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## Does Allowing Law-Abiding Citizens to Carry Concealed Handguns Save Lives?

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# DOES ALLOWING LAW-ABIDING CITIZENS TO CARRY CONCEALED HANDGUNS SAVE LIVES?

JOHN R. LOTT, JR.\*

## I. INTRODUCTION

To gun control advocates, the logic of opposing concealed handgun laws is straightforward. If guns are introduced into a violent encounter, the probability that someone will die increases. Murders are viewed as arising from unintentional fits of rage that are quickly regretted, and simply keeping guns out of people's reach will prevent deaths. More guns are also seen as leading to more accidental gun deaths. The solution is clear: more regulation or even the complete elimination of guns.

Those who advocate letting law-abiding citizens carry concealed handguns point to polls of American citizens undertaken by organizations like the *Los Angeles Times* and Gallup showing that Americans defend themselves with guns between 764,000 and 3.6 million times each year, with the vast majority of cases simply involving people brandishing a gun to prevent attack.<sup>1</sup> Victims (such as women or the elderly) are most often much weaker than the criminals that attack them. Guns are seen by these advocates as the great equalizer, and allowing concealed handguns provides citizens even greater ability to defend themselves.

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\* John M. Olin Law and Economics Fellow, University of Chicago Law School. This paper represents a summary of my paper on concealed handgun laws in the *Journal of Legal Studies*. John R. Lott, Jr. & David Mustard, *Crime, Deterrence and Right-to-Carry Concealed Handguns*, 26 J. LEGAL STUD. 1 (1997).

1. Gary Kleck & Marc Gertz, *Armed Resistance to Crime: The Prevalence and Nature of Self-Defense with a Gun*, 86 J. CRIM. L. & CRIMINOLOGY 150, 153, 180, 180-82 (1995). Using the National Crime Victimization Survey (NCVS), Cook further states that each year there are "only" 80,000 to 82,000 defensive uses of guns during assaults, robberies, and household burglaries. *Id.* at 153. Unlike the surveys cited above, the NCVS is not a representative sample of the national population. Philip J. Cook, *The Technology of Personal Violence*, in 14 CRIME & JUST. 10, 11 n.4 (Michael Tonry ed., 1991). It is very easy to find people arguing that concealed handguns will have no deterrent effect. H. RICHARD UVILLER, *VIRTUAL JUSTICE* (1996) writes that, "[m]ore handguns lawfully in civilian hands will not reduce deaths from bullets and cannot stop the predators from enforcing their criminal demands and expressing their lethal purposes with the most effective tool they can get their hands on." *Id.* at 95.

While cases like the 1992 incident in which a Japanese student was shot on his way to a Halloween party in Louisiana make international headlines,<sup>2</sup> they are rare. In another highly publicized case, a Dallas resident recently became the only Texas resident so far charged with using a permitted concealed weapon in a fatal shooting.<sup>3</sup> Yet, in neither case was the shooting found to be criminal.<sup>4</sup> The rarity of these incidents is reflected in Florida statistics: 221,443 licenses were issued between October 1, 1987 and April 30, 1994, but only eighteen crimes involving firearms were committed by those with licenses.<sup>5</sup> While a statewide breakdown on the nature of those crimes is not available, Dade County records indicate that four crimes involving a permitted handgun took place there between September 1987 and August 1992 and none of those cases resulted in injury.<sup>6</sup>

The potential defensive nature of guns is indicated by the different rates of so-called "hot burglaries," where residents are at home when the criminals strike.<sup>7</sup> Almost half the burglaries in Canada and Britain, which have tough gun control laws, are "hot burglaries." By contrast, the United States, with laxer restrictions, has a "hot burglary" rate of only 13%. Consistent with this rate, surveys of convicted felons in America reveal that they are much more worried about armed victims than they are about running into the police. This

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2. Japan Economic Newswire, *U.S. Jury Clears Man Who Shot Japanese Student*, KYODO NEWS SERVICE, May 24, 1993; Lori Sharn, *Violence Shoots Holes in USA's Tourist Image*, USA TODAY, Sept. 9, 1993, at 2A.

3. Dawn Lewis of Texans Against Gun Violence provided a typical reaction from gun control advocates to the grand jury decision not to charge Gordon Hale. She said, "We are appalled. This law is doing what we expected, causing senseless death." Mark Potok, *Texas Says Gun Law Saved His Life 'I Did What I Thought I Had to Do'*, USA TODAY, Mar. 22, 1996, at 3A. For a more recent evaluation of the Texas experience, see *Few Problems Reported After Allowing Concealed Handguns, Officers Say*, FORT WORTH STAR TELEGRAM, July 16, 1996, at A1. By the end of June 1996, more than 82,000 permits had been issued in Texas.

4. In fact, police accidentally killed 330 innocent individuals in 1993, compared to the mere 30 innocent people accidentally killed by private citizens who mistakenly believed the victim was an intruder. John R. Lott, Jr., *Now That The Brady Law Is Law, Are You Any Safer Than Before?*, PHILA. INQUIRER, Feb. 1, 1994, at A9.

5. Clayton E. Cramer & David B. Kopel, 'Shall Issue': *The New Wave of Concealed Handgun Permit Laws*, 62 TENN. L. REV. 679, 691 (1995). An expanded version of this paper dated 1994 is available from the Independence Institute, Golden, Colorado. Similarly, Multnomah County, Oregon issued 11,140 permits over the period January 1990 to October 1994 and experienced five permit holders being involved in shootings, three of which were considered justified by grand juries. Bob Barnhart, *Concealed Handgun Licensing in Multnomah County* (mimeo Intelligence/Concealed Handgun Unit: Multnomah County, October 1994). Out of the other two cases, one was fired in a domestic dispute and the other was an accident that occurred while an assault rifle was being unloaded. *Id.*

6. Cramer & Kopel, *supra* note 5, at 691-92.

7. For example, see DAVID B. KOPEL, *THE SAMURAI, THE MOUNTIE, AND THE COWBOY* 155 (1992).

fear of potentially armed victims causes American burglars to spend more time than their foreign counterparts "casing" a house to ensure that nobody is home. Felons frequently comment in these interviews that they avoid late-night burglaries because "that's the way to get shot."<sup>8</sup>

A similar case exists for concealed handguns. The use of concealed handguns by some law-abiding citizens may create a positive externality for others. By the very nature of these guns being concealed, criminals are unable to tell whether the victim is armed before they strike, thus raising criminals' expected costs for committing many types of crimes.

Stories of individuals using guns to defend themselves has helped motivate thirty-one states to adopt laws requiring authorities to issue, without discretion, concealed-weapons permits to qualified applicants.<sup>9</sup> This figure constitutes a dramatic increase from the nine states that allowed concealed weapons in 1986.<sup>10</sup> While many studies examine the effects of gun control,<sup>11</sup> and a smaller number of papers specifically address the right to carry concealed firearms,<sup>12</sup> these papers involve little more than either time-series or cross-sectional evidence comparing mean crime rates, and none controls for variables that normally concern economists (for example, the probability of

8. JAMES D. WRIGHT & PETER H. ROSSI, *ARMED AND CONSIDERED DANGEROUS: A SURVEY OF FELONS AND THEIR FIREARMS* 145 (1986). Wright and Rossi interviewed felony prisoners in ten state correctional systems and found that 56% said that criminals would not attack a potential victim who was known to be armed. *Id.* They also found evidence that criminals in those states with the highest levels of civilian gun ownership worried the most about armed victims. *Id.*

Examples of stories where people successfully defend themselves from burglaries with guns are quite common. See, e.g., *Burglar Puts 92-Year-Old in the Gun Closet and Is Shot*, N.Y. TIMES, Sept. 7, 1995, at A16; George F. Will, *Are We 'A Nation of Cowards'?*, NEWSWEEK, Nov. 15, 1993 (discussing more generally the benefits produced from an armed citizenry).

9. These states are Alabama, Alaska, Arizona, Arkansas, Connecticut, Florida, Georgia, Idaho, Indiana, Kentucky, Louisiana, Maine, Mississippi, Montana, Nevada, New Hampshire, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia and Wyoming.

10. These states were Alabama, Connecticut, Indiana, Maine, New Hampshire, North Dakota, South Dakota, Vermont, and Washington. Fourteen other states provide local discretion on whether to issue permits: California, Colorado, Delaware, Hawaii, Iowa, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, New York, Rhode Island and South Carolina.

11. For a survey, see Gary Kleck, *Guns and Violence: An Interpretive Review of the Field*, 1 SOC. PATH. 12 (1995).

12. See, e.g., Philip J. Cook et al., *Regulating Gun Markets*, 86 J. CRIM. L. & CRIMINOLOGY 59 (1995); Cramer & Kopel, *supra* note 5; David McDowall et al., *Easing Concealed Firearms Laws: Effects on Homicide in Three States*, 86 J. CRIM. L. & CRIMINOLOGY 193 (1995); Gary Kleck & E. Britt Patterson, *The Impact of Gun Control and Gun Ownership Levels on Violence Rates*, 9 J. OF QUANTITATIVE CRIMINOLOGY 249 (1993).

arrest and conviction and the length of prison sentences).<sup>13</sup> These papers fail to recognize that it is frequently only the largest counties by population that are very restrictive when local authorities have been given discretion in granting concealed handgun permits. Therefore, state "shall issue" concealed handgun permit laws, which require permit requests be granted by the local authorities unless the individual has a criminal record or a history of significant mental illness<sup>14</sup> will not alter the number of permits being issued in all counties. In other words, since rural counties generally already permit a substantial amount of concealed handguns, the effect of introducing a state law should be small in those counties.

Other papers suffer from other weaknesses. The paper by McDowall et al.,<sup>15</sup> which evaluates right-to-carry provisions, was widely cited in the popular press. Yet, their study suffers from many major methodological flaws: for instance, without explanation, they pick only three cities in Florida and one city each in Mississippi and Oregon (despite the provisions involving statewide laws); and they neither use the same sample period nor the same method of picking geographical areas for each of those cities.<sup>16</sup>

Anecdotal evidence is widely available from both sides, with the news regularly containing stories on gun violence. While defensive uses of guns are neither as dramatic nor as frequently reported, the stories have played a large role in inducing thirty-one states to gamble that concealed handguns will deter crime by guaranteeing their citizens the right to carry concealed handguns if they do not have a criminal record or histories of significant mental illness. This constitutes a dramatic increase from the nine states that allowed concealed weapons in 1986. While the effects described by both sides exist, the question is really what the net effect of such laws is: are more lives saved or lost as a result of allowing law-abiding citizens to carry concealed handguns?

Anecdotal evidence obviously cannot resolve this debate. To provide a more systematic answer, I recently completed a study with David Mustard, a

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13. Kleck & Patterson, *supra* note 12, at 250. All 22 gun control papers studied by Kleck use either cross-sectional state or city data or use time-series data for the entire United States or a particular city.

14. Cramer & Kopel, *supra* note 5, at 680-707.

15. McDowall et al., *supra* note 12.

16. Equally damaging, the authors appear to concede in a discussion that follows their piece that their results are highly sensitive to how they define the crimes that they study. *Id.* at 202-04. Even with their strange sample selection techniques, total murders appear to fall after the passage of concealed weapon laws. Because the authors only examine murders committed with guns, there is no attempt to control for any substitution effects that may occur between different methods of murder. For an excellent discussion of the McDowall et al. paper, see Daniel D. Polsby, *Firearms Costs, Firearms Benefits and the Limits of Knowledge*, 86 J. CRIM. L. & CRIMINOLOGY 207 (1995).

graduate student at the University of Chicago, analyzing the FBI's crime statistics. Our paper uses annual cross-sectional time-series county level crime data for all 3054 U.S. counties from 1977 to 1992 to investigate the impact of "shall issue" right-to-carry firearm laws. It is also the first paper to study the questions of deterrence using these data. While many recent crime studies employ proxies for deterrence, such as police expenditures or general levels of imprisonment, we are able to use arrest rates by type of crime, and also, for a subset of our data, conviction rates and sentence lengths by type of crime.

We also attempt to analyze a question noted but not empirically addressed in this literature: the concern over causality between increases in handgun usage and crime rates. Is it higher crime that leads to increased handgun ownership, or the reverse? The issue is more complicated than simply whether carrying concealed firearms reduces murders because there are questions such as whether criminals might substitute between different types of crimes as well as the extent to which accidental handgun deaths might increase.

## II. THE RESULTS

The most conservative estimates show that adopting these so-called "shall issue" or nondiscretionary permit laws reduced murders by 8%, rapes by 5%, aggravated assaults by 7%, and robbery by 3%. To put it another way, if those states which did not have concealed handgun laws in 1992 had adopted them, citizens in those states would have avoided suffering approximately 1500 murders, 4200 rapes, over 60,000 aggravated assaults, and 12,000 robberies. Criminals do apparently respond to deterrence.

A recent National Institute of Justice study estimates the costs of different types of crime based upon lost productivity, out-of-pocket expenses such as medical bills and property losses, and losses for fear, pain, suffering, and lost quality of life.<sup>17</sup> While there are questions about using jury awards to measure losses such as fear, pain, suffering, and lost quality of life, the estimates provide us one method of comparing the reduction in violent crimes with the increase in property crimes. The estimated gain from allowing concealed handguns is over \$5.74 billion in 1992 dollars. The reduction in violent crimes represents a gain of \$6.2 billion (\$4.28 billion from murder, \$1.4 billion from aggravated assault, \$374 million from rape, and \$98 million from robbery), while the increase in property crimes represents a loss of \$417 million (\$343 million from auto theft, \$73 million from larceny, and \$1.5 million from burglary).

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17. TED R. MILLER ET AL., *VICTIM COSTS AND CONSEQUENCES: A NEW LOOK* (1996).

These estimates are probably most sensitive to the value of life used.<sup>18</sup> Higher estimated values of life will increase the net gains from concealed handgun use, while lower values of life will reduce the gains. To the extent that people are taking greater risks towards crime because of any increased safety produced by concealed handgun laws, these numbers will underestimate the total savings from concealed handguns.

While the initial drop in crime is frequently small, the longer the law is in effect the larger the drop in crime will be over time. The Figure illustrates this relationship for murder and rape.<sup>19</sup> This pattern closely tracks the changes in concealed handgun permits issued over time. For example, while only 33,541 permits were issued in Florida during the first year that the law was in effect, 67,043 permits had been issued by the end of the fourth year and 192,016 permits at the end of the ninth. Where county level concealed handgun permits numbers were available (Pennsylvania and Oregon), we found direct evidence that increases in the number of handgun permits reduced crime, though the relationships were not always statistically significant.

The benefits of concealed handguns are not limited to those who use a handgun in self-defense. By virtue of the fact that handguns are concealed, criminals are unable to tell whether a potential victim is able to defend herself until they attack, thus making it less attractive for criminals to commit crimes where they come into direct contact with victims. Citizens who have no intention of ever carrying a concealed handgun in a sense “free ride” off the crime-fighting efforts of their fellow citizens.

Yet, while some criminals avoid crimes like robbery after concealed handgun laws are passed, they do not necessarily stop committing crime entirely. Some evidence indicated that criminals substituted crimes where the risks of confronting an armed victim are much lower. Indeed, the drawback of these laws is that while violent crimes fell, property offenses like larceny (such as stealing from unattended automobiles or vending machines) and auto theft rose.

Our study also provided some surprises. While support for strict gun control laws has usually been strongest in large cities, right-to-carry laws

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18. MILLER ET AL., *supra* note 17, set the value of one life at about \$3 million in 1992 dollars. *Id.* at 21.

19. *See infra* Figure. The two graphs in this Figure were derived from the predicted values generated from regressions where separate time trends and that time trends squared were used before and after the implementation of the law. In estimating these regressions, we controlled for measures of income, unemployment, poverty, detailed demographic characteristics, changing arrest rates, population density, fixed year and county effects, as well as many other variables.

produced the largest drops in violent crimes in counties with the highest populations and highest crime rates. For example, in counties with populations over 200,000, concealed handgun laws produced an average drop in murder rates of over 13%. The half of the counties with the highest murder rates experienced over a 10% drop in murders. The half of the counties with the highest rape rates saw rapes fall by over 7%.

Concealed handguns also appear to be a great equalizer among the sexes. Murder rates decline when either more women or more men carry concealed handguns, but the effect is especially pronounced for women. An additional woman carrying a concealed handgun reduces the murder rate for women by about three to four times more than an additional man carrying a concealed handgun reduces the murder rate for men. Possibly, this arises because allowing a woman to defend herself with a concealed handgun represents a much larger change in her ability to defend herself than the change created by providing a man with a handgun.

Despite all the attention given to the 1994 Brady Law, which imposed waiting periods on gun purchases across the United States, our study is the first to provide direct evidence of the Brady Law's effect on crime rates. Using county level crime and punishment data available up through 1995 for Arizona, we find that the law's implementation is associated with both higher aggravated assault and rape rates. National data on state waiting period laws implies that there is no systematic relationship between either the presence or the length of the waiting period and the level of crime. However, there is some evidence that laws that punish criminals for using a gun in the commission of a crime reduce the number of crimes.

We also found some evidence on whether permitted handguns will be used in heated disputes such as at traffic accidents. With evidence now available from thirty-one states, a few of which have had these laws for many decades, there is still only one recorded incident from earlier this year in Texas, where a permitted handgun was used in a shooting following a traffic accident. Even in that one case, a grand jury found that the shooting was in self-defense, since the driver who did the shooting did so only while he was being beaten by the other driver.

And what about accidental deaths? The number of accidental handgun deaths each year is fewer than 200. Our estimates imply that if the states without "shall issue" laws were to adopt them, the increase in accidental handgun deaths would be at most nine more deaths per year. Even the largest possible increase is quite small compared to the at least 1500 fewer murders that would be produced.



### III. THE EFFECT ON YOUTH

There is also the question of what effect do concealed handgun laws have on determining which types of people are more likely to be murdered? Using the *Uniform Crime Reports Supplementary Homicide Reports* we were able to obtain annual state level data from 1977 to 1992 on the percent of victims by sex, race, and age, as well as information on whether the victim and the offender knew each other (whether they were members of the same family, knew each other but were not members of the same family, strangers, or the relationship was unknown).<sup>20</sup> Generally, the drop in murders that follow adoption of nondiscretionary concealed handgun laws is true across the entire range of potential victims. While the laws lower slightly the age of victims (consistent with the notion that concealed handguns deter crime against adults more than young people because only adults can legally carry concealed handguns), the effect is statistically insignificant. Possibly some of the benefits from adults carrying concealed handguns are conferred to younger people who may be protected by these adults.

### IV. ASSESSING THE RESULTS

How much confidence do we have in our results? No single study is likely to end the debate on concealed handguns, but ours provides the first systematic national evidence; and the almost 50,000 observations in our data set allow us to control for a range of factors that have never been accounted for in any previous study of crime, let alone any previous gun control study. By contrast, the largest prior study examined only 170 cities within a single year.<sup>21</sup> Among other variables, our regressions control for arrest and conviction rates, prison sentences, changes in handgun laws such as waiting periods or those imposing penalties when a gun is used in a commission of a crime, income, poverty, unemployment, and demographic changes.

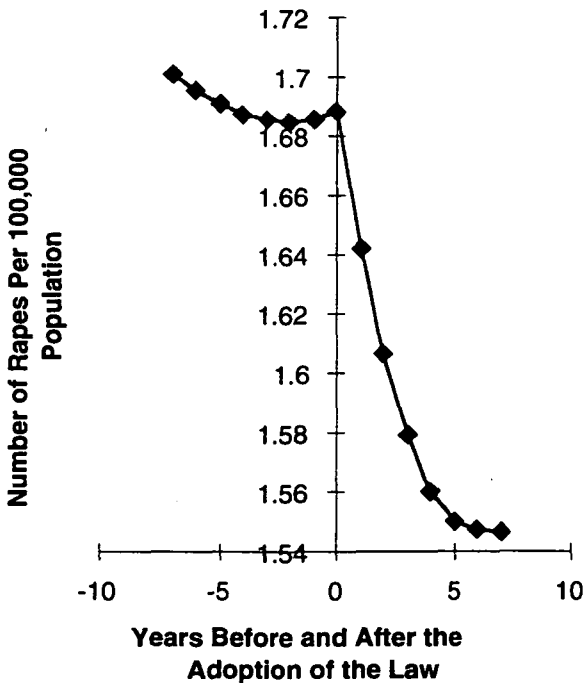
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20. While county level data were provided in the *Supplementary Homicide Report*, matching these county observations with those used in the *Uniform Crime Report* proved unusually difficult. A unique county identifier was used in the *Supplementary Homicide Report* and it was not consistent across years. In addition, some caution is suggested in using both the Mortality Detail Records and the *Supplementary Homicide Report* since the murder rates reported in both sources have relatively low correlations of less than .7 with the murder rates reported in *Uniform Crime Reports*. This is especially surprising for the *Supplementary Report* which is derived from the UCR.

21. Kleck & Patterson, *supra* note 12, at 256.

Preventing law-abiding citizens from carrying handguns does not end violence, but merely makes them more vulnerable to being attacked. The very large size and strength of our results should at least give pause to those who oppose concealed handguns. Chances to relax regulations that potentially offer at least 8% drops in murder rates are difficult to ignore.

## The Effect of Concealed Handgun Laws on Rape Rates



## The Effect of Concealed Handgun Laws on Murder Rates

