

THE COSTS OF USING GUN CONTROL TO REDUCE HOMICIDE

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This paper evaluates some of the costs of using gun control to reduce the homicide rate. However, gun control did not have to be the medium to carry the theme of the paper. Any social policy would have sufficed because any social policy to affect any behavior in society will have costs associated with it. I would like to discuss what some of those costs might be to pursue gun control as a social policy. I choose gun control as a policy to discuss for two reasons. First, I am familiar with the literature and research on gun control. But second and more important, gun control seems to be a sacred cow. For many it seems to be a policy with many benefits and few if any costs. Of course, gun control like any other policy, has its costs. It is just that until very recently we have not attempted to evaluate those costs and to examine this sacred cow. As suggested in other presentations at this conference, there is no quick fix in the policy realm. Policy initiatives take time, they have costs and they frequently fail. Because of this, a policy analyst must think through any policy, evaluate possible costs and outcomes regardless of how appealing the policy might seem at first glance. Once costs and possible outcomes have been evaluated, we can decide if we are willing to pay the costs necessary to pursue the policy. Or we may wish to abandon the policy because the possible outcomes, which were initially hidden, are unacceptable.

Loftin and McDowall provide a good example of a policy initiative that failed, but which at first blush seemed simple and effective.¹ They evaluated the effects of a mandatory sentencing law in Detroit which requires a two year mandatory sentence for committing a crime with a gun. This is a relatively simple law. If a person committed a crime with a gun, that person was, without exception, to be sentenced to serve a two-year prison sentence. One would think that a law like this could be instituted relatively easily. After exhaustive research they concluded that the law simply was not used in Detroit. It had no effect whatsoever. Others have found the same sorts of relations for laws in Massachusetts.² And Majorie Zatz and I evaluated a similar law in California and found that the law was not used.³ I could not possibly discuss all aspects of the cost of gun control here. This discussion could fill volumes. In addition, it is not clear what gun control is. To some it means tough laws to deal with criminals who commit crimes with guns. To others it means handgun confiscation. To many it is a vague notion about controlling something that they know little about. Interestingly, if one knows little about something and wants to control it, that person probably knows little about how to, or the cost of, control. This is, of course, part of the point of this discussion. Because space and specificity preclude full discussion of the Topic, I shall consider some possible costs of pursuing some types of gun control. These costs may or may not exist. They are just possible costs. Before any policy is pursued, however, these sorts of costs should be evaluated. If we ignore this warning for any proposed policy we could create a disaster.

SOME PUBLIC HEALTH COSTS OF HANDGUN ONLY CONTROL

Let us begin by considering the possible effects of gun control on the homicide rate. Many people assume or posit that gun control would reduce the homicide rate. In specific, many people argue that since handguns are the weapon of choice for those committing homicide, we should confiscate handguns. Kleck attempts to evaluate whether or not the death rate in crime would decrease if all handguns were confiscated.⁴ He uses existing research on ballistic tests and wounding patterns as they relate to firearm caliber. This research was conducted by the Federal Bureau of Investigation and the United States military. Kleck reports that the research suggests that as firearm caliber increases, the lethality of the weapon increases. Interestingly, Zimring makes a similar argument for handgun caliber.⁵ On the basis of this, Kleck calculates that given the number of trigger pulls per criminal attack with a gun, if only 20% of handgun criminals shifted to either sawed off or unadulterated rifles and shotguns, the death rate in crime would double. That is, if 20% of handgun criminals shifted to clubs and knives, or something less deadly than a handgun, and no deaths occurred for that 80%, the death rate would still double because of the 20% shifting to more deadly weapons!

Let us assume that Kleck's findings are roughly correct. They may or may not be. However, right now they are our best guess. One might respond to Kleck by arguing that fewer than 20% of handgun criminals would shift to more deadly long guns. In research sponsored by the National Institute of Justice, James Wright and Peter Rossi surveyed prison inmates in order to determine their patterns of gun use in crime.⁶ The people interviewed were gun criminals. Wright and Rossi asked these felons what they would do if they could not obtain a handgun to commit a crime. About 75% of them responded that they would saw off a rifle or shotgun in substitution for the handgun! One might respond to Wright and Rossi that these felons would not have the motivation or technical skill actually to saw off a long gun to make it as concealable as a handgun. However, they also asked these felons if they had ever done this when they could not obtain a handgun. Surprisingly, about 75% of those saying that they would saw off a long gun if they could not obtain a handgun also said that they had done this in the past! This means that if Kleck's 20% substitution leading to a doubling in death rates is correct and Wright and Rossi's felons are accurate, then we might expect a quintupling in the death rate with handgun only control. To the extent that their estimates are high we might only expect a fourfold, or three-fold or maybe no increase in the death rate.

This implies that handgun only control is not a good idea. Kleck calls it "A policy disaster in the making."

Couple these findings with research by Philip Cook,⁷ who finds that injury rates in knife attacks are higher than in gun attacks. However, death rates in gun attacks are higher than in knife attacks. This means that some proportion of the criminals who shift from handguns would turn to knives, and this increase in knife usage would increase the injury rate. So if Kleck, Wright, Rossi and Cook are correct, handgun only control might result in the paradox of an increase in the death rate and an increase in the injury rate! This is not a good policy outcome to pursue.

This body of research suggests that handgun only control could result in costs which we are not willing to pay. If we are not willing to pay these costs we might wish to pursue a different form of gun control. Perhaps a bigger, more encompassing policy would be in order, or perhaps, a smaller more easily managed policy alternative. Whatever the choice, these alternative policies would have costs and benefits associated with them. These new costs and benefits would have to be evaluated. And we would have to decide whether or not we would be willing to pay the price.

SOME RELATED PUBLIC HEALTH COSTS OF HANDGUN CONTROL

In an earlier presentation, Professor Zahn reported that young black urban women are not violence prone. Yet, young black urban men do tend to have high rates of violent crime. She suggested that we, as social scientists, investigate the reasons for these differences. Professor Bordua and I also noticed these differences. In part, we addressed this issue with data from the state of Illinois.

In order legally to own guns in Illinois, one must have a Firearms Owners Identification Card. We obtained rates of card ownership for counties in Illinois.⁸ Using these data and interview data on a random sample of people in Illinois, we attempted to determine which social groups own guns and how this ownership is related to crime.

We found that the rate of male gun ownership is uncorrelated with the crime rate. However, the rate of female gun ownership is positively correlated with the rate of violent crime. In fact, the research suggests that young black urban women are the most likely group to own guns. Yet, Professor Zuhn reminds us that young black urban women are not likely to commit violent crimes. Women in general are not likely to commit violent crimes.

No serious criminologist would argue that significant numbers of black women buy guns to commit crimes. Therefore, we can only conclude that significant numbers of young black urban women do buy guns to protect themselves from crime.

In an earlier presentation Professor Loftin used a burning building analogy to make a point. He said that if

a building were on fire the crowd in the building could be thought as being arrayed in a queue. If there were no panic, people at the end of the line may or may not escape from the building. However, people at the end of the line might panic because they would realize that their probability of survival is the lowest: This panic could result in more death and injury, but it is a natural response to a dangerous situation. Young black urban women may see themselves at the back of the line in the burning building. They are the least likely to receive adequate protection from the criminal justice system and the most likely to be victimized. They may reason that a handgun puts them at the front of the line. The gun may or may not be effective for these women. More research needs to be done to determine the efficacy of using a gun for protection. The gun could increase the probability of injury to the victim. It could be used to thwart an attack. Or, more likely, if it is widely known that a certain social category of people on the street is armed, criminals may avoid that group. In fact, Wright and Rossi report that criminals are concerned about armed citizens.¹⁰ They would rather victimize unarmed citizens. If criminals are informed, all this suggests that handgun control or confiscation may increase the death and injury rates for these women. Again, more research needs to be done. The point is that policies can have unintended negative and positive outcomes.

SOME OTHER COSTS OF SOCIAL POLICIES

To this point we have only considered the possible costs of handgun control in terms of death and suffering. There are other types of gun control. There are also other types of costs that in general, may accrue to social policies. Not all of these possible costs are related to public health. However, they would nonetheless influence our decision to pursue a certain policy. In this section, I shall briefly consider these other possible costs. I shall use various types of gun control to make the point. Again, these costs may or may not be real. They should, however, be considered.

Beyond human lives and suffering, there are at least five other types of costs. They include monetary costs, civil liberties costs, crime control costs, external security costs and emotional costs. Emotional or psychological costs do relate to the public health area. For example, the young black urban women discussed in the previous section provide an example of emotional costs to public policy. Presumably, these women buy guns because they fear crime. Whether or not the guns are effective in thwarting criminals or deterring crime, they probably have the effect of making the women feel more secure. It gives a feeling of psychological well being. This feeling would be eliminated if the gun were removed.

There is another, probably more important, psychological cost. The government and the criminal justice system, in part, derive their ability to govern from the consent of the governed. That is, government can operate because the citizenry has confidence in it. Vietnam war protestors used this notion in their slogan: "what if you held a war and nobody came?" One might ask the same question about a social policy. That is, what would happen to the credibility of the criminal justice system if no one complied with the law? People might lose confidence in the ability of the system to function.

In the gun control area. Bordua, Kleck and I asked a random sample of people in Illinois if they would comply with gun confiscation.¹¹ About 75% of gun owners said they would not. About half of the households in the United States possess a gun. If 75% of those households refused to comply with the law, this would amount to massive civil disobedience which would be impossible to police. Obviously, noncompliance would not have to approach 75% to make enforcement impossible. A much lower percentage would suffice. Again, this noncompliance might shake citizens' confidence in the system.

Monetary costs should be another concern to those interested in social policy. For example, there are about 200 million guns in the United States. Estimates vary plus or minus 40 million. About 60 million of these are handguns. The monetary costs of collecting or registering these guns is no trivial matter. Even if there were only 4 or 5% noncompliance, this would amount to from 800,000 to one million illegal guns. Also, in a confiscation scheme, reimbursement at fair market value may be necessary to ensure compliance. Given the large number of guns and their high cost, this could be a sizable amount of money.

A confiscation or registration law in the absence of sufficient authority to enforce the law would be costly and useless. However, there are certainly civil liberties costs to be paid. This is especially true if sizable numbers of people did not comply. Civil liberties problems arising from the United States Constitution's fourth amendment protections against illegal search and seizure could be substantial. In fact, the fourth amendment would probably bar any de facto application of a registration or confiscation law for existing guns. That is, given the number of guns, the searches necessary to control even low percentages of noncompliance would be constitutionally prohibitive.

Any registration system which would check a person's mental or criminal history has interesting implications for civil liberties. For example, Illinois' Firearm Owners Identification Card system does check the applicant's record, and cards are denied on the basis of prior criminal or mental health records. This means that employers in Illinois can, and do, get free and efficient background checks on employees by requiring them to obtain the card. This can be done without asking the employee or potential employee about past record. The employers simply argue that the employee in the course of his employment may need to be in a room in which a gun is located. Under Illinois law, being in a room with a gun puts the gun in the possession of everyone in the room. Some may not be willing to pay this cost of the license, others may.

There may be some interesting crime control costs of gun control. The obvious argument could be made. Armed citizens are capable of catching criminals. Or, as we have already discussed, armed citizens may deter criminals from victimizing groups known to be armed. But there may be a more tantalizing crime control cost. Kleck argues that disarmed criminals may be forced to change their modus operandi.¹¹ Armed criminals have the luxury of being able to victimize somewhat "hardened" targets such as grocery stores. These targets are somewhat risky, but the payoff is large. Without the gun, criminals would be forced to pick less desirable, weak targets where the payoff is lower. This might result in an increase in the crime rate because the criminals would have to commit more crimes to generate the same amount of money. It might also have the effect of shifting victimization to those who can least afford it. So, with confiscation one might see decreases in commercial robbery and increases in robberies among the aged and the poor.

Finally, there are external security costs to some types of gun control. For example, there is reason to believe that the United States military uses recruits who are good shots in the infantry and those who are bad shots in other support areas.¹² This means that we need not maintain a large standing army. That is, an army can be raised and trained very quickly and at less cost.

Another external security cost relates to the concept behind the Second Amendment to the Constitution. Recently, Cuban officials reported that military style rifles had been distributed to every household in Cuba. This news release was a not even thinly disguised attempt at warning that any attempt at invasion would be met with grueling urban and rural guerrilla warfare. An armed citizen is a force that despots either foreign or internal find very difficult to deal with. Obviously, invasion of the United States by a foreign country is all but impossible. This example, however, should make the point that policies internal to the United States can have the consequence of changing other countries' actions toward us.

Conclusion

In the preceding discussion I have tried to demonstrate that public policies can have unintended consequences. These consequences may or may not be acceptable costs to pay for the policy. It is also important to note that not all policies are feasible to pursue. There are social policies we may be willing to undertake, but which are not possible to achieve. The policy might be doomed to failure because of either the structural impossibility of the task or the political realities of the times. Whether it be feasibility of cost, we cannot afford to stumble blindly into policy initiatives without first having evaluated the consequences and subtleties of the plan. The costs discussed here may or may not be realistic. And the benefits of certain types of gun control may very well outweigh the costs. Be that as it may, the main point of this exercise should not be lost on the details of this example. Policy initiatives should not be treated as

sacred cows. Their myths should be debunked in order to avoid disaster.

Questions and Answers

Question: When talking about handgun control, the definition is not handguns versus rifles. I think it is the concealment of the weapon that is the key. An effective so-called handgun control law would be a law that would control those guns that are concealable, whether by sawing off a shotgun or rifle.

Dr. Lizotte: Any gun, with the exception of a howitzer, can be sawed off and made concealable. That is easy. One can do that with a hacksaw in the basement.

Mr. Mark Fleisher (Manhattan District Attorney's Office): You can perhaps not restrict the sale of rifles or shotguns but you can make it a crime to possess a sawed-off rifle or shotgun.

Dr. Lizotte: It is a crime to commit a homicide with a gun.

Mr. Fleisher: I understand your point with respect to 75% of those criminals who said they had already used sawed-off shotguns or rifles, that was their weapon of choice. It doesn't impress me to learn they would do so in the future, whether or not handguns were taken away.

Dr. Lizotte: This is 75 %, of the 75% who had committed gun crimes in the first place. That is a large number of people who are in jail for gun crimes--half of these people.

Mr. Fleisher: You are also talking about gun homicides, felony murders, which as we know, is a minority of homicides. The great cost to society of the availability of handguns lies largely in the situation where in the heat of passion somebody picks up an available handgun in the dresser drawer and shoots another person.

Dr. Lizotte: Those are included in the calculation. They included trigger pulls. They argue that if 20% of all crimes with handguns became crimes with long guns, the death rate would double, whether or not they are domestic or felony.

Mr. Fleisher: But are we still talking about the availability of guns? I would also like to point out that I think at this point that no one is trying to confiscate guns. I think the goal of gun control organizations at this point is simply to treat guns like we treat cars. That one must register them, there is a waiting period and some kind of background check has to be made. To talk about confiscation is really a straw-man issue. I don't think anyone in this political climate is arguing they ought to be confiscated. Certainly Handgun Control Incorporated is not.

Dr. Lizotte: First, I favor gun control. I am not opposed to gun control. All I am saying is there are costs to registration too. We can talk about those. There are costs to these things and you have to decide whether or not you want to pay them. Confiscation is not a red herring. New York City has a de facto ban on guns. and Morton Grove in Illinois just passed one. Also, talking about a national law, there are political realities to be dealt with. That is, you are not going to get a national law in the foreseeable future. We can also use the prohibition analogy, if you like. We had a national law outlawing booze, and I suspect that the proportion saying they would violate the law and drink booze anyway during prohibition was something like 75%. It didn't work. To have a law doesn't guarantee that it will work. One unintended consequence of prohibition was the creation and nurturing of the American Mafia.

Dr. Franklin E. Zimring: Dr. Lizotte did not have a lot of time for his presentation. I would like to ask him to outline in some detail Professor Kleck's study.

Dr. Lizotte: I did not analyze the methods and statistical conclusions, so it is hard to be precise. Apparently ballistics tests have been done comparing the lethality of handguns and long guns. There is a problem because shotguns have entirely different problems. The military and FBI both fired bullets. The

F.B.I. fired bullets into masses of gelatin and looked at how the gelatin was displaced. On that basis the military and F.B.I. both came up with indices of stopping power--call it what you want--or lethality of different weapons. It does not work well for shotguns because they are so lethal and have so many little pellets it is very hard to measure. One cannot take human subjects and fire bullets at them and see if they die.

Mr. Howard Yagerman: (General Counsel for the New York City Department of Probation): I would like to follow-up some thing Dr. Lizotte said. He was quite correct when he said, paraphrasing him, that the statutes on the books are more honored than breached in terms of handgun control and so forth. New York City and New York State have perhaps the most strict statutes on the books. My department does about 36,000 to 38,000 presentence reports a year, a great number of them dealing with handguns. Very few of them, quite frankly, get the maximum penalty. There is always some mitigation or some other reason why the armed felon or the handgun possessor does not get the maximum penalty. Many of the people find their way to us on probation. I think we should take a look at what we really want to achieve before we make policy suggestions that, obviously, without much thoughtful- ness are going to delegitimize public policy.

Dr. Lizotte: I have data on California, which has a mandatory sentencing law for gun crimes. People who had committed up to five felonies in a three-year period and who had been convicted and sent to jail five times not only did not get the extra two years for committing the crime, but they actually got a shorter sentence because they were bargaining the gun charge away. Those who committed five or more felonies in a three-year period, con- victed five times and sent to prison got an extra two years. I think there were 65 of those in California in the three-year per- iod. It is safe to say that those mandatory sentencing laws are not being used. That might mean they are not effective and should not be used. I do not know. That is another form of gun control- that is not effective, at least currently, because it isn't used.

Mr. Yagerman: The point is well taken. I can't say it often enough. I have colleagues here. We did go in to every violation of probation because that is what we do--prosecute them. I can tell you that we see many returns, notwithstanding the fact that we have very strict laws on the books. They are not being enforced. It is as simple as that.

FOOTNOTES

1. D. McDowall, "Mandatory Sentencing and Firearms Violence: Evaluating an Alternative to Gun Control," *Law Soc. Rev.* 17:287, 318, 1983; C. Loftin and D. McDowall, "One with a Gun Gets You Two: Mandatory Sentencing and Firearms Violence in Detroit," *Ann. Acad. Pol. Soc. Sci.*, 455:150, 1981; M. Heumann and C. Loftin, "Mandatory Sentencing and the Abolition of Plea Bargaining: The Michigan Felony Firearm Statute," *Law Soc. Rev.* 13:401-07, 1979.

2. P. Carlson, "Mandatory Sentencing: The Experience of Two States," Washington, D.C. National Institute of Justice, 1982.

3. A. Lizotte and M. Zatz, "The Use and Abuse of Sentence Enhancement for Firearms Offenses in California," *Law Cont. Prob.* In press.

4. G. Kleck, "Handgun Only Control: A Policy Disaster in the Making," *Firearms and Violence: Issues of Public Policy*, Kates, D.B. Jr., editor, San Francisco, Pacific Institute, 1982, pp. 167-99.

5. F. Zimring, "The Medium is the Message: Firearm Caliber as a Determinant of Death from Assault," *J. Legal Studies*, 1:97-123, 1972.

6. J.D. Wright and P. Rossi, "The Armed Criminal in America: A Survey of Incarcerated Felons," Washington, D.C., National Institute of Justice, 1985.

7. P. Cook, "Reducing Injury and Death Rates in Robbery," *Pol. Anal.* 6:21-45, 1980.

8. D. Bordua and A. Lizotte, "Patterns of Legal Firearm Ownership: A Cultural and Situational Analysis of Illinois Counties," *Law Pol. Quart.* 1:147-75, 1979.
9. J.D. Wright and P. Rossi, "The Armed Criminal in America: A Survey of incarcerated Felons," Washington, D.C., National Institute of Justice, 1985.
10. D.J. Bordua, A.J., and G. Kleck, with V. Cagle, "Patterns of Firearms Ownership, Use and Regulation in Illinois," Report to the Illinois Law Enforcement Commission, 1979, p. 253.
11. G. Kleck, "Policy Lessons from Recent Gun Control Research," Meeting of the American Society of Criminology, San Diego, 1985.
12. A. Lizotte and D.J. Bordua, "Military Socialization, Childhood Socialization and Current Situation: Veterans' Firearms Ownership," *J. Pol. Milit. Sociol.* 8:243-56, 1980.

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