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Gun Policy Is Hard

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It's time for a collective freak-out on guns. It's time to spend too long debating your wife's cousin on Facebook, who seems to have been spoonfed his lines by the NRA/Everytown for Gun Safety. It's time to unfriend those who keep posting obstinate things about the need for concealed carry/an assault weapons ban. It's time to facepalm about those who just don't get it.

And it is time to just fix the problem, right?

I wish it were that simple, but, like most questions in public policy, it is not. Gun policy is hard, and getting it right—or even starting to get it right—requires calling out the bad arguments from both sides and understanding inevitable trade-offs and unavoidable facts.

Full disclosure: I'm a gun-rights supporter, insofar as the phrase has a discrete meaning. I've written many pieces arguing for the right to own and carry guns, and against ineffective or unconstitutional proposals to curtail gun rights. Yet, with each mass shooting, I grow increasingly despondent about whether any productive debate about guns is happening, much less possible. Consequently, I'm hesitant to write another piece about why mass shootings should not be the focus of gun policy, or about how banning or controlling "assault weapons" should not be the priority of gun-control advocates.

Bad Arguments from Gun-Rights Supporters

The Over-motivated Criminal

The most common argument offered against new forms of gun control—whether increased background checks, waiting periods, registration, or something else—is that criminals don't follow gun laws. This is true to some degree, and proponents of restrictions acknowledge this, but it goes too far. Every criminal or would-be criminal is not like a Terminator, hell bent on obtaining a firearm to commit a crime. There are marginal, weakly motivated criminals.

Just as there are people who will decide to go elsewhere if Subway raises its prices by twenty cents, there are people who will not acquire a firearm if low-level restrictions are put in their way. Someone who would pay \$30 for a Subway sandwich is not affected by a twenty cent increase, and highly motivated criminals are not affected by increased background checks or registration requirements. But there are casual criminals who primarily commit crimes of

opportunity that require little effort and entail little risk. Some form of gun control might work by keeping a lethal device out of criminals' hands and curbing their activities.

Oddly, conservatives who make this argument without reservation have historically been the ones arguing that lengthening prison sentences and making punishments more severe would help lower the crime rate. Most adjustments in punishment severity only affect marginal, weakly motivated criminals.

Guns Don't Cause Crime, People Cause Crime

On one level this is tautologically true. Unlike the scene in James Cameron's *True Lies*, guns don't fall down steps, fire continuously, and magically kill only the bad guys. Except for bizarre and exceptional circumstances, a gun only fires when someone pulls the trigger.

Yet there is a feedback loop between possible criminals and the tools they can obtain. Many people lack the fortitude to commit crimes with a close-up weapon such as a knife or a club. They may want to rob a convenience store, but they'd prefer to do it without getting close to those they threaten. Guns allow those who lack nerve to project immense force over a distance, and therefore, in some sense, guns can cause crime.

The question is what percentage of criminals are like that? If it is only a few, then even somewhat stringent gun-control measures will have only a small effect on the violent crime rate.

The Inevitable Slippery Slope to Prohibition

Gun-rights supporters often argue every increase in gun regulation, no matter how tiny, is just one step on the path to the ultimate goal: prohibition. The NRA, in particular, has resisted nearly any gun-control proposal, partially because it warns against the boogey man of prohibition.

Yet, as any philosopher will tell you, a slippery slope is not actually an inevitability. It is always possible to stop. If it weren't, then arguments for more severely punishing criminals would require the death penalty for petty theft. Moreover, gun prohibition is unpopular. Support for banning even one type of gun—handguns—has been declining for decades. Sixty percent of Americans supported banning the private possession of handguns in 1959, compared to only 27 percent today.

Criminals Will Break the Laws, So What's the Point?

Despite the fact that some would-be criminals will certainly be deterred by most gun-control laws (see "The Over-Motivated Criminal") it is true that many will simply break gun laws. Yet that fact is an extremely strange reason for saying that the laws shouldn't exist. Certainly the fact that murderers break laws against murder is not a good argument for repealing laws against murder. Every law is incompletely effective, and some, like speeding laws, might be very ineffective in terms of how many people break them.

The question we must ask instead is whether the costs of a law outweigh its benefits. This is particularly true when it comes to laws concerning guns which, unlike murder, have benefits—whether in the form of subjective pleasure or crime prevention.

Ignoring Suicide

Every year, suicide accounts for about two-thirds of gun deaths. While homicide and interpersonal gun violence are the most discussed aspect of gun violence in America, suicide is the most common.

The two issues require different policy approaches, of course. Suicides, like interpersonal gun violence, arise from a constellation of causes, including economic, spiritual, and familial. All of these should be discussed, certainly, as well as the prevalence of guns. Guns tend to turn suicide attempts into suicide successes, and many of those people, if they were here today, would regret choosing such an effective method. Gun-control might help this issue, and gun-rights advocates shouldn't ignore the problem.

Bad Arguments from Gun-Control Supporters

The Under-motivated Criminal

Just as gun-rights supporters often argue that criminals will overcome any obstacle to get their hands on a weapon, gun-control supporters make the opposite mistake: they imagine criminals as so weakly motivated that procedural obstacles will prevent them from acquiring a gun. As discussed above, the reality is somewhere in between the over-motivated criminal and the under-motivated criminal.

In order to solve this problem, or even begin to understand it, it's crucial to understand the nature of criminals and crime. If most criminals are quite motivated, then gun-control policies enacting mere paper barriers will be quite ineffective. Moreover, even if guns could be made to disappear, it certainly doesn't mean that motivated criminals wouldn't substitute other methods to accomplish their goals. It might surprise you to learn, for example, that the most common type of robbery in America, 44.5 percent, is accomplished by using what the FBI calls "strong arm" tactics, threatening to harm the person with your fists or feet. Only 41.6 percent of robberies are committed with a firearm. We can infer that criminals willing to commit robbery in such an up-close manner are not generally weakly motivated. Thus, when it comes to robbery at least, gun control may have little to no effect. Moreover, we could see an increase in crime if some people are stripped of the ability to defend themselves.

Not Knowing How Guns Work

Less a bad argument than a rhetorical mistake, gun-control supporters are notorious for not only failing understanding how guns work, but for continuously and, at least to gun-rights supporters, comically, misstating basic facts in public. This lack of understanding is so brazen that gun-rights advocates are rightly concerned that anti-gun politicians simply have no idea what they are talking about.

How bad is it? Really bad. President Obama has said that the Newtown tragedy was committed with a "fully automatic weapon." It wasn't. In fact, automatic weapons—which fire continuously and rapidly for as long as the trigger is pulled and as there are bullets in the magazine—are highly restricted and used in essentially no crimes. Nevertheless, gun-control advocates consistently claim that they are readily available and often used in crime.

Representative Diana Degette (D-CO) once said that bans on high capacity magazines would be effective because the magazines would be unusable after the bullets are gone. This is laughably wrong. There are hundreds of millions of “high capacity” magazines out there and they are refillable. This is about as basic of fact as there is about guns, and that Degette was unaware calls into question her competence to legislate on guns.

Former Rep. Carolyn McCarthy (D-NY) wanted to ban barrel shrouds, but didn't know what they were. The list goes on and on (there are YouTube compilations of the biggest gaffes), and gun-rights supporters are justified in being wary.

The Slippery Slope to Prohibition

Although it is a fallacy for gun-rights advocates to claim that every gun-control measure will lead to confiscation, prohibition, or other draconian measures, it is also not unreasonable for gun-rights advocates to be wary of the true goals of some on the other side.

The situation is analogous to abortion. Pro-choice groups are suspicious of attempts by pro-lifers to encumber the right to an abortion with onerous restrictions. Pro-choice advocates understand that the ultimate goal is prohibition, and they thus justifiably resist even small encroachments on a woman's right to choose.

While it is no longer *en vogue* for politicians and advocacy groups to blatantly argue for prohibition, at one time this rhetoric was quite common. The Coalition to Stop Gun Violence was once called the National Coalition to Ban Handguns, and Handguns Control, Inc. changed its name to the Brady Campaign to Prevent Gun Violence. Focusing on handguns makes sense. Every year, handguns are used in the vast majority of firearm homicides. But, for seemingly entirely political reasons—i.e. that many people (i.e. voters) now own handguns for self-defense—handguns have become less of a focus in recent years.

In 1979, Sam Fields, then field director of NCBH, insisted that “neither the National Coalition to Ban Handguns, nor any other leading group in the fight for handgun reform, is interested in banning long guns.” Yet, by 1990 both NCBH (by then the CSGV) and HCI were campaigning for an “assault weapons” ban. Moves like this make gun-rights supporters inclined to believe that gun-controllers will push for any politically feasible ban on any firearm, even if that means focusing on relatively safe weapons, such as so-called “assault weapons.” Some lawmakers will even admit that “assault weapons” are used in about two percent of gun crimes while still advocating prohibition, leaving gun-rights supporters scratching their heads about why so much political capital is spent on attacking what are arguably the most responsibly owned guns in the country. Meanwhile, other lawmakers have actually admitted that an “assault weapons” ban is “just the beginning.”

Gun Owners are Sexually Inadequate Psychopaths

Many gun control advocates are quite frankly confused by gun owners. That's understandable. Gun ownership is becoming as much a cultural divide as it is a vexing policy issue. Moreover, a Northeast liberal has less in common with a Southern gun hoarder than just guns—they likely watch entirely different TV shows and movies, eat at entirely different restaurants, and read entirely different books.

Many gun control supporters have adopted a sneering attitude toward those who enjoy owning guns. Most typically, gun owners are accused of being sexually inadequate. Often owning a gun is discussed as if it were a symptom of mental disorder. Most recently, in the wake of Newtown, Jim Carrey appeared in a satirical video for the website Funny or Die called “Cold Dead Hand.” He lobbed every aspersion on gun owners, focusing particularly on the size of their, um, hands.

Attacks like these help make the chasm between the two sides even wider and decrease the chances that any compromise can ever be reached.

Some Guns are Only Good for Murder

For decades, gun-control advocates have singled out particular guns as being “only good for murder.” As mentioned above, handguns were once the focus, at least until handguns become more identified with self-defense. Then, so-called “Saturday night specials”—cheap, small caliber handguns often associated with low-income African Americans—became the center of attention, and now we have the current ire over “assault weapons.”

Yet, in reality, no popularly owned gun is “only good for killing” or only for “spraying death.” The features that make a gun an effective weapon for committing crimes are the same features that make guns effective for self-defense, hunting, sport shooting, and target practice. Good guns are reliable, accurate, customizable, and powerful enough to accomplish the job, whether it’s taking down a deer, a victim, or a would-be attacker.

When it comes to the increasingly notorious AR-15, for example, owners appreciate the reliability and customizability. So too do police officers, who often keep AR-15s on hand for the lawful protection of self and others. Unfortunately, some mass shooters also prefer it, but mass shooters are about the most over-motivated criminals around. Take away the AR-15s and other “assault weapons” and they’ll find something else.

A gun used responsibly by millions, (including for self-defense), and used by police officers to protect and serve, is simply not a gun only good for murder.

Unavoidable Facts and Inevitable Trade-offs

There are plenty of bad arguments to go around, including many I didn’t list. Yet all arguments, good or bad, need to be understood within a framework of some unavoidable facts and inevitable trade-offs.

There Are A Lot of Guns in America, and That’s Not Changing Soon

It is difficult to figure out the exact number of guns in America. There is no gun registry but nearly every estimate places the figure at around 300 million, or about one gun per person. Those guns are not equally distributed, but in general Americans are very well armed.

Any discussion of gun policy must begin with this fact. Some people believe that, in a civilized society, private citizens would not own guns or that private gun ownership would be heavily regulated. That’s fine, but we’re not starting from a place where that is a feasible alternative.

Even if confiscation were declared, and 90 percent of guns were voluntarily turned over to the government—an astounding rate of compliance that defies reasonable belief—there would still be 30 million guns in circulation, which for many gun controllers is still too many.

Those who decide to turn over their weapons would be a particularly civically virtuous bunch. As for those who decide to illegally retain their guns, well, let's just say that we probably wouldn't prefer they are the only ones armed.

Simply Eliminating or Heavily Regulating Certain Types of Guns Wouldn't Magically Solve the Problem, and it Could Make it Worse

Imagine I give you a magic button and you can eliminate one type of gun. Poof, gone, none left. If you know the stats (see above), then handguns would be the most obvious target.

Yet if handguns were eliminated, that certainly doesn't mean that the approximately 5,500 people likely to be murdered by handguns in the coming year will therefore be saved. Some criminals will substitute other weapons in the place of handguns, mostly knives and "long guns," i.e. rifles and shotguns. This is a problem because long guns are between 1.5-3 times more lethal than handguns.

The next question is how many long guns would be substituted for the now non-existent handguns? Handguns are easily portable and concealable, but a shortened or "sawed off" long gun could be substituted for a handgun in many situations, or the killer could wait for a more opportune time to attack his victim with the weapon available. This is obviously a very difficult question to answer, and guesses range from 30 percent to as high as 80 percent.

The net result could mean fewer gunshot victims but more gunshot deaths. If, say, 60 percent of handgun shooting victims are transformed into long gun shooting victims, then the heightened lethality of long guns could mean that there are actually more total homicides.

The substitution effect is arguably the most vexing problem in gun control policy. It is also the reason why it seems likely that using the magic button to make "assault weapons" vanish would not eliminate mass shooters. I would argue that it wouldn't even put a dent in the number of mass shooters because the proximate reason for a mass shooting rampage is never the presence of a so-called assault weapon. Mass shooters are highly motivated criminals who will substitute other guns, handguns, hunting rifles, shotguns, etc., to commit their crimes.

People Defend Themselves With Guns... A Lot

The prevalence of defensive gun use (DGU) is one of the most hotly debated issues in gun control policy. In the words of one study produced by the National Research Council, measuring DGU "has proved to be quite complex, with some estimates suggesting just over 100,000 defensive gun uses per year and others suggesting 2.5 million or more defensive gun uses per year." That's quite a range, but if it falls anywhere in that range then it is still a lot of DGU.

The dispute about the number of DGUs centers primarily on the definition of defensive gun use and the method of counting it. When the Bureau of Justice Statistics performs the National Crime Victimization Survey they ask about DGU, and they generally reach a number around 100,000. Florida State University criminologist Gary Kleck and others have criticized that method because

many people are understandably unwilling to tell a government agent that they have brandished or fired a weapon in self-defense. They may not know if what they did was legal, and they may illegally possess the weapon, to name just two concerns. Thus Kleck performed surveys designed to reach just defensive gun use without creating biased concerns in his subjects. Through that method he reached the number 2.5 million.

I'm not going to wade into that debate here (you can read some of my [extended commentary](#)), in order to make the basic point that, at least for some people in some circumstances, guns can save their lives. If that ability to protect oneself is removed via a gun control policy, it must be regarded as a cost.

Obviously, the relevant question is whether the only reason some people are defending themselves with guns is because others are attacking them with guns. It's possible that getting rid of the guns would eliminate attackers and thus also eliminate the need for people to defend themselves with a gun. That's only true for those criminals for whom having a gun is what makes them commit crimes, but it is not true for criminals that will attack with knives, clubs, and fists. In that situation, disarming both the attacker and the victim would likely result in more victims because mutual disarmament tends to put the non-violent person at a disadvantage. But those victims would suffer injuries from knives, clubs, and fists, which are generally preferable to gun-shots in terms of survivability. Some argue that is what we should be aiming for: a higher crime rate but a lower homicide rate. Perhaps, but any serious discussion of these issues must deal with the difficult trade-offs involved.

For many gun control advocates, the idea that we're supposed to arm ourselves against criminals to the point that everyone is walking around with a gun seems, well, barbaric. And I sympathize. I'd too would rather live in a society where such things aren't necessary; I'm just not sure how to get there because, well, gun policy is hard. In the meantime, I, personally, don't want to disarm people for whom a gun could be a life-saving device. Your mileage may vary.

Conclusion

These are just some of the difficulties that arise when trying to do good gun policy. No amount of Facebook meme sharing, congressional sit-ins, or shouting television personalities makes gun policy easier.

Gun policy is hard.

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