give weight to surveys that attempt to draw conclusions by reviewing numbers of studies.

The survey in question was done by the Centers for Disease Control (CDC) to determine if gun control has made a difference in the crime rate in the United States. There are some important things to remember about this study, which was published in 2003.

The CDC is a governmental organization that generally favors strict gun control laws. The panel doing the review of studies on these laws was largely made up of advocates for restricting or banning the citizen ownership of firearms in the United States.

The purpose of the survey was to evaluate gun control laws with regard to effectiveness in controlling crime and violence. Given the institutional and individual bias in favor of restrictive gun laws, the conclusions of the CDC study are remarkable.

The CDC panel reviewed 51 studies regarding the effectiveness of gun control laws. Based on that review, they could not say that gun laws had prevented a single crime. The survey included, among other issues, studies of the effectiveness of gun and ammunition bans, licensing and registration laws, child access laws, and waiting periods. There was some slight evidence that waiting periods to purchase a firearm may reduce the gun suicide rate in older persons, while not affecting the overall suicide rate.

You would think that out of 51 scientific studies there would be more evidence of the effectiveness of gun control, if gun control were effective in preventing crime and violence. It is a tribute to the honesty of the CDC panel, given their preconceived ideas that they were willing to issue this report at all. The survey did say in somewhat Orwellian fashion that "insufficient evidence to determine effectiveness should not be interpreted as evidence of ineffectiveness." (Just because 51 studies failed to find a significant result, it doesn't mean that the result isn't there.)

The panel recommended additional research. This CDC survey is corroborated by the results of an even more exhaustive review done by the National Academy of Sciences.

Thacker, Steven, M.D., Dixon, Richard E., M.D., *First Reports evaluating the effectiveness of strategies for preventing violence: Firearms Laws*, Task Force on Community Preventive Services, Centers for Disease Control.
<http://www.cdc.gov/mmwr/preview/mmwrhtml/rr5214a2.htm>

Colorado has a high rate of background check denials reversed upon appeal.

In 2008, Colorado led the nation in the percentage of wrongful denials and 71% of Colorado denials were reversed on appeal, according to an article by Dave Workman.

In 2008, about 11,000 U.S. Citizens were wrongfully denied the right to buy a gun.

Colo., just 1 of 50 states, had over 14% of the wrongful denials. Of the 5 states with the highest denial rates, Colo. led the U.S. in the number of wrongful denials.

71% of Colo. denials were reversed on appeal.

The NICS had only a 4% denial reversal rate.

The NICS check was almost 18 times more accurate in protecting honest citizens than the CBI check.

*Source: Workman, Dave, "Nearly 11,000 wrongly denied by background checks in 2008," *The new Gun Week*, 09-15-09, Page 2.

Problems with database accuracy create a burden on honest citizens, while creating an inconvenience for criminals.

Gun Control Research- Gius

"Shall-Issue" Concealed Carry Laws Seem to Reduce Gun Murder Rates. So-called: "Assault Weapons" Bans Have Minimal or Detrimental Impact on Gun Violence.

A 2014 study entitled, *An examination of the effects of concealed weapons laws and assault weapons bans on state-level murder rates*, by Mark Gius of Quinnipiac University came to the above conclusions after reviewing data on murder rates from 1980 to 2009. The time line for this study is one of the longest ever employed for this type of research. The data used by the researcher was taken from the US Department of Justice Supplementary Homicide Reports.

The results of this study corroborate the findings of the seminal research published by Lott and Mustard in 1997. The extensive 1997 study looked at the effects of "Shall-Issue" concealed carry (CCW) laws in every county in the US, except those counties that had no crime before or after the implementation of such laws during the study period. Lott and Mustard came to the well-known conclusion of *More Guns, Less Violent Crime*.

The 2014 study by Gius also reinforces the conclusions drawn by Koper and Roth in 2001 that the Federal ban on certain types of semi-automatic firearms, often mistakenly called "assault weapons," had "little to no effect on homicide rates associated with firearms."

The 2014 study indicated that states with more restrictive CCW laws had a 10% higher gun-related murder rate than those that did not. This finding also agrees with the results of a study done by Wright and Rossi for the US Department of Justice, which found that criminals tend to be risk averse and are deterred by the threat of armed resistance.

Overall murder rates, as measured by Gius, were 19% higher during the time period when the Federal "Assault Weapons" Ban was in effect than at other times during the study period.

While the author of this research does not assert that his conclusions are definitive evidence, the results of the 2014 Gius study support the position that armed citizens reduce crime and that gun bans have no positive, deterrent effect on criminal behavior.

Gius, Mark, (2014) *An examination of the effects of concealed weapons laws and assault weapons bans on state-level murder rates*, *Applied Economics Letters*, Volume 21, No. 4, Pages 265-267.

Lott, J. and Mustard, D. (1997) *Crime, deterrence, and right-to-carry concealed handguns*, *the Journal of Legal Studies*, 26, Pages 1-68.

~~Lott, John R., Jr., "More Guns, Less Violent Crime," "The Rule of Law Column," *The Wall Street Journal*, NY, NY, August 28th, 1996.~~

Wright, James D., Rossi, Peter H., *The Armed Criminal in America*, U.S. Department of Justice, 1985.

**Gun Control Research- Professor Donald Kates and Professor Gary Mauser
Criminals Don't Obey the Laws**

“The people you need to control are not going to obey the gun control laws... and the people you don't need to control, those are the ones who obey. So what you get is... either nothing, or you get worse results with gun control.

Professor Donald B. Kates is co-author of “Would Banning Firearms Reduce Murder and Suicide? A review of International and Some Domestic Evidence ” published in the spring of 2007 in the Harvard Journal of Law and Public Policy, the most widely distributed law review in the US. Professor Kates served as a professor at Stanford Law School. His co-author, Professor Gary Mauser, served as a Canadian university professor.

The Kates- Mauser study looked at 18 European nations with varying levels of gun ownership. They concluded:

“Whether gun availability is viewed as a cause or as a mere coincidence, the long term macrocosmic evidence is that gun ownership spread widely throughout societies consistently correlates with stable or declining murder rates. Whether causative or not, the consistent international pattern is that more guns equal less murder and other violent crime.”

Lewin, Marshall, “Would Banning Firearms Reduce Murder and Suicide?” *America's 1st Freedom*, National Rifle Association, Fairfax, Va., August 2007, Page 32.

Firearms Coalition of Colorado PO Box 1454 Englewood, CO 80150-1454

Gun Control Research- Dr. Gary Kleck- Gun most effective way to resist robbery and assault- up to 2.5 million defensive gun uses per year by U.S. adults

Dr. Kleck, a professor of criminology at Florida State University is a registered Democrat, a member of the ACLU, does not own guns, and takes no money from anyone on either side in the debate. In 1988, Kleck published an article in the journal, *Social Relations*. This article, the first major research effort that measured defensive gun use, was based on state and national studies.

Dr. Kleck estimated that about 1 million adults per year use a gun for self-defense in the U.S. Kleck's research included studies done for the anti-gun National Alliance Against Violence, and the National Crime Victimization Surveys. Kleck concluded that gun use was the most effective and safest way of resisting a robbery or assault, safer than not resisting, running away, or using another method of resistance.

In 1991, Dr. Kleck published *Point Blank: guns and violence in America*. The book won an award in 1993 from the American Society of Criminology for an "outstanding contribution" to the field.

Not satisfied with the sources for his previous work, Dr. Kleck and his colleague Marc Gertz created a new survey with a sample size of about 5,000 individuals to better measure defensive gun use. With the new survey, Kleck and Gertz estimated between 2.2 to 2.5 million defensive gun uses per year in the U.S. Women were the defenders in about 46% of the cases reported. Less than 25% of the reporting defensive users indicated that they fired a shot during the incident under consideration. There is a less than 1% change that a defender's gun will be taken from him or her by an assailant, according to Dr. Kleck.

Dr. Marvin Wolfgang was asked to critique the Kleck/Gertz Study. Dr. Wolfgang's review included the following: "I am as strong a gun-control advocate as can be found among... criminologists... they (Kleck and Gertz) have provided an almost clear-cut case of methodologically sound research in support of something I have theoretically opposed for years... the use of a gun in defense against a criminal perpetrator... I do not like their conclusions that having a gun can be useful, but I cannot fault their methodology."

The absolute lowest estimates of about 100,000 defensive gun uses per year in this country come from the Department of Justice, using U.S. Census information. There is no question in the survey that asks about defensive firearms' use. This estimate is probably a serious undercount.

The Clinton Justice Department funded what was supposed to be a counter study debunking the Kleck/Gertz research. In 1996, anti-gun researchers Ludwig and Cook came up with about 3 million defensive gun uses per year. They then decided that it is impossible to measure the true number of persons who use guns in America for self-defense.

The research done by Kleck and Gertz indicates that defensive use of firearms by private citizens is a significant factor in stopping criminal violence. The research also lends itself to the conclusion that in the vast majority of cases where a gun is used to resist robbery or assault, no shots are fired.

Sources:

- Blackman, Paul H., Ph.D., "Armed Citizens and Crime Control," <http://www.nraila.org/issues/articles/read.aspx?id=125>.
- Kopel, David, Independence Institute, panel discussion on guns and self-defense, Warwick Hotel, Denver, Colorado, July, 2009 <http://vids.myspace.com/index.cfm?fuseaction=vids.individual&VideoID=60107462>
- "How Often Are Firearms Used in Self-Defense?" http://www.guncite.com/gun_control_gcdguse.html.
- Stevens, Richard W., "Statistics and 'Gun Control,'" Jews for the Preservation of Firearms Ownership, Inc, <http://www.jpfo.org/filegen-a-m/data-docs.htm>.

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Gun Control Research-Wright and Rossi Department of Justice Study
(Deterrent effect of armed citizens upon criminal behavior)

Professors James D. Wright and Peter Rossi of the Social and Demographic Research Institute at the University of Massachusetts conducted a study in 1982 and 1983 paid for by the U.S. Department of Justice. (Professor Rossi was a former President of the American Sociological Association.) The researchers interviewed 1,874 imprisoned felons in ten states.

Professors Wright and Rossi initially believed that strict gun control deterred crime. The results of their research led them to the conclusion that armed citizens have a beneficial effect in reducing criminal behavior and that harsh laws, such as handgun bans could result in criminals using sawed off rifles and shotguns with more deadly results. 88% of the criminals surveyed by Wright and Rossi agreed with the statement that, "A criminal who wants a handgun is going to get one."

A 1986 review of the professors' work, *Armed and Considered Dangerous*, by Raymond G. Kessler of the Department of Criminal Justice of Memphis State University, concluded, "Although *Armed and Considered Dangerous* is not free of methodological problems, it is the best policy-oriented study of criminals and their guns available."

Wright and Rossi reported that:

81% of interviewees agreed that a "smart criminal" will try to determine if a potential victim is armed.

74% indicated that burglars avoided occupied dwellings, because of fear of being shot.

57% said that most criminals feared armed citizens more than the police.

40% of the felons said that they had been deterred from committing a particular crime, because they believed that the potential victim was armed.

57% of the felons who had used guns themselves said that they had encountered potential victims who were armed.

34% of the criminal respondents said that they had been scared off, shot at, wounded, or captured by an armed citizen.

Based on this government-funded research by Wright and Rossi, it would appear that armed citizens do have a deterrent effect on crime.

Wright, James D., Rossi, Peter H., Daly, Kathleen, *Under the Gun, Weapons, Crime, and Violence in America*, Aldine de Gruyter, New York, 1983.

Wright, James D., Rossi, Peter H., *The Armed Criminal in America*, U.S. Department of Justice, 1985.

Wright, James D., Rossi, Peter H., *Armed and Considered Dangerous, a Survey of Felons and their Firearms*, Aldine de Gruyter, New York, 1986.

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