

DOCUMENT RESUME

04853 - [E0385266]

Handgun Control: Effectiveness and Costs. PAD-78-4; B-171019.
February 6, 1978. 79 pp. + 3 appendices (11 pp.).

Report to the Congress; by Elmer E. Staats, Comptroller General.

Issue Area: Law Enforcement and Crime Prevention (500); Law
Enforcement and Crime Prevention: Controlled Items (502);
Program Evaluation Systems: New Techniques and Standards
(2602).

Contact: Program Analysis Div.

Budget Function: Law Enforcement and Justice: Federal Law
Enforcement and Prosecution (751); Law Enforcement and
Justice: Federal Judicial Activities (752); General
Government: Legislative Functions (801).

Organization Concerned: Department of Justice; Department of the
Treasury.

Congressional Relevance: House Committee on the Judiciary;
Senate Committee on the Judiciary; Congress.

Authority: National Firearms Act of 1934. Federal Firearms Act
of 1938. Gun Control Act of 1968.

In 1976, 63.8% of murders, 23.6% of aggravated assaults, and 42.7% of robberies in the United States were committed with guns. Over the past 10 years the use of guns in crime has increased greatly. Three major Federal laws have controlled the sale and possession of firearms: the National Firearms Act of 1934, the Federal Firearms Act of 1938, and the Gun Control Act of 1968. Findings/Conclusions: There has been a direct relationship between increased handgun availability and increased gun-related crimes in America since the mid-sixties. The Gun Control Act was an attempt to remove inexpensive handguns from the market by restricting imports; it also attempted to aid State and local law enforcement by requiring gun purchasers to be State residents and prohibiting some people from buying guns. However, since it does not require verification of a purchaser's identity, it is not effective in deterring people with criminal records from acquiring guns. State and local laws affecting handguns consist of a "patchwork" of statutes and requirements, with State laws effective only within State lines and a lack of uniformity among States. Other attempts to curb gun-related crimes have been enactment by some States of mandatory sentencing for crimes committed with guns and a Federal enforcement project. The effectiveness of these and other approaches has not been clearly established. It is difficult to estimate the cost of a national gun control system because there is no definitive design for such a system. Costs would depend on requirements and needs for personnel. Savings would result from integrating some State gun control systems into a national system. Recommendations: Congress should consider a national gun control system from a range of system designs and select a system which is most cost effective.

Alternatives should include use of existing State systems. Consideration should also be given to: verifying an individual's identity and lack of criminal background in order to purchase or possess a handgun, examination of mandatory sentencing, and provisions for periodic evaluations. (HTW)

5266

REPORT TO THE CONGRESS



BY THE COMPTROLLER GENERAL
OF THE UNITED STATES

Handgun Control: Effectiveness And Costs

There is strong and widespread disagreement on the effectiveness and costs of handgun control in the United States. This report analyzes these matters in detail and recommends that the Congress enact further legislation to restrict the availability of handguns.

The report also analyzes other methods of reducing gun-related crime. While cost components for handgun control systems have been identified, total costs will be affected by the system design, technology applied, and fees charged.

The report analyzes

- the extent of firearm use in violent crime,
- the relationships between firearm availability, violent crime, and handgun control, and
- variable costs of gun control systems.



COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

B-171019

To the President of the Senate and the
Speaker of the House of Representatives

This report presents an analysis of the effectiveness and costs of gun control approaches. It was prepared in response to a request from Representative John Conyers, Chairman of the House Subcommittee on Crime, House Judiciary Committee.

Officials of the Department of Justice and the Department of the Treasury have been given the opportunity to comment on this report. Their views have been incorporated where appropriate.

Our evaluation was made pursuant to the Legislative Reorganization Act of 1970 as amended by Title VII of the Congressional Budget Act of 1974 (31 U.S.C. 1154).

Copies of this report are being sent today to the Acting Director, Office of Management and Budget; the Secretary of the Treasury; and the Attorney General.

A handwritten signature in black ink, reading "James B. Stille".

Comptroller General
of the United States

D I G E S T

In view of clear indications that easy availability has contributed to the use of handguns in violent crime, GAO recommends that the Congress develop and enact further legislation restricting handgun availability. The alternatives which should be considered range from taking steps to increase the uniformity and, therefore, effectiveness of State and local gun control measures to the initiation of a national handgun control program.

These are GAO's principal recommendations based upon analyses of the much debated questions of handgun control and crime. The results of GAO's search for facts on this difficult and vital social problem are summarized below together with further conclusions and recommendations.

In 1976, 63.8 percent of murders, 23.6 percent of aggravated assaults, and 42.7 percent of robberies in the United States were committed with guns. In that same year, the FBI reported that guns were used in approximately 320,745 of these crimes. Over the past 10 years the use of guns in crime has increased greatly. (See ch. 2.)

There has been a direct relationship between increased handgun availability and increased gun-related crimes in America since the mid-sixties. The cause is difficult to determine; apparently the relationship is circular: an increase in one results in an increase in the other. (See ch. 3.)

GAO's analysis indicates that the ease with which firearms are obtained is related directly to the proportion of firearms used in crime and is a significant contributor to firearm crime rates. (See ch. 3.)

The easy availability of firearms, particularly handguns, is a contributing factor in firearms crime and resulting deaths. Stringent gun control laws may not reduce the number of violent attacks, but the severity of attacks should be reduced since less lethal weapons would likely be used. If gun availability decreases, statistics would probably show a decrease in murder and an increase in crimes classified as aggravated assault. (See ch. 3.)

According to public opinion polls, most Americans favor gun registration and permits to purchase guns. However, the public does not believe that gun control is the cure to all crime and violence; but that the causes of violence are more basic than the question of how violence is committed. (See ch. 1.)

GUN CONTROL--THE BACKGROUND

Three major Federal laws have controlled the sale and possession of firearms:

- National Firearms Act of 1934.
- Federal Firearms Act of 1938.
- Gun Control Act of 1968.

The Gun Control Act was an attempt to remove inexpensive, low-quality handguns from the market by restricting imports but it did not prevent the assembly of imported parts and domestic manufacture. It also attempted to aid State and local law enforcement by requiring anyone purchasing a gun to be a State resident or by prohibiting some people (i.e., convicted felons, etc.) from buying guns.

However, a purchaser's identity and background need not be verified so that provisions of the 1968 act alone are not effective in deterring people with criminal records from acquiring guns. This is significant because most offenders arrested for aggravated assault and murder are

repeat offenders--Federal Bureau of Investigation data indicates that 68 percent of those arrested for murder have had one or more prior arrests. (See chs. 1 and 2.)

At present, State and local laws affecting handguns consist of a "patchwork" of different statutes and ordinances, requirements and definitions. State laws begin and end at the State lines. Laws are often not uniform within a State. (See ch. 1.)

FURTHER RECOMMENDATIONS TO CONGRESS

In view of GAO's recommendation that legislative alternatives include consideration of a national system, a range of system designs should be evaluated and costed so that the most cost-effective system can be selected. These alternatives should consider various ways of using existing State systems as a cost-saving measure.

In any system, consideration should be given to verifying an individual's identity and lack of criminal background in order to purchase or possess a handgun and to regulating transfers from the existing private inventory of handguns.

Mandatory sentencing is a relatively new method of reducing gun-related crime and deserves further examination. Though fragmented, early results are not discouraging, the enduring effectiveness of mandatory sentencing is still unknown.

Any handgun control legislation should contain provisions for periodic evaluations. A prerequisite for congressional oversight of a national gun control system is timely evaluative information which will keep the Congress informed about how the system is affecting gun-related crime and how this, in turn, is affecting the frequency and severity of violent crime in general.

THE EFFECT OF GUN
CONTROL ON FIREARM
AVAILABILITY

It is evident from Bureau of Alcohol, Tobacco and Firearms projects that restrictive State gun control laws may limit accessibility within a State but they still will be obtained in States with less restrictive laws. (See chs. 4 and 5.)

Without uniform State laws and enforcement of State residency requirements, handguns are always available at a legal retail outlet somewhere for a person determined to obtain one. Restrictive State laws seem only to push the firearms retail business toward a State with less restrictive laws. The tighter the local gun control, the more likely that a crime-related gun will have been purchased in another State. (See chs. 3 and 4.)

OTHER WAYS TO CURB
CRIMES COMMITTED
WITH GUNS

Mandatory sentencing for crimes committed with guns recently was enacted in several States. Those opposing mandatory sentencing laws fear that they will

- curtail judicial discretion in delivering a just sentence,
- be costly in terms of court time and prison facilities, and
- may not curb crime.

A Harvard study of mandatory sentencing in Massachusetts shows that it resulted in a dramatic increase in compliance with the existing gun control law. The study suggests that the law may have restricted the casual availability of guns and that this may have caused the reduction in assaults with guns in Boston. Total assaults did not decline, however, and the long term effects of this approach are not yet known. (See ch. 5.)

A recent Federal enforcement project has yielded some results in three cities included in a Bureau of Alcohol, Tobacco and Firearms pilot test of Concentrated Urban Enforcement--Project CUE. An additional 179 Federal agents worked with local officials in Washington, D.C.; Boston; and Chicago, in an attempt to reduce the illegal flow and criminal misuse of firearms. Though selected crime rates presented by the Bureau of Alcohol, Tobacco and Firearms decreased in the Project CUE cities, questions remain as to the extent and influence of the project on this reduction in the crime rates. (See ch. 5.)

Little can be said about local authorities purchasing handguns as a method of decreasing gun availability since this method is rarely used, and, when tried, has been short lived. Baltimore conducted a "buy-back" program in 1974. Crime statistics indicated that during the months of the greatest buy back, major gun-related crime decreased only to return to normal levels after the majority of the guns were purchased and the program curtailed. (See ch. 5.)

VARIABLE COSTS OF GUN CONTROL

Many factors would influence total cost of a national gun control system. In general, the cost of any gun-licensing or registration system depends on its requirements; especially the depth and efficiency of its screening process. (See ch. 6.)

The major variable affecting the total cost of a system is personnel. The more restrictive the system, the more thorough the background check tends to be. The more thorough the background check, the more personnel-intensive a system is, and the higher the unit costs. (See ch. 6.)

Because no definitive design for a national system exists, an accurate estimate of the total cost cannot be made. However, gun control systems in some States could be

integrated into a national system to save costs. The cost to the Government of such a system would depend on its design and fees charged. (See ch. 6.)

AGENCY COMMENTS

The Department of Justice had no disagreement with the conclusions and recommendations of the report and stated their strong support for legislation in the area of handgun control. They concurred with the conclusion that further legislation is needed to restrict the availability of handguns.

Though the Treasury had no comment on GAO's conclusions and recommendations dealing with the need for further legislation, they agreed with the necessity to evaluate and cost any specific handgun control systems or alternate systems that are considered.

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ABBREVIATIONS

ATF	Bureau of Alcohol, Tobacco and Firearms
CBO	Congressional Budget Office
CCH	Computerized Criminal History System
FBI	Federal Bureau of Investigation

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CHAPTER 1

GUN CONTROL--A BACKGROUND

FEDERAL GUN CONTROL LAWS

History of legislation

Three major pieces of legislation have been passed in the United States on firearms control, although many bills have been introduced in the Congress over the years. These three major statutes, regulating the manufacture and distribution of firearms, are the National Firearms Act of 1934, the Federal Firearms Act of 1938, and the Gun Control Act of 1968.

The National Firearms Act of 1934

The first major national firearms control act was the National Firearms Act of 1934. ^{1/} This legislation was an attack on civilian ownership of certain weapons known as "gangster" weapons in the "Tommy-Gun Era" of the twenties and thirties. The act required a heavy transfer tax and registration of all machineguns, sawed-off shotguns, silencers, and other gangster weapons. Due to the taxing requirement, enforcement responsibility was given to the Department of the Treasury.

The Federal Firearms Act of 1938

The Federal Firearms Act of 1938 was also prompted by the violence during the years preceding its passage. This act was the most important legislation of firearm regulation before 1968, because it attempted to impose Federal controls over all firearms and much ammunition suitable for handguns. The act required a Federal license for interstate shipment and receipt of firearms by manufacturers, importers, and dealers. The law imposed recordkeeping requirements on licensed dealers and prohibited dealers from knowingly

^{1/}The first firearms control act was passed in 1927, when the Congress enacted a law attacking "mail-order murder" (52 Stat. 781, 18 U.S.C. 1715). The law prohibited the shipment of concealable firearms through the mails except by and for dealers and manufacturers. The main weakness with the act was that only the U.S. Postal Service was excluded from handgun commerce. The law was easily circumvented by the use of private express companies.

shipping a firearm in interstate commerce to a fugitive from justice, a person under indictment, or anyone required to hold a license who did not. The act also prohibited the transfer of a weapon whose manufacturer's mark had been removed, altered, or defaced.

The Federal Firearms Act of 1938 had several loopholes. The modest requisites for a dealer's license provided strong incentive for private parties to acquire the licenses. The provision that prohibited shipping firearms to certain classes of recipients did not require the dealer to obtain or verify the identification of the purchaser. Violation of this provision was virtually nonprosecutable.

The Gun Control Act of 1968

In 1968 the Congress enacted two laws containing provisions for more stringent control of firearms: The Omnibus Crime Control and Safe Streets Act of 1968 and the Gun Control Act of 1968. This legislation is generally thought to have been prompted by the assassinations of the sixties.

The Safe Streets Act contained two gun control titles, Titles IV and VII. Title IV, later replaced by Title I of the Gun Control Act, repealed the Federal Firearms Act of 1938 and was directed primarily at commerce in handguns. Title VII prohibits the possession and receipt or transport in interstate commerce of any firearm by

- convicted felons,
- persons discharged from the Armed Forces under other than honorable 1/ conditions,
- persons adjudged mentally incompetent by a court,
- persons having renounced their U.S. citizenship, and
- aliens illegally in the United States.

The Gun Control Act of 1968 has two major titles. Title I requires all persons importing, manufacturing, or dealing in firearms or ammunition to be federally licensed; establishes more restrictive standards for licensing; prohibits interstate shipment of all firearms and ammunition between

1/The Gun Control Act amended Title VII to read "dishonorable" rather than "other than honorable."

nonlicensees; generally prohibits the interstate sale of handguns; prohibits the interstate sale of long guns except under certain conditions; requires licensees to keep records of the names, ages, and places of residence of firearm or ammunition purchasers; prohibits sale of firearms and ammunition to certain classes (minors ^{1/}, convicted felons or persons under indictment for a felony, fugitives from justice, unlawful users of certain drugs, and persons adjudged mental defectives); generally prohibits importing nonsporting-type firearms; and establishes special penalties for using a firearm in a Federal felony. Title II amends the National Firearms Act of 1934 to overcome certain constitutional issues concerning self-incrimination by weapon registration and extends the act's provision to include "destructive devices" (bombs, grenades, etc.). Title II further requires all importers and manufacturers to place serial numbers on all firearms.

The Title I State residency requirement was an attempt to eliminate interstate traffic in firearms which had hindered State and local efforts to enforce handgun purchasing or ownership restrictions. Furthermore, regulations established under the act required all dealers to sign a form indicating that the purchaser had produced identification showing that he was not a resident of another State. This form includes the purchaser's name, address, age, and his sworn statement that he is not a member of one of the classes restricted from firearm ownership. The information obtained at purchase is retained by the dealer and remains available for inspection by agents of the Treasury's Bureau of Alcohol, Tobacco and Firearms (ATF). One of the problems associated with Title I can be tied to the omission of a screening process to verify the information received by the dealer. Without verification at the time of purchase, persons falsifying information to purchase a firearm faced little threat of getting caught.

The provision which prohibited importing firearms that were not "particularly suitable for or readily adaptable to sporting purposes" was an attempt to remove from the market the "Saturday Night Special." This type of weapon was an inexpensive, low-quality imported handgun used frequently in violent crime. However, this provision did not prohibit domestic production of the same type firearm nor did the provision entirely restrict the importation of such handgun

1/Under 18, for rifles and shotguns; under 21, for handguns.

parts (although two major parts are restricted). Domestic manufacture of handguns increased from 926,000 handguns in 1967 to 1,259,000 in 1968 and 1,367,000 in 1969. At the same time, a new industry began which imported handgun parts and assembled the handguns in the United States.

Title I also provides for more stringent punishment for crimes committed with a firearm. Anyone who uses or carries a firearm in committing a Federal felony may be imprisoned from 1 to 10 years for the first offense. The second offense is currently punishable by a mandatory (i.e., no probation, no suspended sentence) 2 to 25 years imprisonment.

EXISTING STATE HANDGUN LAWS

In addition to the Gun Control Act of 1968, many States impose laws further controlling handguns. State and local handgun laws are a "hodge-podge" of differing statutes and ordinances--each with its own requirements and definitions. State laws begin and end at the State lines and are often not uniform within each State. Many cities and towns impose more stringent regulations as they perceive a need for them. Laws controlling the availability of handguns include purchasing, carrying, and possession restrictions and exist in many different forms. Handgun control laws for the 50 States and the District of Columbia are tabulated in table 1.

Purchasing restrictions

State laws controlling the purchase of firearms include such regulations as a waiting period before purchase, a license or permit to purchase, registration after purchase, and special provisions that must be met by firearm dealers. Miscellaneous State laws prohibit the purchase and/or ownership of handguns by certain classes (felons, drunkards, narcotics violators, minors, aliens, fugitives, and persons of unsound mind). Many States restrict selling firearms to other classes (or further limit ownership within these classes). Seldom does a State prohibit all of the classes mentioned. These laws were not listed in table 1 since they vary so in form and stringency.

TABLE I. STATE RESTRICTIONS ON PURCHASE, CARRYING AND OWNING HANDGUNS (1977)

	Restrictions on										
	Purchase						Carrying				Owning
	1	2	3	4	5	6	7	8	9	10	11
	Dealer Licensed by State	Dealer Must Keep Record of Sales	Application and Waiting Period	License or Permit to Purchase	Registration	Record of Sales Sent to State or Local Government	Carrying Openly Prohibited	Carrying Concealed Prohibited	License to Carry Openly	License to Carry Concealed	License to Own or ID Card
Alabama	X	X	X			X				X	
Alaska								X			
Arizona								X			
Arkansas							aX	aX			
California	X	X	X			X				X	
Colorado		X								X	
Connecticut	X	X	X			X			X	X	
Delaware	X	X								X	
District of Columbia	X	X	X		X	X			X	X	
Florida									X	X	
Georgia	X							X	X	X	
Hawaii	X			X	X	X			X	X	
Idaho										X	
Illinois		X	X	X				X			X
Indiana	X	X	X			X			X	X	
Iowa	X	X				X				X	
Kansas								X			
Kentucky								X			
Louisiana	X							X			
Maine		X								X	
Maryland	X	X	X			X			X	X	
Massachusetts	X	X		X		X			X	X	X
Michigan		X		X	X	X				X	
Minnesota									X	X	
Mississippi		X			X	X				X	
Missouri		X		X		X		X			
Montana										X	
Nebraska								X			
Nevada										X	
New Hampshire	X	X				X				bX	
New Jersey	X	X	X	X		X			X	X	
New Mexico								bX			
New York	X	X		X	X				X	X	X
North Carolina	X	X		X				X			
North Dakota	aX	X		cX		X			X	X	
Ohio		X				X		aX			
Oklahoma							X	X			
Oregon	X	X	X			X				X	
Pennsylvania	X	X	X			X				X	
Rhode Island	X	X	X			X			X	X	
South Carolina	X	X				X			X	X	
South Dakota	X	X	X			X				X	
Tennessee	X		X			X	aX	aX			
Texas	X	X					X	X			
Utah							bX			X	
Vermont		X					aX	aX			
Virginia	X	fX		fX						X	
Washington	X	X	X			X				X	
West Virginia	X	X				X			X	X	
Wisconsin			X					X			
Wyoming		X								X	

- a/ "With intent to injure" or "with intent to go armed" or "as a weapon"
- b/ Loaded
- c/ License to carry
- f/ Local option
- e/ Except if for defense
- l/ Certain counties

The 1968 Gun Control Act requires Federal licensing of all firearms dealers and requires dealers to record sales of all firearms. The States listed in columns 1 and 2 of table 1 impose additional dealer requirements. Column 1 lists all States which demand that gun dealers be licensed by a State or local licensing authority. To receive a license, these firearm dealers will usually have to meet some State standards (which may be strict or lenient). Column 2 lists those States which require firearms dealers to keep records of sales for the State in addition to Federal records.

If a waiting period is required by the State, column 3, designated "application and waiting period," is marked. A waiting period defines the waiting time required from application to purchase until receipt of the handgun. These waiting periods vary from 48 hours (for example, in Alabama) to 15 days (in Tennessee). This time usually is considered a "cooling off" period and is instituted to prevent persons mentally or emotionally unstable from purchasing firearms. Some States use this time to verify the legality of the purchase.

Column 4 identifies the States requiring a license or permit to purchase a handgun. In these States, before purchase, a handgun purchaser must obtain a license (usually good for a few years to a lifetime) or a permit (usually good for a week to a month) from State or local authorities. Generally, the issuing authority must check the background of the prospective purchaser to assure that he is not prohibited by law from purchasing firearms. The thoroughness of this check varies.

Registration is a means of recording information about weapons purchased to provide identification of firearms in circulation. There are two methods of providing this information. The least common, but most widely publicized, method is the registration of all handguns in circulation as a prerequisite for legal possession. Only four States and the District of Columbia have this type of registration (column 5). The other method is not usually called "registration." Although the firearms dealer "registers" the firearm at the time of purchase, the purchaser often does not realize that this is occurring. The firearms dealer records information about the purchaser and forwards it to State or local authorities (column 6). Since this type of registration occurs at the retail level, purchases between private parties often are not bound by the same regulations. While licensing and permit procedures occur before purchase, registration of any type occurs after or at the time of purchase.

Carrying restrictions

Carrying restrictions include laws on carrying concealed handguns and carrying handguns openly, on or about the person. Columns 7 through 10 represent laws regulating the carrying of handguns. Column 7 lists those States in which carrying a handgun openly is prohibited. Column 8 lists the States which prohibit the carrying of a concealed weapon. The States in which carrying a handgun is not prohibited, but which require a license to carry a handgun openly or concealed, are shown in columns 9 and 10, respectively. There are also State laws regulating the carrying of firearms in a motor vehicle. Some States require that handguns be encased or in the trunk of the car; some require that guns be unloaded; some require that they be out of reach. Virtually every State has some type of law regulating the carrying of handguns.

Possession restrictions

State laws regulating possession of firearms may include registration of firearms or licensing of owners. The type of registration listed in column 5 could be considered either a possession or purchase restriction. Column 11, a license to own or possess a handgun, is considered the most stringent of all gun control laws since it makes it unlawful to possess a handgun unless licensed. This law requires that each person desiring to own a handgun must undergo a background check and be issued a license or Identification Card (ID). The license or ID card qualifies him as a handgun owner in that State. Just as some States require the issuance of a license or permit for purchasing a handgun, in other States a license is a prerequisite for legal handgun ownership.

PUBLIC OPINION ON GUN CONTROL

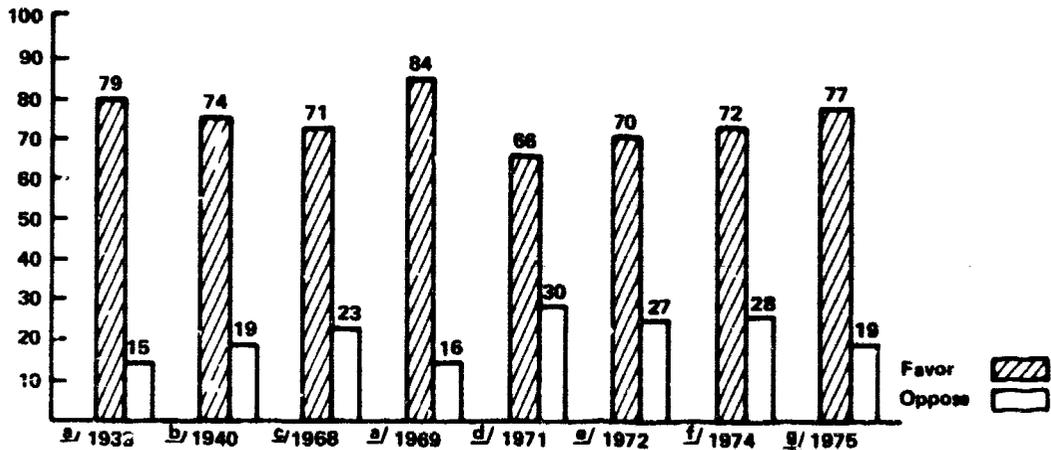
All Federal firearms legislation passed in the United States has been prompted by public outrage over eruptions of violence with the heavy involvement of firearms. Public opinion polls have tried to measure the citizens' concern over this issue.

Trends in public opinion

In major polls since 1938, the majority of the American public has consistently favored registration of guns. Figure 1 illustrates the replies from several polls on the question of handgun (gun, firearm) registration. Though the questions from year to year have not been consistent and are sometimes ambiguous as to what type of "gun" is referred to, the variety

of questions does indicate that well over two-thirds of the population has favored the registration of firearms.

FIGURE 1. PERCENT OF PUBLIC WHO FAVOR OR OPPOSE REGISTRATION OF FIREARMS

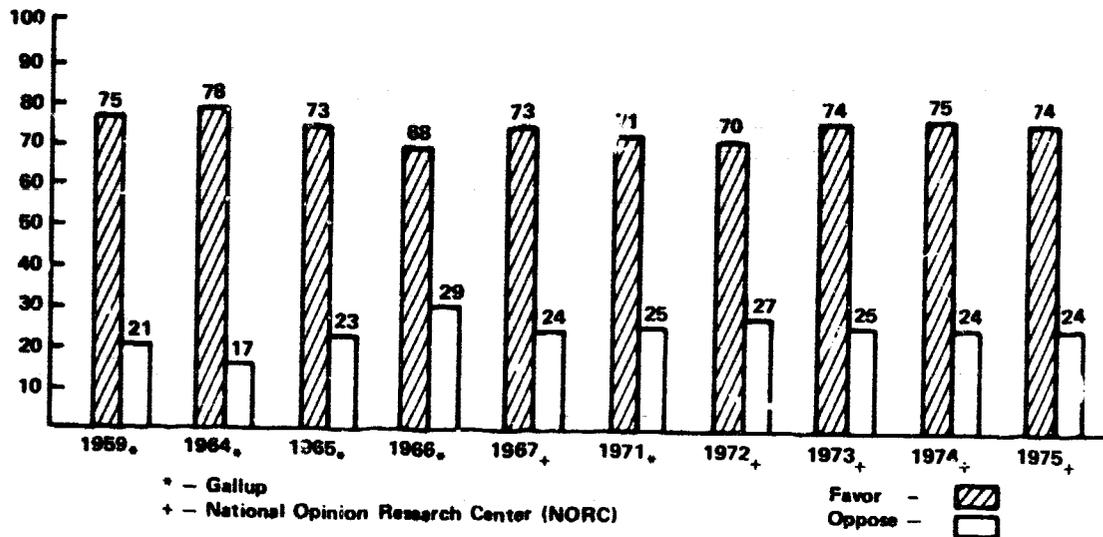


Actual wording:

- a/ Do you think all owners of pistols and revolvers should be required to register with the government? (Gallup)
- b/ Would you favor or oppose a law requiring all private citizens owning pistols or guns to register with the government? (Gallup)
- c/ Do you favor or oppose Federal laws which would control the sales of guns, such as making all persons register all gun purchases no matter where they buy them? (Harris)
- d/ Do you favor or oppose Congress passing a law requiring strict control and registration of all hand guns? (Harris)
- e/ Do you favor or oppose a federal law which would put strict gun control into effect, requiring that all hand guns be registered? (Harris)
- f/ Do you favor or oppose: Registration of all firearms should be required. (Gallup)
- g/ Do you favor or oppose a federal law requiring that all handguns people own be registered with federal authorities? (Harris)

Figure 2 illustrates the public opinion polls from 1959 through 1975 on the question of requiring persons to obtain a police permit before purchasing a firearm. The same question was asked each year that the survey was taken and the results do not fluctuate. Around three-fourths of the population favor such a requirement.

FIGURE 2. PERCENT OF PUBLIC WHO FAVOR OR OPPOSE A PERMIT TO PURCHASE SYSTEM

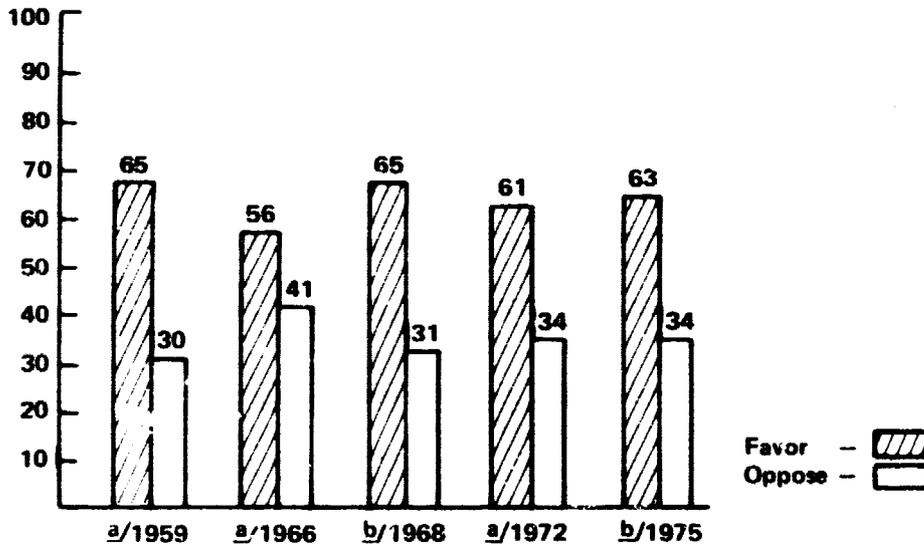


Actual wording:

Would you favor or oppose a law which would require a person to obtain a police permit before he or she could buy a gun?

Though any inconveniences of compliance with new gun control laws would primarily fall on the gun owner, it appears that, over all, firearm owners also favor more stringent controls. Figure 3 indicates the opinions of firearm owners on the questions of registration and a permit system. As could be expected, the percentages in favor are smaller than the public as a whole. However, it appears that the majority of gun owners do favor laws further controlling firearms.

FIGURE 3. PERCENT OF GUNOWNERS WHO FAVOR OR OPPOSE REGISTRATION OR A PERMIT TO PURCHASE SYSTEM



Actual wording

- a/ Would you favor or oppose a law which would require a person to obtain a police permit before he or she could buy a gun? (Gallup)
- b/ Do you favor or oppose Federal laws which would control the sales of guns, such as making all persons register all gun purchases no matter where they buy them? (Harris)

Current polls on gun control, violence, and crime

In 1975, 73 percent 1/ of the public favored Federal laws requiring all persons to register all gun purchases regardless of where they buy them. As seen in figure 1,

1/Louis Harris and Associates, Inc.

77 percent of the public favored laws requiring handgun registration with Federal authorities. However, another survey 1/ indicates that when asked specifically what level of government they would prefer to administer registration of firearms, the public is divided. The survey indicates that 30 percent of the population prefers the Federal Government, 29 percent prefers State government, and 37 percent prefers local government.

Louis Harris, in testimony to the Congress in 1975, points out that 78 percent of the public believes that "easy availability of guns" is a contributor to violence in the country today. 2/ However, he concludes that the public does not believe that gun control is a cure-all to violence. This is borne out by the fact that 51 percent of the public does not feel that if laws were passed making it harder for people to get guns, there would necessarily be less violence in the country. Another 1975 poll 1/ indicates that an even higher percentage (63 percent) of the public feels this way. The conclusion reached by both pollsters is that the majority of the public feels that the causes of violence run deeper than merely the availability of firearms.

One 1975 public opinion poll 1/ indicates that the public believes other steps are also necessary to reduce crime. When asked an "open-ended" question (one requiring a voluntary response without a list of suggestions) as to what steps should be taken to reduce crime, the most often received response was more severe punishment (23 percent). Reinstatement of capital punishment and improvement of the judicial system (9-percent each) came next, followed by gun control (8 percent).

While the public opinion polls record that the majority of people favor gun control legislation, some political analysts feel that the people who do not favor gun control hold their position with more intensity and are more willing to translate their feelings into political action. The polls have not tried to measure intensity of feeling.

1/Decision Making Information (DMI).

2/Of those, 49 percent felt it was a major contributor; 29 percent felt it was a minor contributor.

SUMMARY

Three major pieces of Federal legislation have been enacted to control the sale and possession of firearms--the National Firearms Act of 1934, the Federal Firearms Act of 1938, and the Gun Control Act of 1968. While the Gun Control Act of 1968 attempted to remove the inexpensive, low-quality handgun from the market by restricting imports, domestic manufacture and manufacture from imported parts of the same type handgun were not prevented. The 1968 law also attempted to aid State and local law enforcement by requiring State residency for handgun purchase and prohibiting certain classes (i.e., convicted felons, etc.) from purchasing. However, there is no specified requirement for a screening process to verify the purchasers identity or that the purchaser is not prohibited to purchase or possess a firearm.

Virtually every State has some law(s) regulating the purchase, possession, or carrying of handguns. However, these laws begin and end at the State lines and are a "patchwork" of differing statutes and ordinances. The majority of the American people have continued to favor firearm registration and a required permit to purchase a firearm. Louis Harris concludes that the American people do not believe that Federal control of guns will end violence and crime or provide peace and tranquility but that it is a necessary, critical, and primary step.

CHAPTER 2

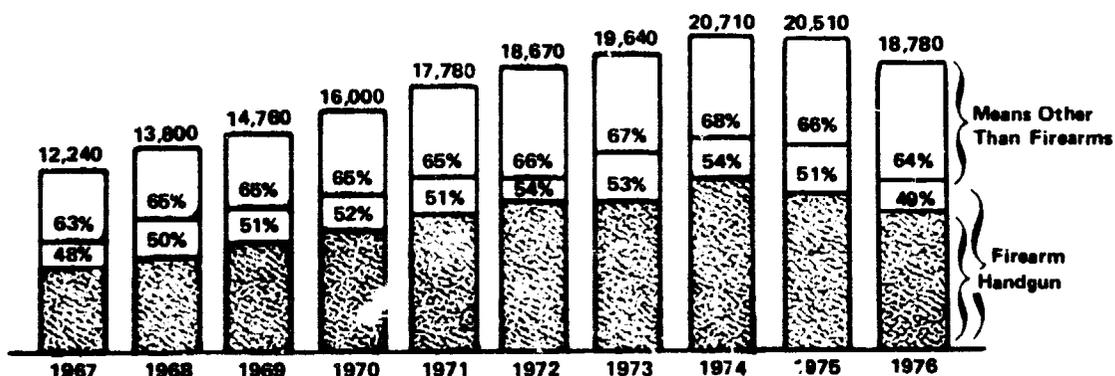
THE EXTENT OF FIREARM USE IN VIOLENT CRIME

The violent crimes of murder, aggravated assault, and robbery are the major crimes where weapons are reported to be used. ^{1/} In 1976, 63.8 percent of all murders, 23.6 percent of all aggravated assaults, and 42.7 percent of all robberies in the United States were committed with firearms. In 1976, firearms were used in approximately 320,745 of the above crime categories reported by the Federal Bureau of Investigation (FBI).

FIREARM USE IN MURDER

In recent years, not only has the total number of murders increased, but the rate of murder per 100,000 population has also increased--from 6.2 in 1967 to 8.8 in 1976. There has also been an increase in the number, as well as the rate, of murders committed with firearms, especially handguns. About 9,200 handgun murders were committed in 1976--over one and a half times the number that occurred in 1967. During that same time, the handgun murder rate rose from 2.9 to 4.3 per 100,000 population. While murders by all means increased through 1974, dropping slightly in 1975 and 1976, figure 4 indicates that firearms have constantly played a large role in the crime of murder. Firearms predominated, in 1976 as in other years, as the weapon most often used in homicide, with about half of all murders being committed with a handgun.

**FIGURE 4. FIREARM MURDER AND HANDGUN MURDER
AS A PERCENT OF TOTAL MURDERS
(1967-1976)**



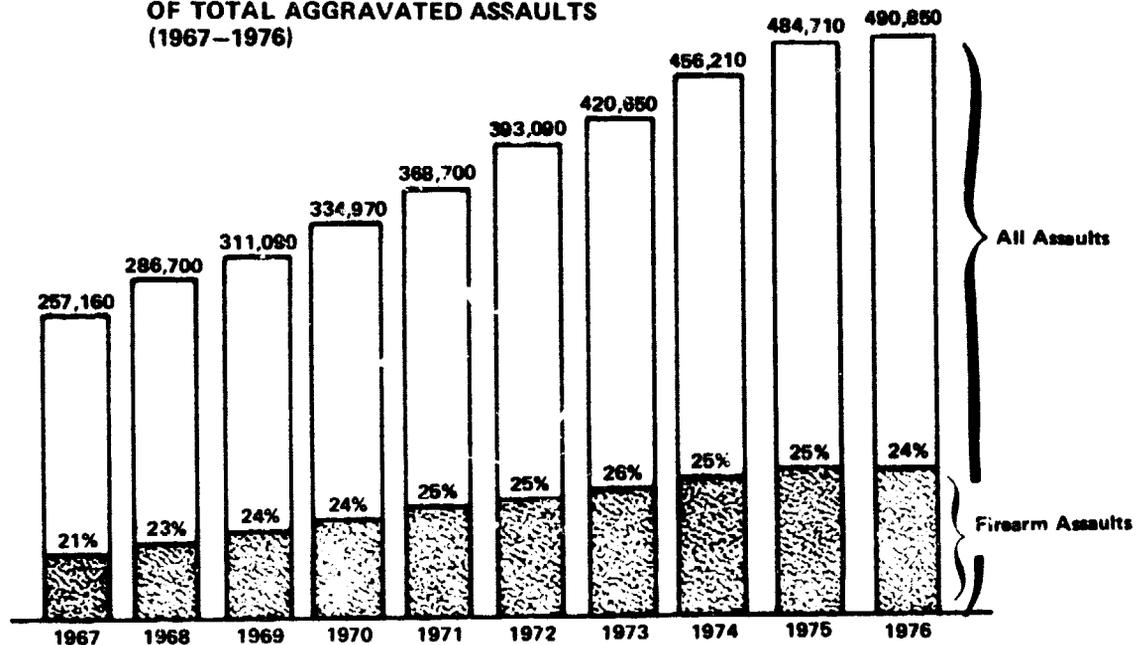
Source: 1975 NRA Firearms and Laws Review, National Rifle Association, 1975.
FBI Uniform Crime Reports, 1976.

^{1/}See appendix I for discussion of data base.

FIREARM USE IN AGGRAVATED ASSAULT

As seen in figure 5, firearms account for about one-quarter of the weapons used in aggravated assault (attack with intent to kill or for the purpose of inflicting severe bodily injury). Firearms appear to be more prevalent in murder than in aggravated assault. Firearms, knives or cutting instruments, personal weapons (hands, fists, etc.), and all other weapons (clubs, poison, etc.) each account for about one-fourth of all assaults.

FIGURE 5. FIREARM ASSAULTS AS A PERCENT OF TOTAL AGGRAVATED ASSAULTS (1967-1976)



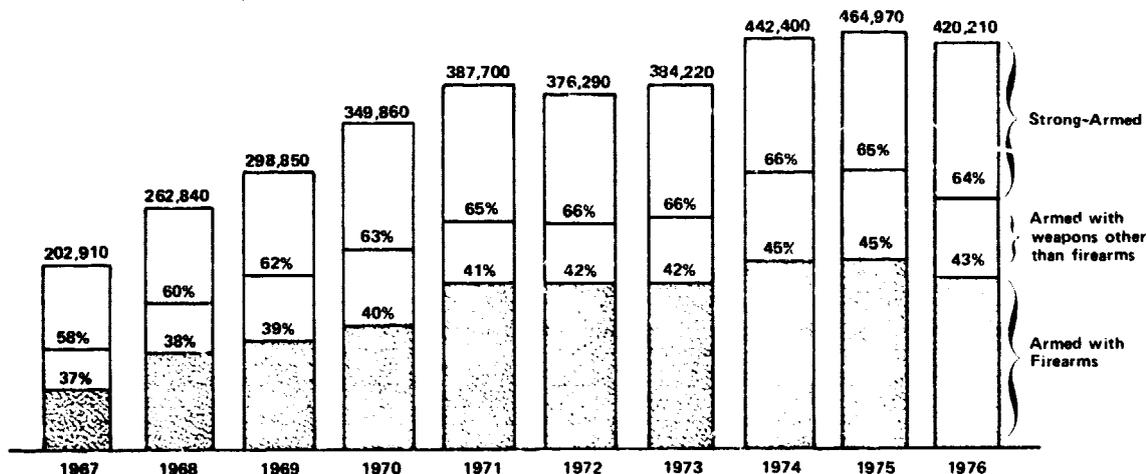
Source: 1975 NRA Firearms and Laws Review, National Rifle Association, 1975.
FBI Uniform Crime Reports, 1976.

FIREARM USE IN ROBBERY

In 1976, firearms were used in approximately 43 percent of all robberies (see fig. 6). Robbery is separated into the categories of armed robbery (firearms and other weapons) and strong-armed (no weapon) robbery. Firearms are the predominant weapons used in armed robberies. For each year from

1967 to 1973, 63 percent of all armed robberies were committed with a firearm; while from 1974 to 1976 their involvement rose further such that firearms were used in armed robberies between 67 and 69 percent of the time.

FIGURE 6. ARMED ROBBERY AND FIREARM ROBBERY, AS A PERCENT OF TOTAL ROBBERIES (1967-1976)



Source: 1975 NRA Firearms and Laws Review, National Rifle Association, 1975.
 FBI Uniform Crime Reports, 1976.

MURDER AND AGGRAVATED ASSAULT OFFENDERS

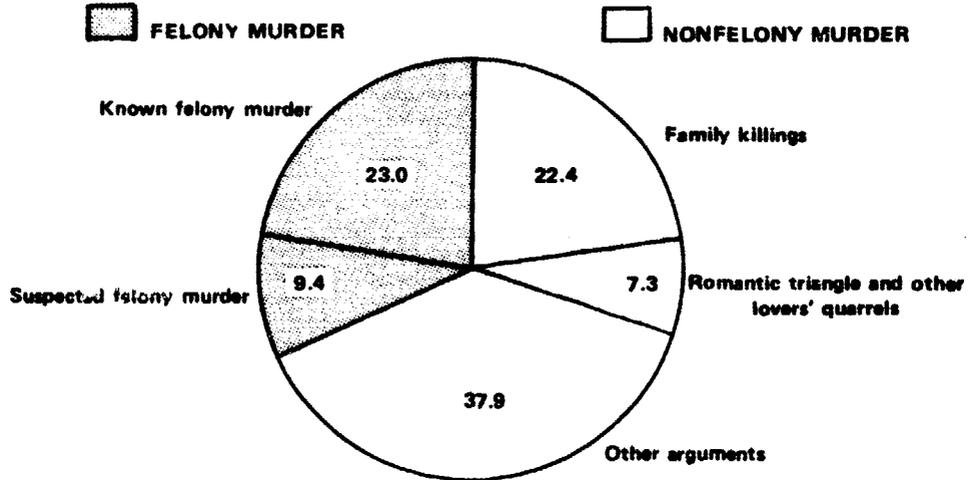
Circumstances surrounding murder indicate that most evolve from quarrels where the victim and offender are family, friends, or acquaintances. (See fig. 7.) 1/ Only 28 percent in 1976 and 32 percent in 1975 of all murder was known, or suspected, felony murder. 2/ While national statistics are not

1/1975 is the most recent year for which data was available for all the categories presented in figure 7.

2/Felony murder is defined in the FBI Uniform Crime Reports, as killings resulting from robbery, burglary, sex motive, gangland and institutional slaying, and all other felonious activities.

recorded for circumstances surrounding aggravated assault, the victim offender relationship in assault is similar to murder. Most aggravated assaults occur between persons who know each other.

FIGURE 7. MURDER BY CIRCUMSTANCE (PERCENT DISTRIBUTION) - 1975



Source: FBI Uniform Crime Reports, 1975.

While the circumstances surrounding aggravated assault and murder reveal that these crimes most often result from arguments between relatives, friends, or acquaintances, evidence indicates that most of these offenders are recidivists. In the most recent FBI published study of careers in crime, the FBI studied the histories of 255,936 offenders who had been arrested on Federal charges during 1970-75. ^{1/} The study showed that of those whose last arrest was for murder, 68 percent of the offenders had one or more prior arrests. The average number of total arrests per offender was four. Aggravated assault is similar; 64 percent of those arrested for assault had prior arrest records.

A further examination of the recidivism for murder offenders shows that even if all murderers who were not caught (around 21 percent in 1976) had no prior offenses, at least 53 percent of all murderers had an arrest record. So while 72 percent of all murder in 1976 was nonfelony murder, at a minimum, over one-half of all murderers have prior arrest records for some serious crime.

^{1/}See appendix I for a more detailed discussion of this study.

SUMMARY

Violent crime in the United States has increased since the mid-sixties. Over the last 10 years data indicates the increasing use of firearms in crime. To determine how gun control legislation might affect various types of crime, we must further examine the crimes in which firearms misuse predominates and the effect of firearm availability on these crimes.

CHAPTER 3

THE EFFECT OF FIREARM AVAILABILITY ON VIOLENT CRIME

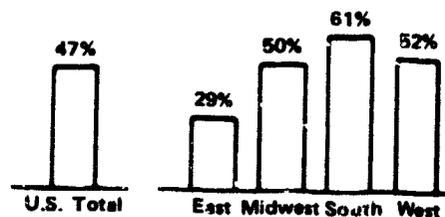
most probable link between gun laws and violent crime lies in the law's ability to reduce the availability of firearms to the criminal or potential criminal. Will reduced firearm availability have an effect on crime?

ESTIMATES OF FIREARM OWNERSHIP

One indicator of firearm availability in various areas is firearm ownership. Unfortunately, there is little concrete data on the number of firearm owners or number of firearms owned in the United States and virtually no data on ownership in local areas. Domestic production and imports provide rough national figures indicating that by 1976 approximately 147,500,000 firearms were in the civilian market; about 44,000,000 were handguns. However, these figures do not include (1) firearms entering the market, such as firearms returned as war trophies (an estimated 8.8 million), antique firearms, and weapons manufactured for the Armed Forces or (2) firearms leaving the market because they are worn out, destroyed, or seized as contraband (an estimated 250,000 annually).

In the past the best available ownership statistics have been public surveys of firearm ownership. The nationwide samples indicate that in 1975, 47 percent of the households in America own one or more firearms. Of the households who own a firearm, 70 percent own handguns, 70 percent own rifles, and 66 percent own shotguns. These ownership statistics are only available at a regional level. Firearm ownership is distributed as in figure 8.

**FIGURE 8. PERCENT OF HOUSEHOLDS
OWNING FIREARMS,
BY REGION - 1975.**



Source: Louis Harris and Associates, Inc.

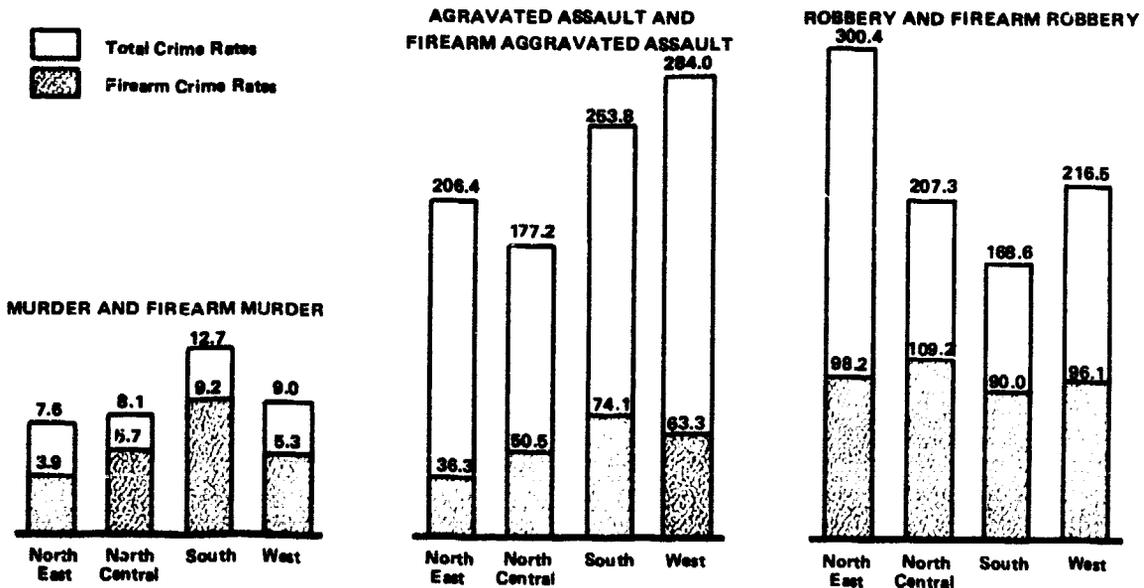
FIREARM OWNERSHIP AND CRIME RATES

A comparison of firearm ownership statistics and crime statistics (see figs. 8 and 9) indicates that there is a positive relationship between firearm ownership and

- total murder rates,
- firearm murder rates, and
- firearm assault rates.

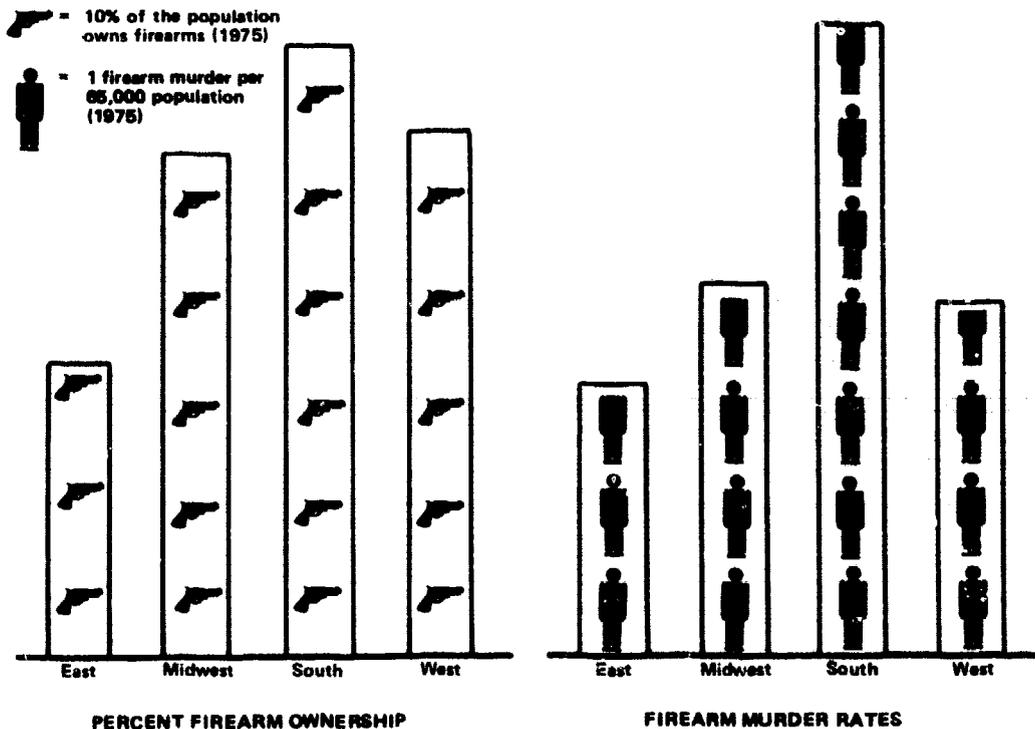
(This relationship is illustrated more directly for firearm murder rates in fig. 10.) The firearm assault rates are generally higher for regions where firearm ownership is higher and generally lower where ownership is lower. On the surface, in reviewing figures 8 and 9, it appears that murder, firearm murder, and firearm assault are positively related to firearm ownership.

Figure 9. TOTAL AND FIREARM CRIME RATES¹ BY REGION - 1975



¹ Rates per 100,000 population. Scale of murder rates graph differs from scale of aggravated assault and robbery.

Figure 10. RELATIONSHIP BETWEEN FIREARM OWNERSHIP AND FIREARM MURDER RATE, BY REGION



THE RELATIONSHIP BETWEEN FIREARM AVAILABILITY AND FIREARM VIOLENCE

The data implies that there is a positive relationship between firearm ownership (a surrogate for the availability of guns) and both firearm murder and firearm assault at the regional level. However, the cause and effect relationships are more difficult to determine. Is the increase in crimes involving firearms caused by an increase in gun availability, or does the increase in crime cause an increase in firearm ownership (does fear motivate people to purchase firearms for self-protection)? Studies indicate that both situations occur and, consequently, there is a circular effect. People buy guns, crimes committed with guns increase, people are afraid, people buy guns, gun crimes increase, and so on.

The Task Force for the National Commission on the Causes and Prevention of Violence studied this effect in Detroit, Michigan, around the time of the 1967 civil disorders. Since

Michigan requires every handgun purchaser to obtain a permit, the number of permits issued can be considered to be the general trend of legal handgun acquisitions. The data shows a dramatic increase in the demand for handgun permits during and after the civil disorders. By 1968, the number of handgun permits issued was four times what it had been in 1965. ^{1/} During the same period, violent attacks with firearms doubled; robberies committed with firearms increased almost four times; and firearm murders had increased five times.

On a national level, the same phenomenon has been occurring. Until 1965, the number of firearms produced domestically and imported remained fairly stable--approximately 2 million annually, to a high of 3.1 million. In 1966, the figures rose to 3.5 million; the figures increased to 4 million in 1967 and to 5.3 million in 1968. Firearms produced for private sale had reached 6.9 million by 1974. In 1975 and 1976 they were estimated to be about 6.1 million and 6.2 million, respectively. Annual domestic production of handguns almost tripled from 1965 to 1976. During this time, the role of firearms in violent crime has also continued to increase. (See ch. 2, figs. 4, 5, and 6.) Further, in those 12 years the firearm murder rate has almost doubled, the firearm robbery rate is estimated to have more than doubled, ^{2/} while the firearm aggravated assault rate has almost tripled.

An analyses of 16 cities

To further examine the influence of firearm availability on firearm crimes, we analyzed a sample of handguns used in crimes in 16 cities. ^{3/} Our hypothesis was:

--In a city, if most handguns are purchased a short distance away (i.e., they are easily obtained),

^{1/}The total number of handguns in circulation was probably much more than this since the permit count does not take into account illegal acquisitions or out-of-State purchases. At that time theft of firearms increased considerably. Other data shows that many handguns in Detroit come from out-of-State. It should be noted that firearm use in the communities surrounding Detroit also increased during that time period.

^{2/}Based on the firearm robbery rate for 1967 which is the earliest year such an estimate is available.

^{3/} See chapter 4.

firearm crime will be higher than if handguns are available only at a greater distance (i.e., they are harder to get).

The Bureau of Alcohol, Tobacco and Firearms provided the data base from its study, Project Identification. In "Project I", a sample of handguns confiscated by the police during 1973-75 in each of 16 cities was traced from the handgun manufacturer to the retail outlet where the handgun was sold. This data allowed us to pinpoint the locations (i.e., States) of handgun sources for each of the 16 cities in ATF's data base. Hence, the proximity of handgun sources to the "scene of the crime" could be measured.

The distances from the States of the handgun sources (i.e., retail outlets where the handguns were purchased) to the city in which they were confiscated provided an index of "handgun source proximity" for each city. 1/ This index can be thought of as the average distance a handgun must travel to get to that city. A high index for a city indicates that, on the average, handguns confiscated by the police in "Project I" were purchased a long distance from the city, while a low index indicates that guns, on the average, were bought a short distance from the city.

Proportion of violent crime involving firearms versus availability

This index was used first to explain variations among cities in the proportion of murders and aggravated assaults in which firearms were used. 2/

Statistical tests indicated that the handgun source proximity index alone explained

--43 percent of the variation in the proportion of murders in which firearms were used,

1/The distances (in miles), between the retail source States and the city in which the handguns were found, were tabulated and weighted by the number of guns coming from that State. (For each city, guns bought within the State were considered to have a distance of zero.) All sources were added and divided by the total number of guns traced in each city, resulting in a weighted index.

2/Derived from 1973 data for the 16 cities received from the FBI.

--40 percent of the variation in the proportion of aggravated assaults in which firearms were used, and

--40 percent of the variation in the proportion of both crimes in which firearms were used.

Our analysis indicated the expected relationship between handgun proximity and the proportion of firearms used in these crimes. As handgun sources get closer, the proportion of firearms used in these crimes increases, and as handgun sources get further away, the proportion of firearm use decreases. 1/

As expected, we found that no single element completely explains firearm use in these crimes. Research indicates that many complex factors contribute to explaining violent crime. Further analyses indicated that several socioeconomic factors work in combination with proximity to more completely explain firearm use. To determine their contribution to the variation in firearm assaults and firearm murders we also analyzed

--per capita income of the city,

--percent of the city's population below the poverty level,

--percent minority population in the city, and

--population density.

These factors were each examined in combination with the handgun proximity index and finally all together. 2/

The analysis showed that when the proximity index is combined with each of the above variables the first three above more completely explain the variation in firearm use. We found that as per capita income decreases, and the percent of the population below the poverty level or percent minority population increases, the proportion of firearms used in crime increases. As we found before, as the handgun sources get closer, the proportion of firearms used in crime increases.

1/See appendix I.

2/All analyses involved the use of a step-wise regression in which each variable was allowed to enter the regression equation in the order of its relative contribution to explaining the dependent variable.

For murder, the statistical tests indicated that, when each was individually combined with proximity index, the first three factors above explained, respectively, 50, 49, and 55 percent of the variation in the proportion of firearms used in murder. 1/

For aggravated assault, the statistical tests indicated that, when individually combined with proximity index, the three factors explained respectively, 66, 67 and 52 percent of the variation in the proportion of firearms used in aggravated assault.

For total firearm incidences 66, 70 and 54 percent of the variation in the proportion of firearms used was explained respectively by the first three factors when individually combined with proximity index.

When all three factors were examined together with the proximity index to explain the variation in the percent of firearms used in these crimes, the proximity index was consistently the most significant factor.

Overall the analyses indicate that of the variables we analyzed, proximity is the factor which best explains the variation in the proportion of firearms used in crime even when in combination with the other variables. Socio-economic factors individually contribute to varying degrees, but not as much as proximity. The results of the analyses indicate that the ease with which firearms can be obtained is related to the relative use of firearms in crime.

Firearm crime rates versus availability

We also analyzed the impact of proximity on firearm crime rates for the Project "I" cities and found that the proximity index was a significant factor in explaining variations in firearm crime rates. However, socio-economic factors explained more of the variation in firearm crime rates than the proximity index.

This indicates that while showing that the rate of firearm crime may be more closely related to various socio-economic

1/See appendix I.

factors the relative availability of firearms also proved a significant contributor.

In summary an increase in firearms possession and an expansion of firearms availability was associated with the sharp rise in violence in America in the 1960s. It is not clear which is the cause and which is the result. The increase in firearm ownership in many cases may have resulted from fear of the rising crime and violence. The increase in the number of firearms in circulation may have resulted in their increased use in violent crimes. We have also shown that the ease with which firearms are purchased is a contributing factor in firearm crime, both in terms of the proportion of firearms used in crime and firearm crime rates.

THE NATURE OF VIOLENT ATTACK AND THE ROLE OF FIREARMS

Firearms are the predominant weapon in murder but are no more prevalent than other weapons such as fists or knives are in aggravated assault. The weapons most often used in personal attack are shown in table 2.

TABLE 2. WEAPONS USED IN MURDER AND AGGRAVATED ASSAULT AS PERCENT OF TOTAL - 1976

Crime	Firearm	Knife or Other Cutting Instrument	Other Weapon— Club, Blunt Object, Poison	Personal Weapon (Hands, Feet, etc.)
Murder	63.8	17.8	12.2	6.2
Aggravated Assault	23.6	23.5	26.0	26.9

Source: FBI, Uniform Crime Reports, 1976.

Two theories have been proposed as to why firearms are more common in murder than in aggravated assault. One theory, the differential intent argument, is that murderers are more determined to kill and will therefore choose a weapon better able to carry out that purpose; while an aggravated assault offender does not have such a goal. The other theory, the accessibility argument, claims that murder and aggravated assault are very similar; their differential in seriousness is explained largely by the fact that the murder offender uses a more deadly weapon (a firearm 64 percent of the time in

1976). This theory holds that weapon choice is often an accident of availability. The evidence we have found supports the accessibility theory.

Are aggravated assaults and murder similar? Are the offenders' intentions the same? According to the FBI Uniform Crime Reports, attempted robbery is classified as robbery, attempted assault is recorded as assault, but attempted murder is regarded as aggravated assault, not murder. The Task Force on Firearms and Violence in American Life 1/ states, "Aggravated assault differs from homicide only in its outcome--the victim survives."

The best support for the accessibility argument is found in an empirical study of violent attack in Chicago by Frank Zimring. 2/ Zimring shows that the circumstances surrounding most fatal attacks indicate not a single determination to kill but instead ambiguous motives often provoked in a moment of rage. From the 1967 Chicago data, he observed that more than two-thirds of all killings involved spouses, lovers, friends, or tavern guests as victim and attacker. (National statistics are similar. See fig. 7.) Eighty-two percent of all homicides resulted from an altercation over money, liquor, sex triangle, domestic squabbles, etc. Chicago police reported that the victim, attacker, or both had been drinking before the attack in 54 percent of all homicides. The familiarity between victim and attacker and the fact that a large proportion of homicides result from a quarrel, allowed Zimring to conclude that most homicides are not a single-minded determination to kill.

FBI statistics indicate that the victim-offender relationship of murder, as well as the nature of the attack, are similar for aggravated assault. This is exemplified by the fact that law enforcement agencies often have trouble obtaining convictions based on the original charge in aggravated assault cases. The close relationship which often exists between victim and offender explains the victims' frequent unwillingness to testify. It is impossible to tell how many aggravated assaults were serious intentions to kill, but it appears that aggravated assault, like murder, is often pursued with ambiguous intentions as to whether the victim should die. Hence, since many attacks are spontaneous, not calculated, weapon choice may be merely an accident of availability.

1/A Task Force for the National Commission of the Causes and Prevention of Violence.

2/Zimring, F. E., "Is Gun Control Likely to Reduce Violent Killings?" The University of Chicago Law Review Vol. 135: p. 721 (1968).

Allied with the differential intent argument is the belief in weapon substitution--that homicide will occur with or without firearms because killers would substitute other means to achieve their purpose.

"It is probably safe to contend that many homicides occur only because there is sufficient motivation or provocation, and that the type of method used to kill is merely an accident of availability; * * *.

"It is the contention of this observer that few homicides due to shootings could be avoided merely if a firearm were not immediately present, and that the offender would select some other weapon to achieve the same destructive goal." 1/

Evidence seen earlier concerning the ambiguous motives of murder seems to indicate that in many cases weapon choice is not planned. To determine the consequences of weapon substitution if gun availability was limited further, the lethality of firearms and other weapons must be examined.

Zimring, in his Chicago study, states that the dangerousness of a particular weapon in an attack is a determining factor in the homicide rate. He examines whether the gun is more dangerous than its most probable substitute; for if substitutable weapons are equally deadly, homicide will not decrease if substitution occurs.

By examining the characteristics of weapons and the frequency with which they are used, Zimring concludes that the most likely substitute for a gun in an attack would be a knife. Knives and guns have an additional advantage for the attacker because they allow a physically weaker person to overcome his physical or intellectual superior. The question Zimring seeks to answer is: Is the gun more deadly than the knife? Zimring investigates reported (by the Chicago police) fatal and nonfatal attacks by guns and knives. In Chicago, in 1967, the rate of firearm homicides per 100 reported firearm attacks was about five times greater than the rate of knife deaths per 100 reported knife attacks. After considering biases in the reporting, location of wounds, multiplicity of wounds, and type of wounds, Zimring states that a roughly equal proportion of knife and gun attacks seem to be produced

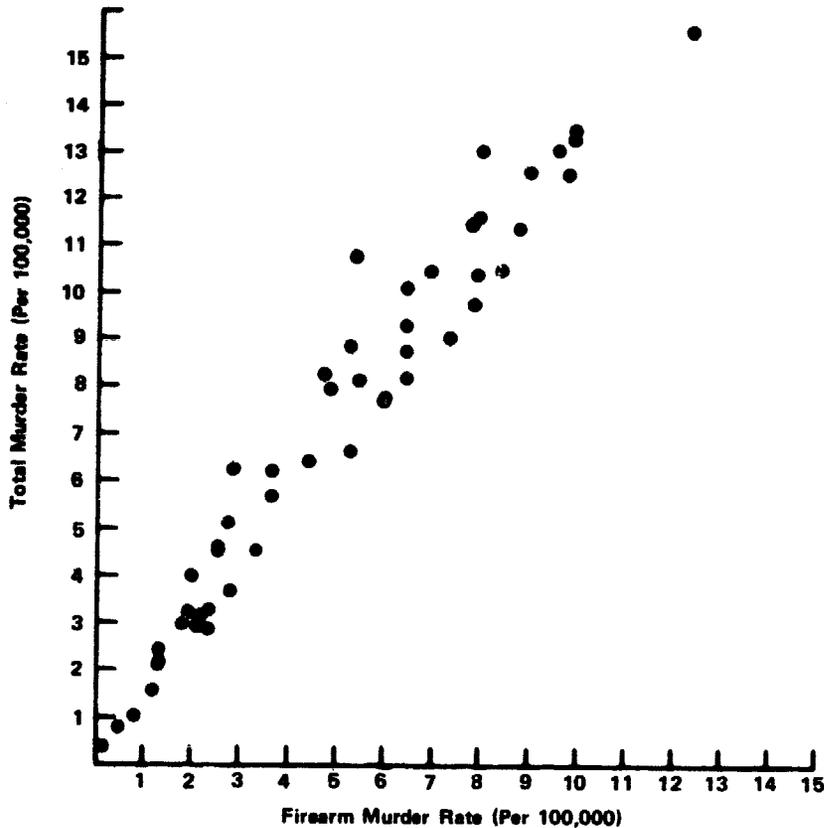
1/Wolfgang, Marvin E., Patterns in Criminal Homicide, University of Pennsylvania, 1958, pp. 79 and 83.

by ambiguous motives. Yet the proportion of people who are killed when attacked by a gun is higher than when attacked by a knife. Hence, if attackers do substitute other weapons because of an unavailability of firearms, the number of attacks may not be reduced but the result might be fewer deaths.

Steven T. Seitz arrived at similar conclusions. Seitz hypothesized that if weapon choice has little to do with death resulting from an attack, then there should be no strong correlation between firearm homicide rates and total homicide rates. This is because we would expect some proportional decrease in firearm homicide in areas where firearms access is relatively restricted but observe no change in the total homicide rate. Using State data for 1967, Seitz found a high correlation 1/ between the two rates. Figure 11 represents a scattergram of 1974 State data which we developed using Seitz' technique. This data, likewise, displays an almost perfect linear relationship (i.e., high correlation) between firearm murder and total murder. 1/ According to the substitution theory, we should expect to see some points in the lefthand portion of the graph--that is, some areas reflecting a decreased use of firearms in murder while total murder has remained the same because another weapon, assumed to be equally as deadly, has been substituted when a firearm wasn't available. There are none. Statistically, it is almost impossible to conclude that the relationship between firearms and murder is purely coincidental. That is, weapon choice does indeed influence whether death will occur from an attack and the availability of firearms is particularly significant in determining the total murder rate.

1/See appendix I.

FIGURE 11. SCATTERGRAM OF FIREARM MURDER RATES AND TOTAL MURDER RATES, BY STATE - 1974

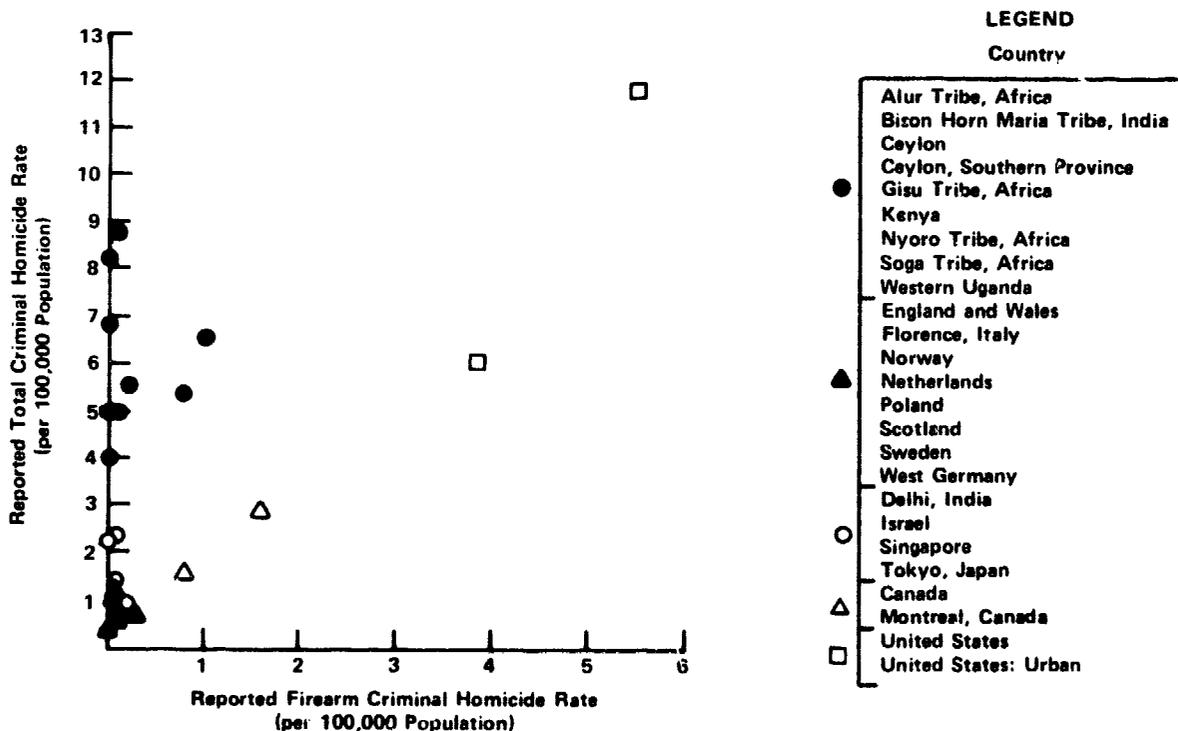


Source: Adapted from S.T. Seitz, "Firearms, Homicides and Gun Control Effectiveness," Law and Society Review, May 1972.

Another examination of Seitz' correlation was performed by Lynn A. Curtis who used homicide data from different countries while studying the stringency and enforcement of firearms control. Curtis admits that the data is crude and that the omission or inclusion of other countries could affect his results, but he discovers some interesting phenomena. The linear relationship which Seitz obtained between firearm murder and total murder rates for the States does not hold when both developed and undeveloped nations and cultures are included. (See fig. 12.) However, the data points seem to cluster. The primitive societies and undeveloped countries (designated by ●) have relatively high homicide and low firearm homicide rates. Curtis contends that the probable explanation for this is the relative success of firearm regulations

in these societies which is balanced by a high frequency of attack with more culturally favored weapons (knife, spear, agricultural implements, etc.). These weapons produce death more often in the primitive societies, despite their reduced lethality, because of slow and poor medical treatment. The more advanced cultures such as Europe and others (indicated by \blacktriangle and \circ , respectively) designate the low total homicide, low firearm homicide cluster of data points. Curtis assesses this phenomena as representing effective firearms statutes, efficient medical services, and fewer assaults. Canada and Montreal (\triangle) held an intermediate position between the European cluster and the United States (\square). Curtis states that Canada has efficient medical services, ineffective firearm laws, and traditions receptive to firearms possession. The United States has both high firearm homicide and high total homicide. Curtis contends that the United States, too, has ineffective firearms laws, efficient emergency services, and traditions receptive to firearms use. However, the United States, with more frequent assaults, has higher homicide rates than Canada.

FIGURE 12. SCATTERGRAM OF FIREARM HOMICIDE RATES AND HOMICIDE RATES, DIFFERENT CULTURES AND COUNTRIES



Source: Revised from L. Curtis, Criminal Violence, D.C. Heath and Company, 1974, p. 111.

Several experts believe that weapon choice is largely a function of the weapon's accessibility and the culture's tradition of implements used for work and protection. The data also suggest that murder and aggravated assault are quite similar in circumstance, differing only in outcome. The data indicates that the use of a more lethal weapon (a firearm) brings a higher likelihood of death to attack victims.

THE RELATIONSHIP BETWEEN FIREARM AVAILABILITY AND ROBBERY

The role of firearms in robbery has also increased over time. Unlike the victim-offender relationship of aggravated assault and murder, most robberies take place between strangers. Though about 12 percent of all murder, around 2,200 murders in 1976, 1/ occurred in connection with robberies, studies indicate that there are comparatively few injuries to victims of armed robbery. 2/ However, the Task Force on Firearms and Violence found that the fatality rate from firearms robberies is about four times as great as the rate of death from all other armed robberies combined. So, if the availability of firearms could be limited and other weapons were substituted, based on our earlier analysis, there would probably be a decrease in these homicides resulting from robbery.

Some psychiatrists and criminologists have expressed the belief that many offenders could not possibly commit a robbery without a firearm. They believe many robbers need the threat of force a gun affords in order to intimidate their victims and facilitate their escapes. However, we were unable to confirm this belief, since hard data is not available.

1/Murder in connection with a robbery accounted for 42 percent of all felony murder and felony murder accounted for 28 percent of all murder in 1976.

2/One recent study done for the Department of Justice, "A Strategic Choice Analysis of Robbery," June 1976, agrees with this and adds that firearms robberies are more successful. This, according to the study, results from choosing more lucrative targets (three times the theft than for other robbery incidents) and successfully completing the theft in a high proportion of the cases.

Regional statistics indicate that there is an inverse relationship between the robbery rate and percent firearms ownership. (See table 3.) While available data suggests that firearms in the home are relatively ineffective as defense against a violent intruder, the same may not be true for businesses. ^{1/} It is not really known whether or how well firearms protect businessmen or store owners, but the Task Force on Firearms and Violence states that possession of firearms in businesses could be reducing robbery rates, especially in areas of high crime. Some evidence indicates that the known possession of firearms in businesses may deter robbers.

TABLE 3. COMPARISON OF ROBBERY RATES AND FIREARM OWNERSHIP, BY REGION

	NORTHEAST	NORTH CENTRAL	SOUTH	WEST
1975 ROBBERY RATE (PER 100,000)	300.4	207.3	188.6	216.5
1975 PERCENT FIREARM OWNERSHIP	22	50	61	52

SOURCE: FBI Uniform Crime Reports, 1975. Louis Harris and Associates Inc. 1975.

The data limitations on robberies allow us to say very little about the relationship between firearm availability and robbery. ^{2/} It appears that limiting gun availability would reduce felonious homicides which occur in connection

^{1/}The Task Force on Firearms and Violence in American Life also notes that ownership of firearms by businessmen entails less risk of firearms misuse in accidents, homicide, and suicide than firearms in the home. In 1976, 40.9 percent of all robbery took place in a commercial or business establishment, 11.9 percent in the home, and 47.2 percent were street crimes.

^{2/}In a preliminary study supported by the Department of Justice, "Evaluating Gun Control Ordinances: The Case of Robbery," November 14, 1976, the author argues that local gun ordinances influence gun availability and gun availability in turn influences the use of guns in robbery though the overall rate of armed robbery is unaffected. We feel that some caution should be used because of data limitations referred to by the author.

with robbery. Too little is known about the number of robbery offenders who would be unable to commit a robbery without a firearm to be able to say anything about the potential effects of robbery. The effects of further limiting gun availability on total robbery are really not known.

SUMMARY

The available data shows a strong positive association between the increase in the number of firearms in circulation and the increase in violent crime in America since the mid-sixties. The ease with which firearms are obtained is a contributing factor in firearms crime. Our analysis indicates that the ease with which firearms are obtained is directly related to the proportion of firearms used in crime and is a significant contributor to firearm crime rates. If gun availability decreases, statistics would probably show decreases in certain gun-related crimes.

Furthermore, the data indicates that reduced availability of firearms will result in a decrease in murder, since less lethal weapons may be used. However, given the circumstances surrounding most attacks, there is no reason to believe that the number of violent attacks will decrease. Therefore, if murder decreased, there would be an apparent increase in aggravated assault. There is little evidence concerning what the effects of weapon substitution will be on robbery.

CHAPTER 4

THE EFFECT OF GUN CONTROL ON FIREARM AVAILABILITY

The direct link between gun control laws and crime must be through the law's ability to decrease firearm availability to the criminal and potential criminal. The extent to which the law affects availability depends on the restrictiveness of the law's requirements, which may range from a total ban on purchasing or possessing a handgun, to permitting anyone other than those disallowed by current Federal law to purchase a handgun. A regulation such as a waiting period before purchasing a handgun can be used to enable the checking of records and, thus, screen those disallowed by law (convicted felons, drug addicts, mental incompetants, non-State residents), from purchasing a firearm. But, in general, laws such as a license or registration requirement do not differentiate between potential misusers and legitimate users of handguns. The "cost" of compliance with purchasing laws (inconvenience, time, monetary cost, etc.) is the same for all consumers, and the "cost" associated with possession and carrying laws applies to all owners of handguns.

There are several reasons to expect that handgun control laws do reduce handgun availability and hence handgun ownership. Purchasing restrictions tend to increase the effort, and thus the "cost," to the individual of acquiring a handgun. Carrying restrictions reduce the number of handguns carried because of the added effort, hence "cost," of obtaining a permit and the "cost" (penal sanction) to a person if he fails to obey the restriction and is caught.

ATF concluded in Project Identification that the percentage of handguns used in crime, purchased interstate, was proportionate to the degree of local gun control. We, therefore, examined the 16 cities surveyed by ATF more closely to confirm their conclusions and to determine where handguns used in crime come from. ^{1/} One might expect most handguns to be purchased where it is most convenient. If it is not convenient, hence more "costly" (enforcement of restrictive purchasing rules), handgun purchasers go elsewhere. Of the handguns successfully traced by ATF some were purchased at retail stores within the State and some were purchased out of State. It is illegal under Federal law to purchase a handgun in a State other than one's State of residence.

^{1/}This data included only successful traces. Unsuccessful handgun traces include handguns stolen from the retailer, retail records lost, handguns untraceable due to age or defaced serial number, foreign handguns, etc.

Table 4 tabulates the purchasing restrictions of each State (in which there was a "Project I" city) and compares these restrictions to the percent of the total handguns originating within the same State. 1/

In general, the States with more purchasing restrictions tended to have a lower percent of handguns (confiscated by police) traced in-State than the average. Also all but one of the States (Pennsylvania) where the percent of in-State traces were below the mean, required a license or permit to purchase a handgun. None of the States above the average require such a license. The only irregularities that occur in table 4 are Los Angeles and Oakland, California, and

TABLE 4. PROJECT I CITY AND PERCENT OF HANDGUNS TRACED TO IN-STATE VERSUS HANDGUN PURCHASING RESTRICTIONS

State Handgun Purchasing Restrictions (a)	City and % Bought In-State																
	Dallas, TX	Louisville, KY	Los Angeles, CA	Miami, FL	Atlanta, GA	Minneapolis, MN	Seattle, WA	Denver, CO	Oakland, CA	New Orleans, LA	St. Paul, MN	Philadelphia, PA	Charlotte, NC	Kansas City, MO	Boston, MA	Detroit, MI	New York, NY
	87%	82%	82%	82%	81%	79%	79%	78%	74%	62%	61%	54%	43%	35%	35%	8%	5%
Purchased Guns Must Be Registered																X	X
License or Permit to Purchase													X	X	X	X	X
Dealer Reports Sales to Government*			X				X		X			X		X	X	X	
Dealer Keeps Records	X		X				X	X	X			X	X	X	X	X	X
Application And Waiting Period			X				X		X			X					
Dealer Licensed By State	X		X		X		X		X	X		X	X		X		X

Average = 60.42%

*State or local government

(note a) Purchasing prohibitions for forbidden purchasers (felons, etc.) were omitted. They are covered for all States under Federal law. Some State laws further restrict or mention these prohibited categories but in such varying degrees of stringency that they become too difficult to compare in any meaningful manner.

Source: "Project I Sixteen City Consolidated Study," and individual Project I phase reports, NRA 1975 Firearms and Laws Review, National Rifle Association, 1975.

1/The original Phase I-IV "Project I" treated Minneapolis and St. Paul separately as well as a composite. Because they have different characteristics, they are separated in table 4, making 17 cities. In prior references to the "Project I" cities, St. Paul was excluded due to data limitations.

Seattle, Washington. Even with an application and waiting period required before purchase, it appears that handguns are still easily available within the State (82 percent, 74 percent, and 76 percent, respectively). However, these States require no license or permit to purchase.

The next questions that arise are: For those States with low (lower than the average) in-State purchases, where did the purchasers get their out-of-State-purchased handguns, and what are the purchasing restrictions in those States? Table 5 lists the States whose retail outlets contributed the largest percentages of out-of-State handguns to the Project Identification cities of New York (95 percent), Detroit (92 percent), Boston and Kansas City (65 percent), Charlotte (57 percent), and Philadelphia (46 percent).

TABLE 5. PROJECT I CITIES WITH BELOW AVERAGE IN-STATE PURCHASES, ACCOMPANIED BY THEIR MAJOR STATE SUPPLIERS VERSUS THE PURCHASING RESTRICTIONS IN THOSE STATES

City and % From Other States State Handgun Purchasing Restrictions	New York				Detroit					Kansas City			Boston (a)	Charlotte	Philadelphia		
	SC	FL	GA	VA	OH	KY	GA	MS	AL	KS	AR	TX	FL	SC	VA	SC	FL
	24%	13%	10%	8%	19%	9%	9%	6%	5%	26%	5%	5%	11%	29%	9%	8%	5%
Purchased Guns Must Be Registered								X									
License or Permit To Purchase				•											•		
Dealer Reports Sales To Government+	X				X			X	X					X		X	
Dealer Keeps Records	X			•	X			X	X			X		X	•	X	
Application and Waiting Period									X								
Dealer Licensed by State	X		X	X				X	X			X		X	X	X	

•Certain counties in Virginia
+State or local government.

(note a) Boston also received 7% of its guns from South Carolina. However, the total number of guns in the Boston sample is so small that this percent could be questionable, so it is not included. In all cities except Boston and Charlotte, all handgun sources contributing 5% or more of the total were included. The Boston and Charlotte studies used samples too small to be sure of the actual percent contribution (absolute numbers at 5% level were too small).

In comparing the purchasing restrictions of the "Project I" cities (table 4), to those of their other major handgun contributors in the study (table 5), it appears that in every case the "Project I" cities' State laws for handgun purchase are more restrictive than those of the other States supplying the larger portions of handguns. From table 4 we can conclude that in this sample, at least, where it is easy to purchase handguns in-State, people will do so and where it is not, purchasers will go out of State. From table 5 it appears that in going out of State, handgun purchasers go to States with more lenient purchasing restrictions.

It is interesting to compare where the handguns were purchased and where they were confiscated. Detroit collected 19 percent of its handguns from Ohio--approximately 45 miles away. Kansas City, Missouri, received 26 percent of its handguns from Kansas, just across the river. Charlotte, North Carolina, got 29 percent of its handguns from South Carolina --about 10 miles away. Guns in these cities are not easily available in-State but can be easily purchased a short distance away. For these States, proximity appears to be a factor, while New York and Boston are a different story. New York received 24 percent of its guns from South Carolina (about 500 miles away). New York received 13 percent and Boston 11 percent of their handguns from Florida--a State

TABLE 6. NEW YORK CITY'S NEIGHBOR STATES AND PERCENT SUPPLIED BY THOSE STATES VERSUS THE PURCHASING RESTRICTIONS IN THOSE STATES

City and % From Other States	New York City							
	PA	CT	MD	NJ	DC	MA	DE	RI
	2%	2%	2%	1%	.5%	.3%	.1%	.05%
Purchased Guns Must Be Registered					X			
License or Permit to Purchase				X		X		
Dealer Reports Sales To Government+	X	X	X	X	X	X		X
Dealer Keeps Records	X	X	X	X	X	X	X	X
Application and Waiting Period	X	X	X	X	X			X
Dealer Licensed by State	X	X	X	X	X	X	X	X

+State or local government.

about 800 to 1,000 miles away, respectively. At first it is not evident why more guns were not purchased in States closer to New York and Boston. Table 6 summarizes the purchasing restrictions and percent of handguns purchased in the States closest to the New York City metropolitan area. 1/ Not many guns confiscated in New York were purchased in States close by. Except for Delaware, the States neighboring New York have restrictive purchasing laws in comparison to New York's major suppliers--South Carolina, Florida, Georgia, and Virginia. 2/

SUMMARY

It is evident from the ATF project that restrictive State gun control laws do limit handgun accessibility in that State, but guns are still available in other, less restrictive, States. Recent findings by ATF's Project CUE further support this (see chapter 5). Sometimes these less restrictive States are quite a distance away, making handguns not easily available but still available, despite the efforts of the 1968 gun control laws. This indicates the apparent ineffectiveness of the ban on sales to out-of-State residents which was one of the intentions of the 1968 Gun Control Act. The main point is that with nonuniform State laws, handguns are always available for crime at a legal retail outlet somewhere. All restrictive State laws seem to do is to push the firearms retail business toward a State with less restrictive laws. It is the nonuniformity of laws from State to State that limits the effectiveness of local restrictive purchasing laws.

1/Boston was not included in table 6. As stated before, the sample size was too small, and fractions are not meaningful.

2/Recent data provided by ATF's Project CUE (see ch. 5), in an effort similar to "Project I", implies that South Carolina is still being identified as a major supplier of firearms to the urban areas examined. However, since the enactment of its "application to purchase" law in 1975, the firearms originating from South Carolina were sold prior to the enactment of that State's permit requirements. ATF also found that for the cities examined in Project CUE that 80 percent of the firearms studied were purchased outside the city and 42 percent outside the State causing ATF to conclude that the volume of external firearm flow negates any local firearm regulations.

CHAPTER 5

THE EFFECT OF GUN CONTROL LAWS ON VIOLENT CRIMES

Few empirical studies exist on the effectiveness of gun control laws in reducing crime. Several are presented here. There is no established methodology; their results do not necessarily agree; and there are problems to be considered when viewing each study.

AN ANALYSIS ON THE EFFECTIVENESS OF STATE AND LOCAL HANDGUN REGULATION

In 1969, Geisel, Roll, and Wettick published their study, "Effectiveness of State and Local Regulation on Handguns: A Statistical Analysis." They concluded that between 1,520 and 3,340 lives a year would be saved if every State raised its gun control laws to the level of New Jersey's. The equations indicate that stringent gun control legislation is related to fewer deaths by homicide, suicide, and accidents caused by firearms; gun control is related to a higher incidence of aggravated assault; and the effects of gun control on robbery are ambiguous. Although there are limitations in the work and there are valid criticisms of their omissions, the statistical results obtained coincide with the view presented earlier on further limiting gun availability--that homicide will be reduced, and aggravated assault will increase. Geisel, Roll, and Wettick further concluded that there will be little effect on robbery.

Their measure of State and local gun control was an elaborately devised index (weight) for each State and city (94 cities) quantifying the sum of its handgun laws. The study tried to measure the impact of total State and local gun laws as a combination of individual laws. A value was assigned to each of 17 legislative categories of gun laws. The gun control index for each State and city was the sum of these values (in the absence of a certain type law, the value equals zero). Each State and city had an index which was the sum of the "values" of its laws. The weighting system has been criticized on the basis that the values assigned to each type law were arbitrarily selected. However, they did choose approximately 30 sets of values to test and selected the set which best explained the variation in the death and crime rates. Another criticism which has been levied against the weighting system is that since it omitted important control

variables, such as the clearance rates, ^{1/} levels of punishment, etc., the gun control variable might be merely a proxy for these other factors.

AN ECONOMIC ANALYSIS OF STATE GUN CONTROL LAWS:
A STATISTICAL STUDY OF 1970 DATA

Joseph Magaddino created a model similar to Geisel, Roll, and Wettick in his unpublished dissertation. His analysis treats each type of gun control law separately without assigning different values to the laws for the 50 States and the District of Columbia. His conclusions are that: (1) most of the gun control laws appear to be ineffective in reducing total violent crime, and (2) the requirement of firearms dealer licensing by the State provides some deterrence in homicide, (3) laws requiring government recordkeeping of new purchases (a subtle form of registration) and the prohibition against carrying a weapon in a motor vehicle provide deterrence of aggravated assault and robbery, (4) the prohibition against the purchase of firearms by drug addicts may be effective in deterring robbery, (5) the rate of crimes solved represents a strong degree of deterrence in all violent crimes, (6) the length of prison sentence has strong deterrent effects on homicide and less on aggravated assault and robbery, and (7) though the rate of crimes solved and length of prison sentence are effective methods of crime control, they must be increased a great deal to get a proportional decrease in a certain crime rate.

In trying to improve Geisel, Roll, and Wettick's analysis and not to be subject to the "arbitrary weights" criticism, Magaddino simply recorded the presence or absence of each of 17 types of gun control laws for each State. His analysis attempted to determine the influence of the laws on different crime measures. However, when analyzing data in this manner, a certain statistical difficulty often arises. The laws themselves are so highly correlated that it is difficult to separate their effects. This problem would not invalidate Magaddino's results, but it may have caused Magaddino to conclude that a certain type of law was not significant in affecting crime when it, in fact, was. There is now no way of determining to what extent this problem could have resulted in an imperfection in Magaddino's analysis.

^{1/} Clearance is the solution of a crime. The clearance rate is the rate of crimes solved to crimes committed.

DETRERRENT EFFECTS OF PUNISHMENT

Much discussion has taken place on deterrents of crime in addition to or in place of gun control. Many bills before the Congress have included more stringent sentences for crimes committed with a firearm. ^{1/} More stringent sentencing can be implemented by increasing the severity of punishment, the certainty of punishment, or both. Severity of punishment can be reflected in length of prison term, capital punishment, etc. Certainty of punishment has taken the form of a mandatory minimum sentence (for certain crimes) accompanied by provisions disallowing probation and suspended sentences.

Since the 1800s, there has been great controversy over the deterrent effects of punishment. One side believes the answer is obvious--punishment does deter. If we raise the cost (length of imprisonment) and the risk (probability of going to prison) of committing a crime, fewer people will become criminals. Furthermore, intuition indicates that while more of the criminal population is in prison, the number of individuals in the remaining population likely to commit crimes is reduced. The other side is convinced that rehabilitation is the answer. They claim the only purpose of punishment is vengeance and prisons do not serve to rehabilitate. While in prison, the convict gains new information and skills about criminal activities from other prisoners.

Only since 1950 has there been much scientific research into the deterrent effects of criminal penalties. The results of the research efforts are conflicting and the question remains unresolved. Economists and sociologists have attempted to analyze the relationships between crime statistics and both certainty and severity of punishment. Their work to date has primarily relied on earlier and poor data. Most studies cannot include one important but unmeasurable element--the potential criminal's concept of the severity and, especially, the certainty of punishment. (For example, it does not necessarily prevent crime simply because there is a 90-percent chance a criminal will go to jail. What is more important is that the potential criminal knows that the chances are high.) Some studies show that, indeed, increasing punishment does reduce the likelihood of crime. Others have been unable to find such a correlation and have found no support whatsoever for the belief that severe punishment deters crime. More and better data and techniques are becoming available. Perhaps researchers will be better able to measure the relationships between punishment and crime in the near future.

^{1/}For example, section 212, H.R. 11193, 94th Congress.

CERTAINTY OF PUNISHMENT--MANDATORY SENTENCING

Many sociologists have studied the relative importance of certainty of punishment versus severity of punishment. Though their studies are limited, most who have researched this area have found that the frequency with which punishment is applied is of greater importance than its severity.

Mandatory sentences have been suggested as a method to reduce crimes with firearms. The concept of the mandatory sentence is that it will discourage crime as well as counteract the "abuses" of judicial or prosecutorial discretion. Many people feel that the criminal too often receives probation or a suspended sentence, only to return to crime.

Those who oppose mandatory sentencing fear that (1) it will curtail judicial discretion in delivering a just sentence, (2) it will be costly in terms of court time and prison facilities, and (3) there is some question as to whether it actually will curb crime.

We do not yet know how or if mandatory sentences for offenses involving firearms will work. Several States have recently enacted mandatory sentencing laws.

The Center for Criminal Justice, Harvard Law School, recently issued a study, "And NOBODY Can Get You Out," examining the effects of the newly instituted Bartley-Fox amendment in Massachusetts. This amendment imposes a mandatory minimum prison sentence of 1 year for carrying a firearm without an appropriate permit and was enacted with considerable publicity. This study particularly concentrated on the behavior of the criminal justice system but included some analysis of the impact of the law on various crimes. Though the Center found that the new law dramatically increased compliance with existing gun control laws, they concluded that, in judging the law's impact on violent crime, the results are mixed. The Center also cautioned on interpretation of their study since the research effort was performed over a short time span.

"The introduction of Bartley-Fox and its attendant publicity radically increased compliance with the law. On the one hand, issuance of F.I.D. [Firearms Identification] cards and licenses to carry surged dramatically throughout Massachusetts. At the same time, the evidence available for Boston suggests that those who still lacked these permits were less likely to carry firearms on a casual basis.

"Boston's crime statistics for the twelve months after the law's effective date show a reduction in the use of firearms in assaults. This appears to be a result of the reduction in the casual availability of firearms. Our research suggests--but cannot firmly establish--that without this shift away from firearm use in assault, firearm homicides could have increased significantly in 1975. In fact they declined somewhat.

"The same crime statistics do not indicate that Bartley-Fox had any impact on the number or extent of firearm use in the commission of robbery." 1/

Other studies have begun to analyze the effects of these new laws, but it is too early for conclusions. 2/ Results from their experiences may help us to better understand the possible problems and benefits of mandatory sentencing in reducing crime.

CONCENTRATED URBAN ENFORCEMENT--
PROJECT CUE

Project CUE was mandated by the President and the Congress to curb firearms and explosive crimes by reducing criminal firearms traffic in three pilot test areas. In December 1975, the Bureau of Alcohol, Tobacco and Firearms received a congressional appropriation that designated Washington, D.C., as one of three pilot test areas and left open the selection of the other two. ATF concentrated 179 additional special agents and other resources in three cities (Washington, D.C.; Chicago; and Boston) and worked with other Federal, State and local law enforcement officials to

--trace firearms seized or retained in crimes and

--expand compliance inspections of firearm dealers.

1/Center for Criminal Justice, Harvard Law School, "And NOBODY Can Get You Out," July 14, 1976, p. XIV.

2/Other law enforcement efforts may have been ongoing during the same time period; these other studies may have confused the issue as to which efforts were affecting the crime rates. Further research is being done with respect to the Massachusetts experience.

In a report 1/ released in August 1977, ATF indicated that although the time frame used in their analysis is limited, violent firearm crime rates (combined rates for firearm robbery and aggravated assault by firearm) in the three test cities decreased more significantly after the implementation of CUE than in periods prior to CUE. We feel that though these crimes did drop, the extent to which CUE was responsible is still debatable, particularly when these rates for each test city were dropping due to other factors, at least a year prior to the implementation of CUE.

However, other data analyzed by ATF shows that there was a shift from newer to older firearms used by the criminal element, as the enforcement efforts were directed toward supply sources indicating the extent of the enforcement impact of CUE. ATF contends that as customary sources for criminal handguns dry up, criminals are forced to obtain older weapons from alternate sources.

ATF also found that approximately 80 percent of the firearms studied were purchased outside the city and 42 percent outside the State. They concluded that the volume of this external firearm flow obviously negates any local firearm regulations.

ATF's study also states that the results of the analysis of handguns obtained from the three areas studied, revealed a continued predilection toward inexpensive, small-caliber, short-barreled revolvers. These weapons are loosely referred to as "Saturday Night Specials."

This point differs from the findings of another recent study by the Police Foundation which analyzed police records from 10 of the Nation's 15 largest cities. 2/ They found that higher priced, brand-name handguns are used as crime weapons as frequently as cheaper, so-called Saturday Night Specials. Though the different conclusions may be attributed in part to differences in the definition of a Saturday Night Special, differences in samples and selection methods may have also caused differences in conclusions. In any case, the significance here is that past legislative proposals, dealing with Saturday Night Specials have been based on the impression that they were used in most crimes. Present data in the Police Foundation report questions this.

1/"Concentrated Urban Enforcement," Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms.

2/Firearm Abuse, by Steven Brill, Police Foundation, 1977.

In examining an enforcement approach such as that used in Project CUE, the short- and long-term effects should be examined along with the resources required.

AN ANALYSIS OF A FIREARM REDUCTION EFFORT IN BALTIMORE, MARYLAND

Buy-back and bounty programs

Of the various proposed gun control measures, one is a total banning of handguns. Under such a proposal, officials would probably allow some time in which citizens would surrender or sell their weapons to the government. Such a proposal has never become law in the United States. However, Baltimore, Maryland, recently conducted a short-lived buyback program. Baltimore did not ban firearms at the end of the buy-back period, but it is still useful to know the program's effect on crime rates, if any. We analyzed data related to this experience to understand this type of control measure.

The Baltimore experience consisted of two efforts--a program which offered \$50 for any firearm turned in to the police and a \$100 bounty program for information about illegal firearms. Both of these programs began on August 23, 1974, and were in response to several senseless shootings. In the first 7 months of 1974, several shop owners were robbed and killed, three police officers were killed, and an inordinate number of deaths resulted from firearm-related assault and robberies.

These two programs attempted to curb the increase in gun-related crime. Police officials felt that if the public had fewer firearms, there would be fewer violent crimes and senseless shootings. The police felt that since 70 percent of all murders were committed with a gun, that if the number of guns were reduced the number of murders would decrease. They also reasoned that since 45 percent of all murders are committed in the home, then if the household eliminated firearms, the murder rate would subside. Another consideration may also have been that the considerable publicity given to the events and the programs would raise the public's awareness of the situation and perhaps curb gun-related crimes.

Facts about the programs

The buy-back program offered to purchase any firearm for \$50. It lasted from August 23, 1974, through November 6, 1974, and expended about \$671,000. During this short time over 13,000 firearms were purchased. Most of the guns

were purchased in August and September. The program initially included all firearms, but 7 days after initiation, long guns were excluded.

The bounty program offered \$100 to anyone who furnished information which resulted in the police confiscating an illegal firearm. This program began on August 23, 1974, and ended in July 1976. In 1974, 178 firearms were confiscated and, as of April 1975, another 120 were taken. As of April 1975, the program had spent about \$30,000.

We analyzed crime rates shortly after the Baltimore programs ended to see if there were any significant reductions. Our analysis focused on certain index crimes such as murders, aggravated assaults, and assaults and robberies. Specifically we tried to determine whether:

- These programs had any significant effect on index crime in the last 4 months of 1974 and all of 1975.
- There was any indication of a weapons substitution effect; i.e., whether the percentage of firearm-related crimes significantly decreased during this same time.

The first issue was addressed using a time-based trend analysis which included the 5-year period from 1970 through 1974. We used various statistical tests to determine if the trends after the program's initiation were significantly different than those before the programs were implemented. We analyzed murders, aggravated assaults, and assaults and robberies without regard to weapon because long-term data of this nature did not exist. Because the Baltimore Police Department only started collecting data on firearm-related crimes in 1973, the lack of long-term statistics restricted our analysis of the second issue also. However, we did observe the monthly percentage of firearm-related crimes to see if there were any noticeable short-term trends during the observed months.

Figure 13 depicts a linear approximation of the murder rate trend and is based on monthly murder rates from January 1970 through July 1974. The dotted line indicates the expected trend for the months under test (that is, after the initiation of the buy-back program). The trend is bound by a range where we would expect (with 95 percent confidence) the murder rates to fall. Two months out of 17 fell below the lower boundary, and 11 of the 17 points fell below the expected trend. Though it may appear that Baltimore's programs tended to decrease the crime rate, it is also likely

FIGURE 13
MURDER RATE
BALTIMORE, MARYLAND
1970-1975

Murder Rate
 Per 1,000,000

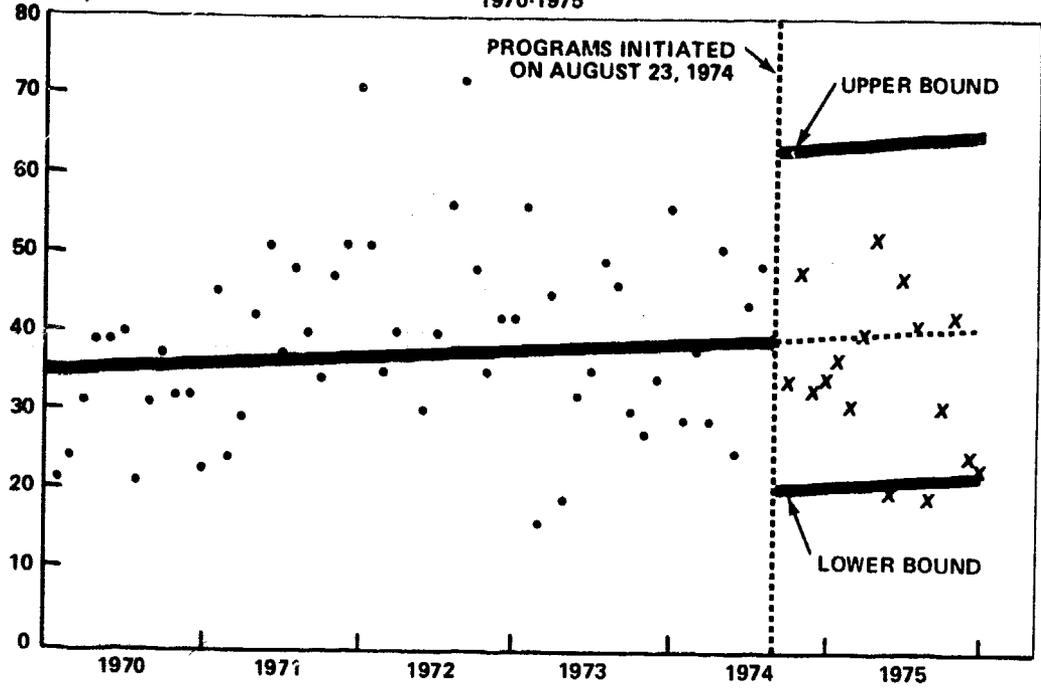


FIGURE 14
PERCENTAGE VARIATION FROM
THE MEAN PERCENT OF FIREARM RELATED MURDERS

Percentage Variation
 From Mean Percent

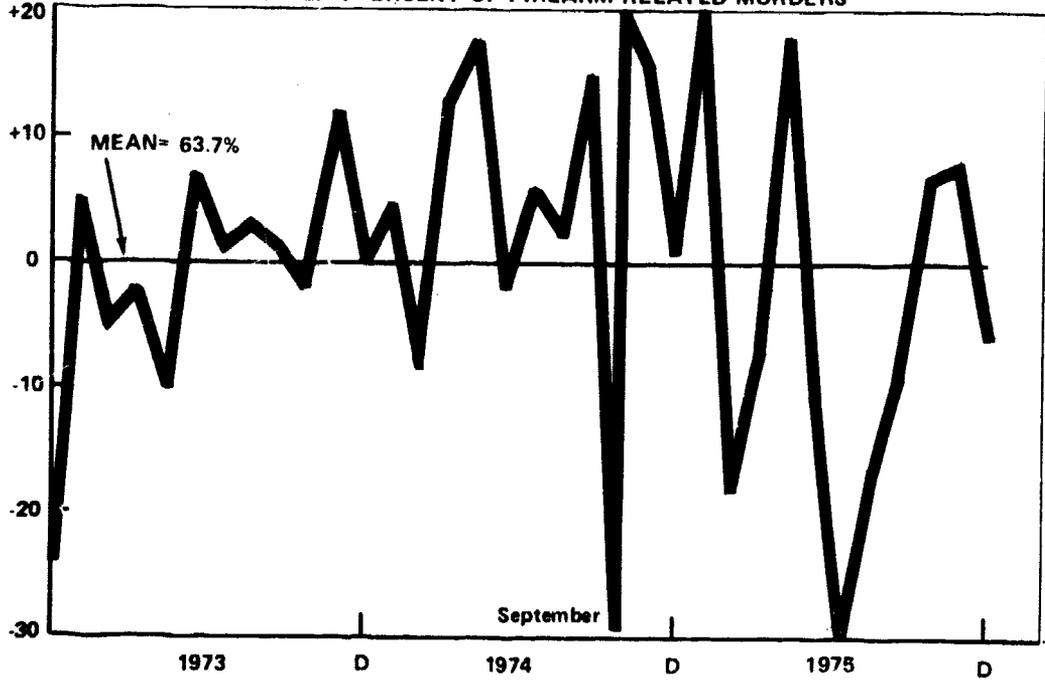


FIGURE 15
PERCENTAGE VARIATION FROM THE MEAN
PERCENT OF FIREARM RELATED AGGRAVATED ASSAULTS

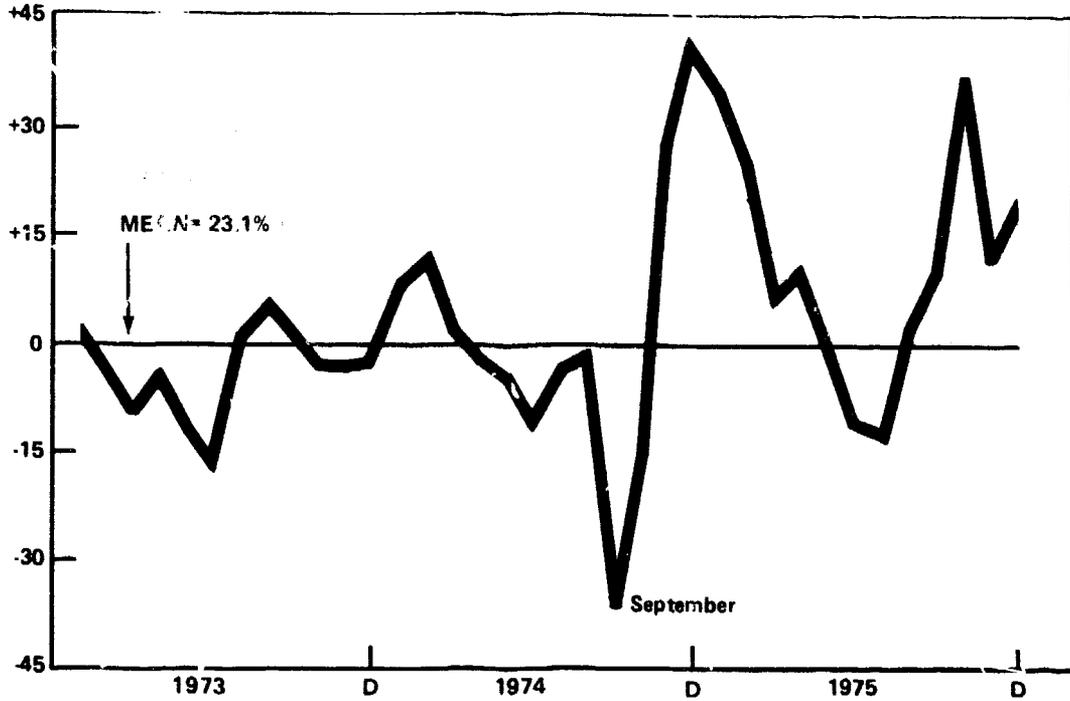
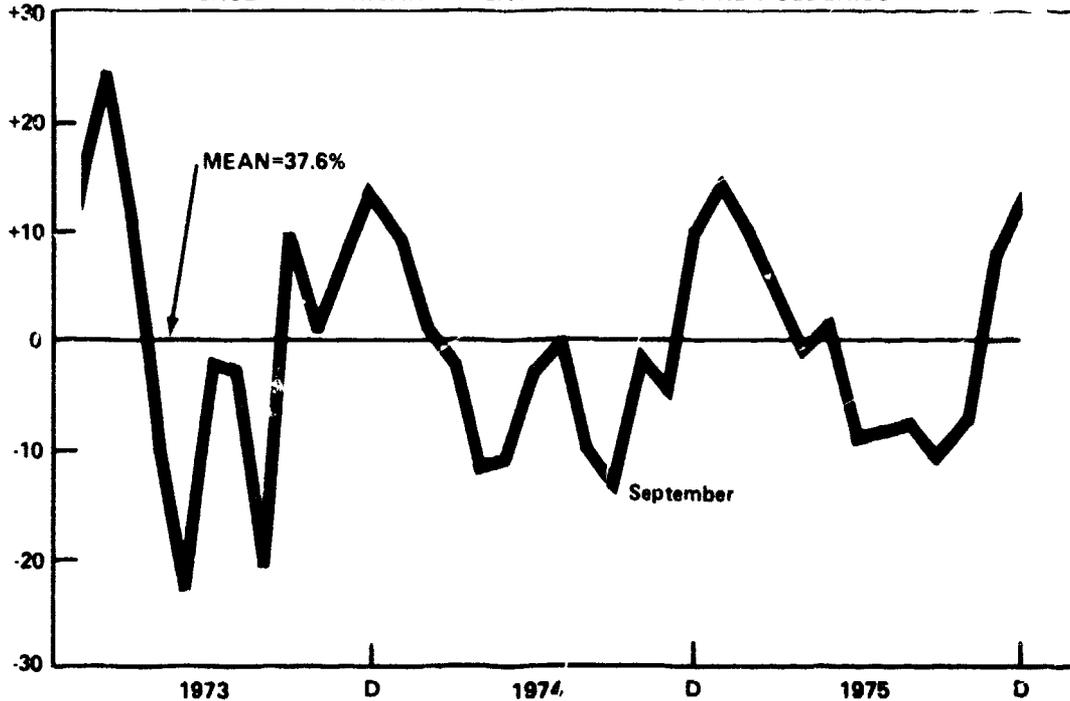


FIGURE 16
PERCENTAGE VARIATION FROM THE MEAN
PERCENT OF FIREARM RELATED ASSAULTS AND ROBBERIES



that there was already a downward trend beginning prior to the programs so that the lower than normal points and the rough downward trend could have been expected. In any event, 2 out of 17 points (about 10 percent of the test data) does not constitute, in our opinion, an appreciable decrease in the murder rate.

We performed similar trend analysis for aggravated assaults and assaults and robberies. In both cases, all actual data points fell within the expected boundaries. Thus, in all cases, the index crimes were not significantly reduced for the 17-month period following the buy-back program.

Figures 14, 15, and 16 illustrate the percentage variation from the mean monthly percentage of firearm-related murders, aggravated assaults, and assaults and robberies, respectively. Figure 14 reveals that September 1974 had considerably lower than average firearm-related homicides (45 percent of all murders for September were firearm related) and that the percentage increased well above average in October (78.6 percent of all murders were firearm related). Later, in 1975, the percentage fell to its lowest level in 3 years (43.3 percent were firearm related).

These results are difficult to explain. On one hand it appears as if these were an immediate trade-off from the firearm to another weapon. Perhaps the program did cause the decline both immediately and again in July 1975. On the other hand there is no way of telling whether these low months were any different than normal because we only have 1 previous year of data. However, it seems to us that the percentages have a different pattern than before and that there may be a downward trend after the buy-back period.

Figure 15 illustrates that for September 1974, when there was a large number of weapons purchased, the percent of firearm-related aggravated assaults was drastically lower than any other month in the 3 years of monthly data. However, later months appear to have greater percentages of aggravated assaults than before. From the graph it appears that there may be an increase in firearm-related aggravated assaults.

Figure 16 illustrates that firearm-related assaults and robberies fell below the mean for September 1974, but the decline is not any less than August or September of the previous year. This analysis implies that after the program

started other weapons were not substituted when committing an assault or robbery.

Comments on results

This analysis shows that overall crime was not significantly reduced in the 17-month period following the buy-back program. Though firearm-related murders and aggravated assaults did appear to be initially affected by these two programs, limited data made it difficult to determine the short- and long-term effects of the programs.

There are, however, a number of interrelated factors which should be considered when designing any future type of buy-back effort.

1. The Baltimore programs were short of time and money. The buy-back program lasted about 3 months and only 13,000 guns were purchased. Thus the impact on the total supply of guns was probably limited.
2. It was possible for guns to leak into the city from outside sources. It was also possible for enterprising people to buy large quantities of cheap handguns out-of-State or out-of-city and then sell them for profit in Baltimore.
3. Though the police received cooperation from some local retailers, it was still possible for anyone to buy a cheap handgun over-the-counter for \$30 or \$40 and then sell the gun to the police department for \$50.
4. It was possible for people to "trade-up." This means selling a gun to the police and then buying a better handgun with the proceeds of the sale.

If a locality should consider a buy-back concept in the future, the program should be well designed and structured beforehand so it can be effectively managed and evaluated. For example, data should be available for the time periods preceding and during the program so that the nature and extent of any impact on crime can be adequately assessed. Similarly, there should be some rough estimate of the amount of firearms the public has in order to determine the percent reduction of firearms after the program terminates.

There should also be some way of knowing who the guns are being taken from. This information is extremely useful because critics of a buy-back concept claim that the main perpetrators of crime will not surrender their weapons. In Baltimore, police officials felt that one of the major perpetrators of violent firearm-related crime was the youthful offender. Thus, it is important to know who is submitting weapons.

A buy-back program should also discover whether the gun purchased was the only one the person owned. In Baltimore, police maintained that since 70 percent of murders were firearm related, if guns were removed from the community there would be less shootings and deaths. Critics maintain that unless the weapon sold was the only one the household owned, the program would be ineffective. Without this knowledge, it is easy to argue that a family would sell an old handgun and keep a good firearm around the house because they view it as their only source of protection.

Lastly, the \$100 bounty for information leading to the confiscation of an illegal weapon was aimed at the criminal because it attempted to get illegal weapons away from people who probably had criminal tendencies. However, it was impossible to measure its effect because it was implemented at the same time as the buy-back program.

SUMMARY

Though much has been written on the subject of controlling firearms, only a few good empirical studies evaluate the impact of gun control laws on violent crime. Some studies using various approaches and methodologies have been presented here. Of these studies, some attempted to show that gun control reduces homicide and some attempted to quantify the effect of different types of gun control laws. Several of these studies conclude that gun control laws, through limiting firearm availability, result in decreased murder. None of the studies demonstrate a decrease in the overall level of violence attributable to gun control. The factors which cause this violence must be alleviated in order to reduce total violence. Other methods of crime control--the level of punishment and the probability of punishment--are being tried. Some States have recently enacted laws which call for more severe or mandatory sentences to control firearms crime. It is too soon to properly evaluate the effect of these laws on gun-related crime.

A Federal enforcement effort, Project CUE, in Boston; Washington, D.C.; and Chicago, influenced the age of the weapon used in crime. ATF contends that as customary sources for criminal handguns dry up, criminals are forced to obtain older guns from alternate sources and this trend is a measure of enforcement impact. But, the extent of Project CUE's impact on local crime rates deserve further and more extensive analysis. Conflicting data on the types of guns used in crime between the ATF study and a recent Police Foundation report indicates that this issue should be further studied, particularly if future legislative proposals that concentrate on limiting the availability of "Saturday Night Specials" instead of all handguns, is to be considered.

Local efforts to reduce crime by purchasing firearms are rare. However, Baltimore, Maryland, conducted a buy-back program in 1974. We analyzed the crime indexes after the program ended and discovered that there (1) was no significant reduction in murders, assaults and robberies, and aggravated assaults; (2) was no lasting reduction in firearm-related assaults and robberies or aggravated assaults; and (3) may have been a downward turn in the trend of firearm-related murders.

CHAPTER 6

VARIABLE COSTS OF EXISTING GUN CONTROL SYSTEMS

In order to provide a perspective for answering some of the questions concerning the costs of a variety of gun control proposals, we reviewed the operations and costs of existing gun control programs. Special emphasis has been placed on studying the programs presently in existence within the States of Illinois, Massachusetts, and New Jersey, and the City of New York, due to the particular interests and request of the Subcommittee on Crime, House Committee on the Judiciary.

Cost and system operations data was obtained from the four State and local jurisdictions. The systems described here are as of about or somewhat after the summer of 1975 and were primarily obtained from the following agencies:

--Illinois: Firearm Owners Identification Section,
Department of Law Enforcement.

--Massachusetts: Firearm Records Bureau, Department
of Public Safety.

--New Jersey: Firearms Investigation Unit, New Jersey
State Police.

--New York City: Pistol Licensing Division, New York
City Police Department.

In addition, as further information was needed, other State and local agencies (such as local police departments, probation departments, county courts, etc.) were contacted.

TYPES OF SYSTEMS EXAMINED

The four State and local jurisdictions varied in their handgun licensing and permit systems--not only in the procedures they followed in approving or denying applications but also in the numbers or types of licenses and permits required. For example, a jurisdiction may require a handgun owner to obtain an identification card in order to possess a handgun, but the gun itself may not have to be registered. The systems covered in this study were:

--State of Illinois: Firearm Owner's Identification
Card.

--State of Massachusetts: Firearms Identification Card, Permit to Purchase, License to Carry.

--State of New Jersey: Firearm Purchaser's Identification Card, Permit to Purchase, Permit to Carry.

--City of New York: Permit to Purchase, Pistol License.

Registration systems also exist in Massachusetts, New Jersey, and New York City, and were briefly examined.

To comply with any of the requirements for an identification card, license or permit, a jurisdiction follows certain basic steps. These steps include:

1. Reviewing the application.
2. Conducting background investigations and checks.
3. Deciding to approve or disapprove the application.
4. Establishing records of the information.
5. Notifying the applicant of the final decision.

PERMISSIVE VERSUS RESTRICTIVE SYSTEMS

A system can be considered permissive or restrictive in nature depending on the limits on who may get a license or permit. A permissive system allows all but prohibited categories of persons (e.g., those with criminal records) to acquire guns. Under a restrictive system, on the other hand, individuals seeking to buy a gun must provide the licensing authority with evidence of good character and a valid reason as to why he needs the weapon.

Using this method of classification, we have categorized the systems studied as follows: with Illinois generally considered to have a permissive system, New York having a restrictive system, and Massachusetts and New Jersey having combinations of the two.

	<u>Identification Card</u>	<u>Permit to Purchase</u>	<u>License to Carry</u>
State of Illinois	Permissive	-	-
State of New Jersey	Permissive	Permissive	Restrictive
State of Massachusetts	Permissive	Restrictive	Restrictive
City of New York	-	Restrictive	Restrictive

This classification--and the degree of permissiveness or restrictiveness of a system--strongly influence total costs. As the Eisenhower Task Force Report points out, and we agree, the dollar costs of a system depends on the number of applications processed and the unit cost of processing. The number of applications processed varies substantially between permissive and restrictive systems. The unit cost of processing varies with the thoroughness of the screening process and the efficiency with which it is conducted. Investigation of the applicant's background, as pointed out in the Report, is the most costly portion of the screening process.

The degrees of permissiveness or restrictiveness of the systems studied and their impacts on costs will be discussed later in this chapter.

SYSTEM DESCRIPTIONS

While the licensing and permit systems reviewed differed by law and/or practice, they all had certain commonalities. For example:

1. All the systems denied issuing identification cards, permits, and licenses to certain categories of individuals. The categories normally included persons formerly convicted of felonies, former mental institution patients, narcotics addicts, mental incompetents, delinquents, and minors.
2. Identification cards may be nonrenewable (that is, they are issued for life), the Permit to Purchase normally is good only for a few days to allow an individual time to purchase the weapon, and the License to Carry normally has an expiration date.
3. All jurisdictions require some form of background investigation, though the extensiveness of the investigation may vary.
4. All the systems allow an appeal in the event an individual's application is denied.

Organizationally it should be noted that Illinois and New York City have all operations, including background checking and recordkeeping functions, centralized in one location. On the other hand, New Jersey and Massachusetts, while having centralized locations for their recordkeeping and some processing, require that the bulk of the processing

and most, if not all, of the background checking and screening of applicants be done by police jurisdictions.

State systems studied

The systems studied are briefly described below.

State of Illinois

A Firearm Owner's Identification Card (FOID) authorizes an individual to own, purchase, possess, and handle firearms and/or firearm ammunition. Carrying a concealed weapon is unlawful. The card is issued to all but certain categories of people.

The FOID system is centralized, highly automated, utilizing modern computer technology as well as business machines. Online data entry and retrieval systems are used. The computerized system conducts criminal record checks and automatically establishes and updates records. The system is accessible to approximately 300 law enforcement agencies throughout the State.

The procedure for acquiring an FOID card in Illinois is generally as follows:

- An applicant mails a notarized application with photograph and fee to the State Firearm Owners Identification Section.
- After the application is checked for completeness, entry is made on an online computer terminal to establish a record file.
- There is a computer search of both the State's court disposition records (the Illinois Computerized Criminal History System (CCH)) and then the equivalent computerized FBI-CCH system. If the application is approved, an FOID card with photograph is laminated and mailed.

A renewal is processed in the same manner as the original with the exception that the existing computerized file is updated rather than a new record created.

State of Massachusetts

Three types of licenses or permits are available to Massachusetts residents--a Firearms Identification Card (FID), a Permit to Purchase, and a License to Carry. In

addition, the State requires registration of all firearms transfers. These requirements apply to the possession, transfer, and carrying of handguns, long guns (rifles and shotguns), and ammunition.

The FID card permits an individual to possess (but not purchase or carry) a handgun in the home or place of business and to purchase and possess a long gun or ammunition. The card is issued to all but certain categories of individuals similar to those mentioned earlier.

The Permit to Purchase enables the holder of an FID card to purchase a handgun within 10 days after issuance. The handgun must be kept in the home or place of business.

The License to Carry enables an individual to carry a handgun, purchase a handgun without a Permit to Purchase, and have the same privileges as an individual holding an FID card. The person can be granted the license for a particular need or purpose--for example, self-protection or carrying the weapon back and forth to target practice. Such specifications are stated on the license. Approval for the License is at the discretion of the issuing authorities.

The Massachusetts systems are basically manual in nature, with some mechanical equipment used to expedite operations. At the local police levels, where most of the application processing takes place, operations are normally manual. The centralized Firearms Records Bureau (FRB), which maintains records at the State level and handles registrations, stores data on keypunch cards placed in card files. At the FRB only the firearms registration records are maintained on a computer system with the information stored on tape. The general procedures used by the State are described below.

Firearms Identification Card:

--An applicant submits the application to the local police department which conducts a background check, possibly an interview, and decides whether to approve or disapprove .

--If the application is approved, the FRB is notified; FRB sets up a file and requests a records check from the Bureau of Probation. If the individual has a felony record, the FRB is notified, and it then contacts the local authorities.

Permit to Purchase:

- The requirements used are basically the same as for the License to Carry (discussed next); therefore, people tend to apply for the License to Carry and very few of these Permits are issued.

License to Carry:

- A similar but more extensive procedure than for the Firearms Identification Card is used; including the following additions:
 - Fingerprints and a photograph are required at the time of application.
 - The local police department does a more extensive investigation and requests a criminal records check from the Board of Probation. The local police department is responsible for the decision on whether or not to issue the License to Carry.
 - The FRB completes the License, with thumb prints and pictures, laminates and stamps it, and forwards it to the local police chief for issuance; in addition to requesting its own check from the Bureau of Probation.
- The license is valid for 5 years, and applications for renewal are processed in a similar but less extensive manner.

Registration:

- The seller must forward information to the FRB concerning the sale of the weapon within 7 days; the FRB maintains this data on a computerized file.

State of New Jersey

The New Jersey firearm laws provide for a Firearm Purchaser's Identification Card which allows the purchase of a long gun, a Permit to Purchase a pistol or revolver which is valid for 90 days but requires a 7-day waiting period, and a Permit to Carry a pistol or revolver on one's person which is renewable yearly.

The restrictions for the issuance of the ID card and the Permit to Purchase are basically the same as specified

for an ID card in Illinois and Massachusetts. In addition, either may be denied to a person if it is not deemed to be in the interest of public health, safety, or welfare for him/her to have a weapon. This last restriction allows the issuing authorities some additional discretion in what is by practice a permissive system. The more extensive requirements for the New Jersey Permit to Carry are similar to those of Massachusetts' License to Carry. For the Permit to Carry, however, the decision to issue is to be based on not only the applicant showing the appropriate need to carry a handgun but also specifically requires demonstrating knowledge of firearms handling. The issuing authorities in New Jersey are the chiefs of police in the municipalities where the applicant resides or the superintendent of State police in areas where there is no full-time police department. In the latter areas, the nearest office of the State police accepts the application and processes it, in the same manner as the local police. For a Permit to Carry, the judge of the county court always has final review and approval of the application.

The Firearms Investigation Unit (FIU) of the Division of State Police provides centralized application processing and firearm-related activities. The operations of the FIU are mostly manual with certain automated aspects. Much of the information is maintained in files using keypunched cards. The operations at the local police levels may vary from each other and are mainly manual. As in Massachusetts, the various police departments follow a general procedure, but the extent of their investigations and processing varies. Whereas one municipality may require an extensive personal interview with the applicant, another municipality may require a brief one or none at all for the same permit or ID. The general procedures for a municipal police department may be described as follows.

Firearm Purchaser's Identification Card:

- The applicant submits the application which asks for two references, and the applicant may be interviewed.
- The police department conducts an investigation, the extensiveness of which varies by jurisdiction.
- The fingerprints are mailed to the State Bureau of Investigation (SBI) which conducts a check of the applicant's records and then forwards a request to the FBI for a fingerprint check.

- If the application is approved, the local police chief authorizes the issuance of the ID and forwards the information to the FIU.
- Records of individuals holding ID cards are maintained by the FIU and the local or State police stations.
- The FIU establishes the information files, which are maintained on keypunch cards and microfilm.

Permit to Purchase:

- The application procedure and fingerprint checks are basically the same as that used for the Firearm Purchaser's Identification Card.

Registration:

- When a gun is sold, it is registered from forms forwarded by the seller to the police and the FIU.
- The FIU does file searches on the registrant and the previous ownership of the gun and creates its own file cards (one by owner and the other by weapon serial number).

Permit to Carry:

- The application procedure is generally similar--though considerably more extensive--to that described for the ID card. In addition to the ID requirement, the applicant submits a form containing three references.
- The same types of police checks--State and Federal Bureaus of Investigation--are made as described above.
- If the chief of police approves the application, a copy and the investigation report are forwarded to the county clerk for presentation before a judge; the judge makes the final decision to approve or deny the application.
- The permit, if approved, is issued through the county judge. Copies are forwarded to the FIU and the local police station who, in turn, process and maintain centralized records.

When a State police station processes any of the above applications, the procedures are generally the same except the

FIU takes a somewhat more active role in the processing of the application, the record checks, and the final approval.

City of New York

In order to possess a gun in New York City, a Pistol License is necessary. This license is issued on the basis of demonstrated need and is restricted to specific categories of usage. The most common category of usage, for example, is the License to "Carry" which allows an individual to carry a concealed handgun. Other categories include the "Target" license, which permits transporting of a properly encased weapon to and from an authorized pistol range; the "Special" license, which validates licenses issued outside the City; and the "Premises" license, which allows keeping a handgun at one's home or place of business.

To purchase a handgun an individual must first acquire a Permit to Purchase. Before they can do that, however, the individual must have a Pistol License. The pistol must then be purchased within 30 days and brought to the Pistol Licensing Division of the New York City Police Department for inspection and to have it recorded. The information is forwarded to the Stolen Property Section, which conducts a trace on the gun and establishes a registration record on it.

The system used in New York City may be described as personnel intensive in that all the operations of the system rely heavily on manual and clerical support. The system is centralized and entails the following basic steps:

- An individual presents a notarized application and photographs to the Pistol Licensing Section of the Police Department. The individual is fingerprinted and has a prescreening interview to discuss the reasons for a license.
- Fingerprint searches are made by mail through the New York State Division of Criminal Justice Services, New York City Identification Section, and the FBI.
- Name checks are made by mail through three New York City agencies--the Criminal Records Section, the Intelligence Division, and the Organized Crime Control Bureau; and the New York State Department of Mental Hygiene.

- The applicant's employer is mailed a questionnaire regarding the applicant's character.
- Other checks may be made, as necessary, such as contacting the military if the applicant has been in the service.
- Upon completion of the background investigation, the applicant has an interview. Proof of identity and residency is presented, and the applicant's experience with weapons is discussed.

A license renewal requires a simpler process in that it deals only with circumstances that may have changed. Checks are not made unless there is cause for one.

MAJOR VARIABLES AFFECTING COSTS

Some costs of the systems examined were obtained from the agencies contacted within the State and local jurisdictions. Given the fact that the costs reflect different system designs and procedures, and that they vary by locality and wage rates, an across-the-board comparison of total costs may be misleading; especially if the component costs are projected to future systems. Our objective was to identify those variables in each system design which had a major affect on cost.

We primarily focused on the operating costs of existing systems. Although it was not possible to identify all the costs associated with a certain type of system, we were able to identify the major variables that caused variation in costs of various types of gun control systems.

Various design aspects of systems and their complexities --whether they are set by law or practice--affect unit costs. Some of these design and/or procedural variables are discussed below, as they relate to the State and local jurisdictions in our study. In designing or initiating any system of gun control, it is these types of variables that tend to have an impact on total system costs. The reader should be cautioned that the costs mentioned here are estimated to show orders-of-magnitude differences and are presented for illustrative purposes only.

Major variables

The total costs of a system are composed of items such as personnel, equipment, facilities, etc. The major variable

affecting total costs of a system is personnel. The more thorough the background check, the more personnel-intensive a system is, and the higher the unit costs generated. Therefore, the unit cost of processing an application varies with the thoroughness of the screening process and the efficiency with which it is conducted.

The reasons that permissive and restrictive systems vary in the extensiveness of their background checks lie in the differences of their basic philosophies and their attendant costs.

A permissive licensing system assumes that relatively few people (such as those with a criminal record, etc.) should be denied the license. Therefore, in general, the background investigation need not be as extensive as under a restrictive system. Under a restrictive system a more comprehensive investigation is normally required to verify the reasons why an individual wants the permit or license.

For example, for the locations examined with permissive requirements for the issuing of an identification card, the direct personnel costs to State and local agencies ranged from less than \$0.50 to roughly \$25 per application. Personnel time varied accordingly from a few minutes to over 3 hours. In the lowest cost system, the application is handled through the mail, requires no interviews or reference checks, the files and background checks are computerized, and clerks do most of the processing. At the other end of the scale, the highest cost system is handled mostly by police officers, includes personal contacts with the applicant, reference checks (either by phone or mail), several record and fingerprint checks (most of which are manual), and the chief of police is responsible for reviewing the information before approving or denying the application. The latter system, consequently, requires the heaviest use of personnel.

For the locations with restrictive requirements for the License or Permit to Carry, there was a considerable variation on the extent of the background check and the decision process. The personnel time required at local and State levels varied from about 1-1/2 hours to 5 hours, resulting in direct personnel costs ranging from about \$7 1/

1/This low-range cost may itself be somewhat overstated because duplicate State record checks, using rather complex manual procedures, are conducted in this instance.

to \$50. The least costly approach was the least restrictive. It basically requires local and State record checks and an interview, with the final decision resting with the captain in the local police department.

The most costly system was highly restrictive requiring decisionmaking at several levels. There are extensive interviews with the applicant, the contacting of three references, and name and fingerprint checks are obtained from the State agencies and the FBI. The decision for final approval rests with a judge in the county courts once the local police chief has approved it. The higher cost figure for direct personnel efforts at the local and State levels is also descriptive of the process at one location that requires an extensive investigation involving name and fingerprint checks, two interviews, a questionnaire sent to the applicant's employer, and about five city and State agencies are contacted.

The Eisenhower Task Force reasoned that having an exhaustive investigation in a permissive system is "inconsistent" with the fact that all but a few persons are intended to be approved. They state that "a simple records check would seem to be sufficient" to determine whether the applicant is a member of any of the categories prohibited.

Cost-wise, as stated by the Eisenhower Task Force, extensive investigations under a truly permissive system would clearly be the most expensive gun control system. This would result in high investigation costs and a large number of applications to process because of the philosophy that all but specifically prohibited groups of people would be allowed the permit. Under restrictive systems, on the other hand, the unit costs of processing an application would be high, but total costs would be offset by the fewer number of applications that are likely to be filed.

The major ways in which personnel and other factors affect cost are described below in greater detail.

Technology

Application of modern technology when appropriately applied, can contribute to lower costs through savings of time and materials gained by the more efficient use of personnel and resources. Such things as the use of computerization, automatic business machines, and procedures designed to minimize the expenditure of time and effort have a significant impact on cost.

The technology used for the storage, maintenance, and retrieval of records influences the time and costs involved. Since personnel costs represent the highest single cost of a system, the time and therefore costs required to store or search a large file would be expected to be lowest with a computerized system. Such a programed system to facilitate sorting or searching of information on a large file is likely to be less costly than a system where the files are stored on keypunch cards which are hand or mechanically sorted; the latter, in turn, would be expected to require lower costs than if the data was stored in paper files. This applies to both the record requirements of the system and to the accessing of criminal history records for the screening process. Of course, the complexity, size, and number of files involved determine the best approach. The application of automated business machines to expedite activities, as well as procedures designed for efficient operation, are also cost factors.

Name checks

The procedures and complexity of a system used in making a criminal history name check affects the amount of time required; the time required, in turn, has an impact on costs. For the State and local agencies reviewed, the total cost for a name check ranged from under \$0.50 to \$3, except for one exceptionally costly system which estimated its cost at over \$8.

The lower cost is associated with an on-line computer system accessing both that State's Computerized Criminal History System files, as well as the national FBI-CCH files, and includes computer-related costs. The cost to the FBI when an agency performs a check on the FBI-CCH system is estimated to be very small. Another kind of Federal check, which is more commonly done, is the FBI name check called a "Name Search," which is much more extensive and is currently estimated to cost about \$2.35.

The \$3 name check results from a complex manually performed records check. New York City, which proved a unique case, has a relatively high personnel and fringe package, and estimates their cost for such a check at over \$8.

Fingerprint checks

In contrast to the name check, the fingerprint criminal records check can provide a positive identification. The FBI's fingerprint or "Technical Search" is an extension of their name check procedures and currently has a total cost

to the FBI of about \$4. There is no charge to State and local requesting agencies. At one State police agency, a similar check on their State fingerprint criminal record system costs about the same or slightly less than that of the FBI. However, a fingerprint check operation in New York City is estimated to have a total cost close to \$10.

Interviews

Generally, information obtained on the systems reviewed shows that the more restrictive the permit or license, the longer, and consequently the more costly, an interview with the applicant is likely to be. There usually was no, or at best a very brief, interview for an ID card. We found that direct personnel costs could range from \$1.25 for a 10-minute interview to \$3.75 for a 30-minute interview, with most interviews lasting from 10 to 20 minutes for the permit or license.

Reference checks

We found that within a given State, a variety of methods are used by the local police departments for checking with references. Whereas one municipality requests information by mailing a form letter to the individual used as a reference, another municipality may telephone the individual. Such phone contacts usually require 10 to 20 minutes. Generally, the more personal and thorough the contact, the higher the cost.

Personnel application

Using nonpolice and light-duty personnel to perform duties when fully trained police officers may be underutilized results in different costs. The exact differences in cost would depend on the function performed and the time used. For example, the average salary for patrolmen is approximately twice that of clerical personnel.

Level of decisionmaker

Similarly, the level of authority of the individual making the decision--and the time spent--affects cost. In a permissive system, responsibility for the final decision to approve or deny an application is normally delegated to lower level authorities more often than in a restrictive system. Also, the number of reviewers and decisionmakers increases with the degree of restrictiveness. For example, in Massachusetts and New Jersey, a police chief may delegate

authority for the approval of an Identification Card to lower level employees. For the License to Carry in Massachusetts and Permit to Carry in New Jersey, higher level personnel are likely to make such decisions. For New Jersey's Permit to Carry, a county court judge makes the final decision. In the latter case, one county judge has a law secretary reviewing the application, which takes 10 minutes, while in another instance a sergeant reviews the application material for about 30 minutes before discussing it with the judge; the judge makes the final decision in both cases. Who is involved affects costs; for example, a judge earns a salary roughly three times that of an executive secretary.

Community size

The smaller the community, the greater the familiarity between the people in the community is likely to be, and therefore the time and cost of an investigation may be lower. For example, in New Jersey, the effort taken in one small community to process a Permit to Carry was about one-fourth that in much larger communities.

In addition, International City Management Association data indicates that salaries are generally positively related to the size of a municipality, as shown below:

<u>Population of community</u>	<u>Police patrolman mean salaries</u>	
	<u>Entrance pay</u>	<u>Maximum pay</u>
1,000,000 and over	\$12,502	\$14,217
500,000 to 999,999	11,061	14,193
250,000 to 499,999	11,204	13,671
100,000 to 249,999	10,933	13,440
50,000 to 99,999	10,942	13,250
25,000 to 49,999	10,423	12,634
10,000 to 24,999	9,829	11,759

Furthermore, in relation to the police salaries paid, a municipality's contribution for fringe benefits as well as other overhead expenses (except for capital expenses) tend to increase with the size of the municipality.

Special requirements

Certain jurisdictions impose special types of requirements to their basic procedures. Boston, for instance, requires each applicant for the License to Carry to attend a 3-hour class at a pistol range. The class is normally attended by 15 applicants and is staffed by two police

officers each earning overtime of about \$10 an hour. The estimated cost for police personnel for this class is estimated by the Boston authorities at \$4 per attendee.

Centralized recordkeeping and registration

In Massachusetts and New Jersey there are State agencies whose responsibilities include acting as a centralized record-keeping and processing center after the local officials have approved and/or issued the ID, permit or license. The agencies generally must review the approved application for completeness, establish manual files, and, in Massachusetts, request a criminal records check. In both States the direct personnel costs for these activities alone are estimated to be about 15 or 20 cents.

These State agencies are also responsible for maintaining and processing the firearm registration records. The total cost is estimated at under 75 cents to process a registration on Massachusetts' computerized registration system and under \$1 for New Jersey's noncomputerized system. In both instances the registration efforts are an adjunct to existing licensing or permit systems.

Renewals

A system which is designed to have expiration and renewal requirements generates volume costs that are likely to exceed a system that issues the permit or license for life. If the renewal requires an extensive investigation procedure to be completely repeated, the cost of renewal would be expected to be higher than if the procedure requires a simple record update. Similarly, assuming the same requirements for renewal procedures as for the original application, the more frequent the expiration date, the higher the total cost to the system; for example, an annual renewal requiring an indepth investigation would be more costly to the system than the same type of renewal requirement every 5 years. On the other hand, a system may break-even or even be profitable if the application renewal cost is high enough to meet the processing costs.

Fees

The fees charged by the localities reviewed for non-registration activities are presented below along with the required renewal frequencies. All but Illinois have centralized registration or transfer notice requirements as an adjunct to their license or permit systems. There is no charge for registration.

FEES AND RENEWAL FREQUENCY

	<u>ID card</u>	<u>Permit/License to Purchase</u>	<u>Permit/License to Carry</u>
Illinois	\$5 Valid for 5 years	-	-
Massachusetts	\$2 Valid for life	\$2 Valid for 10 days	\$10 Valid for 5 years
New Jersey	\$2 Valid for life	\$2 Valid for 90 days after 7 day waiting period	\$3 Valid for 1 year
New York City	-	No fee Valid for 90 days	Original \$30, re- newal \$20 Valid for 2 years

The Eisenhower Task Force stressed that fees charged should not be used to reduce the number of people licensed. If the costs passed on to the applicants are too high, the criteria to receive a license is no longer qualification or need, but ability to pay. This in effect results in economic discrimination if too large a share of the costs are passed on to the applicant and is inconsistent with the primary intent of licensing. Furthermore, the Task Force stated that since the intent of such systems is to benefit the community as a whole, the community should share in part of its cost especially when per unit costs are high.

The Task Force stated that no fee or only a minimal fee be charged for registration or notice of transfer because it is an adjunct to an existing licensing system. They stated that basing fees on the number of firearms owned would be more of a tax on guns than an assessment of fees to support the system.

Revenues derived from fees could be used to offset a portion, if not all, of the cost of a national system. However, fees set too high may provide an economic disincentive and seriously undermine compliance with a national law. The fees charged by the localities we reviewed provide an insight into how they dealt with this issue.

ATF'S STUDY OF CONCEPTUALIZED HANDGUN CONTROL SYSTEMS

The Bureau of Alcohol, Tobacco and Firearms in 1975, made a study of two conceptualized national level handgun control systems: (1) a registration system and (2) a permit system that would apply to the purchase and owning of handguns. Although specific requirements have not been worked out yet, ATF has developed gross cost estimates for the two systems. Certain aspects of the systems, though having significant cost impact, are presently of a general nature only.

The national handgun registration system, as envisioned by ATF in its study, would involve centralized registrations of about 40 million guns the first year at an estimated cost of \$35.6 million. Thereafter, they estimate 5 million guns would be registered annually at a cost of \$21.6 million a year. The per unit cost would be \$0.89 for the first year and \$4.33 for subsequent years.

Prior to issuing a Permit to Purchase and Own, an investigation into the applicant's background is necessary to verify that the applicant has had no prior felony convictions. ATF estimates the first year cost of this system at \$52.6 million to handle between 20 million to 30 million applications, or, \$1.75 to \$2.63 per application. A \$5 charge per applicant would produce between \$100 million and \$150 million, which would offset the first-year costs. ATF estimates subsequent year costs at \$21 million annually to handle a quarter of a million applications each year; though the procedures for the background check and the renewal system have not been detailed.

Certain aspects of the cost estimates for the two systems deserve closer examination. For example, ATF estimates a recurring need of 500 investigative personnel at a cost of \$10 million for its registration system, after the first year of operation. This accounts for roughly 50 percent of the annual \$21.6 million cost. The existing States and localities with which we are presently familiar, that have registration systems, however, don't have special investigative agents to deal solely with registration activities. In these registration systems, investigations associated with registrations have usually been conducted after the handgun has come to the attention of law enforcement officials--for example, in tracing the owner, usually after the gun has been found in connection with a crime. ATF's estimates of specialized licensing personnel--500 in number--may be overstated.

In addition, ATF estimates that the cost of the permit system would decline by 60 percent from the first to the second year (from \$52.6 million to \$21 million), while the number of permits would decline by as much as 99 percent (from 30 million to one quarter of a million). The decline in cost is smaller than the decline in the volume due to certain fixed costs, such as personnel. If the number of investigative personnel is reduced further, however, the cost estimate would likewise be reduced.

ATF's cost estimates for the two systems were developed separately; though most of the cost elements for the systems are identical and they appear to be duplicative. A cost estimate for a combined system may be needed.

The Congressional Budget Office (CBO) has estimated the additional direct cost to the Federal Government that would result from the enactment of proposed legislation requiring additional activities for the Department of the Treasury (ATF) and the FBI. They examined a House bill proposed in 1976, H.R. 11193. While we have not reviewed the details of the analysis, CBO reported that \$3.5 million in annual revenue would result from increased licensing fees for dealers, manufacturers, and importers proposed in the bill. The increased cost to the Federal Government was estimated to have \$360,000 for fiscal year 1977. The increased costs to State and local agencies were not included.

To our best knowledge, no other current comprehensive total cost estimates for national systems are available. In 1969 the National Commission on the Causes and Prevention of Violence published estimates for similar types of handgun control systems. Those costs, however, are no longer appropriate due to changing technology and economic conditions over the years.

The systems studied by ATF would require new legislation. It would be possible to achieve a partial national registration system under current legislation by centralizing the existing records of handgun purchases that licensed dealers maintain. Reporting of handgun transfers after the first sale, however, are not covered by an existing system.

SUMMARY

Our review of gun control systems in four States has indicated that there is a large variation in system costs. This variation is dependent on two factors: first, the degree of restrictiveness of the system and, second, the

efficiency with which it is implemented. A prerequisite for cost estimates is a detailed system design of each alternative under consideration. Existing plans for a national system do not provide adequate designs for detailed cost analysis; however, the technology currently exists to handle the volume and complexity of a national gun control system.

If a national system of handgun control is considered, cost estimates of system alternatives should be based on a detailed design. We believe that the Congress should consider all types of systems and their costs--ranging from a national system which operates independently of the activities of local authorities, to systems which maximize the use of existing local gun control systems. The Congress will then be in a better position to make an informed judgment based on cost estimates of a range of systems designed for accomplishing the goals and objectives of National Gun Control legislation.

We feel existing gun control systems in some States could be integrated into a national system to save costs.

CHAPTER 7

SUMMARY AND CONCLUSIONS

Three major pieces of firearms legislation have been passed in the United States to regulate the manufacture and distribution of firearms. These are: the National Firearms Act of 1934, the Federal Firearms Act of 1938, and the Gun Control Act of 1968. Each was prompted by public outrage over eruptions of violence involving the use of guns.

The National Firearms Act of 1934 was an attack on the civilian ownership of certain weapons known as "gangster" weapons in the "Tommy Gun Era" of the twenties and thirties. The legislation imposed a heavy transfer tax and registration of all machine guns, sawed-off shotguns, silencers, and other "gangster" weapons.

The Federal Firearms Act of 1938 was prompted by the firearm violence during the years preceding its passage. This act required a Federal license for interstate shipment and receipt of firearms by manufacturers, importers, and dealers. It also imposed recordkeeping requirements on licensed dealers, and prohibited dealers from knowingly shipping a firearm in interstate commerce to a fugitive from justice, a person under indictment, or anyone required to hold a license but did not have one.

Prompted by the assassinations during the sixties, the Congress passed two laws in 1968 containing provisions for more stringent control of firearms: the Omnibus Crime Control and Safe Streets Act, and the Gun Control Act. The former was primarily directed at the interstate commerce of handguns, and it prohibited the possession and receipt or transport of firearms by certain groups of people (i.e., convicted felons, persons judged to be mentally incompetent by a court, persons discharged from the Armed Forces under other than honorable conditions, persons who renounced their U.S. citizenship, and illegal aliens in the United States.) The Gun Control Act dealt with dealerships and the transfer and ownership of firearms. The law also attempted to aid State and local enforcement by requiring that anyone purchasing a gun cannot be a member of the above-mentioned groups and that the purchaser must be a State resident. However, there is no requirement for a screening process or a method to verify the information given, so there is little threat of getting caught.

INCONSISTENCIES IN STATE LAWS

States and localities have also passed their own laws aimed at controlling handguns. They include restrictions relating to the purchase, carrying, and possession of guns. These State and local handgun laws are a "hodge-podge" of differing statutes and ordinances--each with its own requirements and definitions. State laws begin and end at the State lines and are often not uniform within a particular State. It is such nonuniformity of laws that limits the effectiveness of local restrictive efforts.

As a result of nonuniformity, handguns are always available to a purchaser at a legal retail outlet. In States where there are stringent gun control laws, purchasers tend to go out of State; and particularly to the States where there are less purchasing restrictions. Our examination of ATF's Project Identification showed that restrictive State gun control laws do limit handgun accessibility in that State.

In tracing the origin of guns traced by the police, the States with more purchasing restrictions tend to have a lower percent of handguns traced to in-State sources than the overall average. ATF concluded that the percent of handguns purchased interstate was proportionate to the degree of local gun control.

PUBLIC OPINION POLLS FAVOR MORE STRINGENT CONTROLS

Major public opinion polls since 1938 have favored laws requiring more stringent gun control in the form of registration. During 1975, a Harris poll showed that 77 percent of the respondents favored such Federal laws as registration systems. Seventy-four percent of the respondents to a survey by the National Opinion Research Center favored a law which would require people to obtain police permits before being allowed to purchase guns. A Harris poll of gunowners in the same year showed that 63 percent favor laws which would control the sale of guns, such as registration.

The majority of the American people have continued to favor firearm registration and a required permit to purchase a firearm. However, the public does not believe that gun control is a cure-all to violence. Polls show that the majority of the public feels that the causes of violence run deeper than merely the availability of firearms.

INCREASING RATES OF VIOLENT CRIME
RELATED TO THE FIREARMS IN CIRCULATION

The number of murders in the United States increased from 12,240 in 1967 to 18,780 in 1976. The rates of murder per 100,000 population during the same time period increased from 6.2 to 8.8. Of the total, about 9,200 handgun murders were committed in 1976--over one and a half times the number in 1967. The handgun murder rate rose from 2.9 to 4.3 per 100,000 population.

About one-fourth of the 490,850 aggravated assaults in 1976 involved the use of firearms. Knives or cutting instruments, personal weapons (hands, fists, etc.), and other weapons (clubs, poison, etc.) were used in the remaining assaults.

Within recent years, about 64 to 66 percent of all robberies in the United States were "armed" robberies, i.e., a weapon was used. Within the category of armed robbery, 67 percent were committed with firearms in 1976.

Overall, in 1976, 63.8 percent of all murders, 23.6 percent of all aggravated assaults, and 42.7 percent of all robberies in the United States were committed with firearms. Firearms were used in approximately 320,745 of these crimes reported by the Federal Bureau of Investigation. Data indicates the use of firearms in crime has been increasing over time.

Data has shown that murder and aggravated assault most often result from arguments between people who know each other (as relatives, friends, or acquaintances) and that most of the offenders are recidivists--i.e., people who have had prior arrest records. Sixty-four percent of those arrested for assault and 68 percent of those arrested for murder had prior arrests.

There is little concrete data on the actual number of firearm owners or the number of firearms owned in the United States. It has been estimated that 147.5 million firearms were in existence in 1976; 44 million of which were handguns. A 1975 Harris poll indicated that 47 percent of all households owned one or more weapons--49 percent owned handguns; 70 percent owned rifles; and 66 percent owned shotguns.

There has been a positive association between the increase in the number of firearms in circulation and the increase in violent crime in America since the mid-sixties. For example,

the regions of the country that had the largest numbers of firearms in circulation also experienced the highest numbers of murders. The cause and effect relationship between the increase in gun availability and the increase in gun-related crimes is difficult to determine. It appears that the relationship is circular: an increase in firearm availability increases gun-related crime, and an increase in crime and violence increases gun ownership.

LIMITING HANDGUN AVAILABILITY WILL PROBABLY REDUCE THE MURDER RATE

There are few empirical studies in existence on the effectiveness of gun control laws in reducing crime. The studies that are in existence tend to agree that gun control laws may be ineffective in reducing total violent crime. They are effective, however, in reducing the availability of firearms, and, consequently, the number of gun-related crimes and especially the number of gun-related deaths.

Stringent gun control laws may not reduce the number of violent attacks, but the severity of attack would be reduced. The most likely substitute to a gun in a criminal attack is a knife. The proportion of people who are killed when attacked by a knife is lower than when attacked by a gun. If an attacker, therefore, substitutes such a less lethal weapon for a firearm, there may be fewer resultant deaths. Hence, if firearm availability decreases, statistics will probably indicate a decrease in murder and some increase in aggravated assault.

Our analysis indicates that the ease with which firearms are obtained is directly related to the proportion of firearms used in crime and is a significant contributor to firearm crime rates.

LITTLE IS KNOWN ABOUT OTHER METHODS USED IN REDUCING GUN- RELATED VIOLENT CRIME

Many bills have been proposed in the Congress over the years dealing with more stringent sentences for crimes committed with firearms. There has been a continuing controversy, however, over the deterrent effects of such punishment. Proponents of mandatory sentencing have argued that the costs (length of imprisonment) and risks (probability of going to prison) would have a deterrent effect on potential criminals, as well as reduce the criminal population out of prison. Opponents, on the other hand, believe that rehabilitation is a better solution than punishment.

Several States have recently enacted mandatory sentencing laws for offenses involving firearms. A Harvard Law School study of the Bartley-Fox amendment in Massachusetts--which imposes a mandatory minimum prison sentence of 1 year for carrying a firearm without an appropriate permit--found that the law dramatically increased compliance with existing gun control laws. The study suggests that the law may have restricted the casual availability of firearms, which, in turn, may have caused the observed reduction in assaults with firearms in Boston. Total assaults did not decline, however, and the enduring effects of this approach is not as yet known.

A recent Federal enforcement project has yielded some results in three cities included in ATF's pilot test of Concentrated Urban Enforcement--project CUE. An additional 179 Federal agents worked with local officials in three cities, Washington, D.C.; Boston; and Chicago, in an attempt to reduce the illegal flow and criminal misuse of firearms. Though selected crime rates presented by the Bureau of Alcohol, Tobacco and Firearms decreased in the Project CUE cities, questions remain as to the extent and the project's influence on this reduction in the crime rates. Conflicting data on the types of guns used in crime between an ATF study and a recent Police Foundation report indicates that this issue should be further studied, particularly if future legislative proposals that concentrate on limiting the availability of "Saturday Night Specials," instead of all handguns, is to be considered.

Baltimore, Maryland, conducted a short-lived buy-back program in the city. The program was composed of two efforts: one was to purchase guns turned in to the police for \$50; the second provided a \$100 bounty for information leading to the confiscation of illegal firearms. In the first month of the program, firearm-related homicides were significantly lower than average; during the second month, the murder rate was well above the average. Similarly, the percent of firearm-related aggravated assaults decreased drastically during the month of the largest number of purchases. The rate increased again during subsequent months. In general, we can say that firearm-related murders and aggravated assaults did appear to be initially affected by the program, but due to limited data, it is difficult to conclude the short- and long-term effects of the program.

COST OF GUN CONTROL WILL VARY
DEPENDING ON SYSTEM DESIGN

Many factors influence the total costs of a gun control system. The cost of any licensing or registration program

varies, depending on the system's design and requirements. In general, the major variable affecting total cost of a system is personnel. The more restrictive a system is in terms of who can own or carry a weapon, the more extensive the background investigation of the applicant. The more thorough the background check, the more personnel needed, and, in turn, the higher the costs. Existing plans for a national system do not provide adequate designs or design alternatives for detailed cost analyses. Prerequisites for system selection include cost estimates based on a detailed design of each alternative under consideration, consideration of the appropriate current technology to best handle the volume and complexity of expected data, and consideration of the existing gun control systems in some of the States which could be integrated into a national system to save costs.

CONCLUSIONS

Gun control is not the sole solution to the national crime problem. The roots of the problem extend deeper into the socio-economic fabric that makes up contemporary society. Though gun control is far from being a panacea, it will under certain conditions, prevent some people from mortally wounding others.

Stricter gun controls will probably be marginally effective at first. The number of handguns in circulation today is estimated to be about 44,000,000; and it is likely that a certain portion of gun owners will be reluctant to voluntarily participate. Stricter legal sanctions and effective enforcement may help to improve participation. Long-term effectiveness is likely to improve as stricter controls and sanctions work together to bring handguns into the system and to limit their availability.

In general, the cost of any gun licensing or registration system depends on the system's requirements, especially the thoroughness and efficiency of its screening process. The dollar cost issue, though real in itself, should not be evaluated alone. A comparative assessment should be made of societal benefits resulting from expected lower homicide rates and dollar costs needed for the system to obtain a balanced view of the impact of handgun control.

RECOMMENDATIONS TO THE CONGRESS

In view of the clear indication that easy availability has contributed to the use of handguns in violent crime, we recommend that the Congress should develop and enact further

legislation to restrict the availability of handguns. The alternatives which should be considered range from taking steps to increase the uniformity (and, therefore, effectiveness) of State and local gun control measures to the initiation of a national handgun control program. Any new legislation should include procedures that will, at a minimum, verify an individual's identity and lack of criminal background in order to purchase or possess a handgun. To be effective such measures should similarly regulate transfers within the existing private inventory of handguns, not just new handguns.

If consideration is given to a national system of handgun control, a range of system designs should be evaluated and costed so that the most cost-effective system can be selected. These alternatives should consider various ways of using existing State systems as a cost saving measure.

Mandatory sentencing, as a method of reducing gun-related crime, is relatively new and deserves further examination. Though fragmented early results are not discouraging, the enduring effectiveness of mandatory sentencing is still unknown.

Any legislation on this subject should contain provisions for periodic evaluation. A prerequisite for congressional oversight of a national gun control system is timely evaluative information which will keep the Congress informed about how the system is affecting gun-related crime and how this, in turn, is affecting the frequency and severity of violent crime in general.

AGENCY COMMENTS

The Department of Justice had no disagreement with the conclusions and recommendations of the report and stated their strong support for legislation in the area of handgun control. They fully concurred with the conclusion that further legislation is needed to restrict the availability of handguns.

Though the Department of the Treasury had no comment on our conclusions and recommendations dealing with the need for further legislation, they agreed with the necessity to evaluate and cost any specific handgun control systems or alternate systems that are considered.

THE DATA BASETHE DATA

Most of the crime data examined in this study is that gathered by the FBI in the annual Uniform Crime Reports. The data is limited to offenses reported to the police as serious crimes. No attempt has been made to address the data omissions or inconsistencies across the country in unreported crime, police reporting procedures, etc. Unfortunately, much of the data is on aggregate firearms and is not segregated into the categories of handgun, rifle, and shotgun. Where available, data is provided for the categories of firearm; however, in some cases statistics for total firearms must be used. Since the handgun is the primary firearm used in crime ^{1/}, we feel the statistics for total firearms may be used for analysis.

Care must be taken when discussing the extent of firearms misuse in "violent crime" or "serious crime." As defined by the FBI, serious crime includes murder and non-negligent manslaughter, forcible rape, robbery, aggravated assault (violent crimes), burglary, larceny-theft, and motor vehicle theft (property crimes). FBI statistics report no weapons of any type used in property crimes. While serious crime is of concern, it is not a reliable index of firearms misuse. If serious crime is used as an index it adds into the base a larger number of crimes in which firearms (or other weapons) are not reported and often not even used. The insertion of these crimes seriously dilutes the apparent impact of firearms. One researcher, Joseph P. Magaddino, states:

"While this comparison (serious crime to firearm misuse) is factual, its relevance is questionable. No one, not even the most emotional proponent of control, claims that firearms control will reduce serious crimes. The proper comparison to indicate the extent of misuse is the violent crimes of homicide, aggravated assault, and robbery."

We used violent crimes and excluded rape for our analysis. There is a lack of data on weapons used in rape.

^{1/}In 1976, 64 percent of all murders were committed with firearms and 49 percent of all murders were committed with handguns.

We define the violent crimes as the FBI does, using the following definitions:

- Murder and nonnegligent manslaughter (hereafter, referred to collectively as "murder")--the willful killing of another as distinguished from death caused by negligence, suicide, accident, or justifiable homicide.
- Aggravated assault--assault with intent to kill or for the purpose of inflicting severe bodily injury. Attempts to murder are scored as aggravated assaults.
- Robbery--the stealing or taking of anything of value from the care, custody, or control of a person by force or violence or by putting in fear.
- Armed robbery involves the use of a weapon.
- Strong-armed robbery involves no weapon other than a personal weapon (physical force).

UNIFORM CRIME REPORTS STUDY OF CAREERS IN CRIME

A summary of 255,936 offenders in the FBI's Computerized Criminal History File who were arrested during 1970-75 provides data on criminal recidivism. Care must be taken in using this information since (1) the data only reflects offenders with at least one Federal offense and (2) the subjects of the study are those offenders who were caught. Since only about one-fifth of all serious crime in 1976 was solved ^{1/} by arrest the study results may be biased. This second caveat is the most critical. The bias in the data on murderers is probably not serious because murder has a very high clearance rate; in 1976, 79 percent of all murders were solved. Consequently, the FBI findings may be typical of most murderers.

Sixty-three percent of all aggravated assault was cleared by arrest; thus, the aggravated assault statistics

^{1/}A crime is considered solved or "cleared" when a law enforcement agency has identified the offender, has enough evidence to charge him, and has taken him into custody. Crimes are also considered cleared in special cases which prevent charges being brought against the offender, such as when the subject is being prosecuted on other charges elsewhere or the victim refuses to press charges.

are not as complete. Assuming that none of the unarrested 37 percent had prior criminal records, statistics show that 40 percent of all aggravated assault offenders have prior criminal records.

While the data shows the highest criminal recidivism is for robbery (78 percent), only 27 percent of all robberies are solved. The robbery data (27 percent caught) may be biased toward repeaters; it is probably easier to catch an offender who has an arrest record (through mug shots, fingerprints, and prior methods of operation) than a first offender.

STATISTICAL INFORMATION

In the analyses conducted by ourselves or reported by others the statistical level of significance and correlation coefficients were as follows:

Page 23

--The relationship between the handgun proximity index and the proportion of firearms used in the crimes was statistically significant at the .05 level of significance or better.

Page 24

--In all regression analyses discussed on pages 24 and 25 the relationships were statistically significant at the .05 level of significance or better.

Page 28

--Steven Seitz found a correlation coefficient of .98 for the relationship between the total homicide rate and the firearm homicide rate using the 1967 data.

--Using the 1974 data, the correlation coefficient proved to be .97 for these same two variables and was statistically significant at the .001 level of significance.



Address Reply to the
Division Indicated
and Refer to Initials and Number

UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

JUL 18 1977

Mr. Victor L. Lowe
Director
General Government Division
United States General Accounting Office
Washington, D.C. 20548

Dear Mr. Lowe:

This letter is in response to your request for comments on the draft report titled "Handgun Control: Effectiveness and Costs."

The issue of handgun control is a matter of grave concern to the Department of Justice and we are pleased to have the opportunity to review the report and provide comments to you.

The report is well written and should prove useful in helping to understand the magnitude of the handgun crime problem and the potential effectiveness of alternative strategies for stemming handgun abuse. The Department is a strong supporter of legislation in the area of handgun control and we fully concur with the conclusion that further legislation is needed to restrict the availability of handguns.

As the report indicates, existing firearms legislation has proven inadequate and ineffective to control the availability and use of handguns in the commission of crime. The Gun Control Act of 1968 (18 U.S.C. 921 et seq.), while prohibiting the importation of so-called Saturday Night Specials, failed to prohibit the importation of the parts necessary to make Saturday Night Specials and did not ban their domestic assembly and manufacture. As a result of this major loophole, the impact of the Gun Control Act on the availability of Saturday Night Specials has been negligible. In addition, while the Gun Control Act requires

dealers to obtain and file a written statement by the purchaser listing his identity and affirming that he is old enough and otherwise qualified to own a handgun, it does not require any more effort by the dealer to verify the information. Without requiring verification at the time of purchase, a person who provides false information in order to purchase a firearm faces little threat of being prosecuted under the Gun Control Act.

The need for federal legislation in the handgun area is evidenced from the study cited in the GAO report which found that in States having restrictive handgun legislation, a large percentage of the guns used in the commission of crime were purchased in other States with less restrictive regulations. Thus as long as there are nonuniform State laws, handguns purchased at retail outlets will be available for use in the commission of crimes. The only way to appreciably reduce the availability of handguns is by having a uniform law applicable to all the States, and the best way to accomplish this is by federal legislation.

The recommendations of the GAO report are very generally stated and, therefore, not readily subject to comment; however, it is now generally believed that, in order to be effective, any legislative proposal must include some means of regulating the transfers of the existing private inventory of some 45 million handguns, and not concentrate solely upon the sale of new weapons. The GAO report does not specifically address this point.

[See GAO note 1.]

Although we have no disagreement with the conclusions and recommendations of the report, there are several areas which we believe require clarification or in which updated or more current technical information is available. Incorporation of the material presented below in the final report would result in a more lucid and technically accurate document.

Chapter I

In several cases, the information appearing in Table 1 (State Restrictions on Purchase, Carrying and Owning Handguns (1975)), page 6a, does not include pertinent State restrictions. Our research indicates that the following information should be added to the table: [See GAO notes 2 and 3.]

Chapter II

Updating Figures 4-7 with Uniform Crime Report (UCR) data for 1975, which are now available, would make the discussion in the chapter more timely. Also, on page 21, the report states: "Recent data indicates [sic] the increasing use of firearms in crime." UCR data for 1975, and the preliminary UCR data for 1976, show a decrease in reported crime rates for several violent crimes and a decrease in the use of firearms in those crime categories. [See GAO note 4.]

Chapter III

The discussion in the section entitled Firearm Ownership and Crime Rates (pp.23-25) is analytically weak, and Figures 9 and 10 are confusing. [See GAO note 5.]

On page 30, the report suggests that it is not possible to determine whether an increase in guns leads to an increase in crime or vice versa. The authors might wish to suggest here several hypotheses that could be tested using multi-variate statistical analyses. [See GAO note 6.]

The discussion on page 35 needs to be clarified. The point made is crucial, but may be missed by someone unfamiliar with statistical techniques. [See GAO note 7.]

The discussion on page 40 indicates that not enough information exists to assess the effects of limited gun availability on robbery. Recent work done for the Department by Professor Philip J. Cook of Duke University addresses this issue in a preliminary manner. You may wish to consider his findings--outlined in papers which were sent to Mr. Ted Saks of GAO--in this section. [See GAO note 8.]

Finally, the studies discussed in this chapter--and in chapters IV and V--ignore several new, and potentially significant, analyses of the effects of firearm restrictions on crime. Besides the work of Cook, there are very good studies by Steve Brill of the Police Foundation (Firearm Abuse: A Research and Policy Report, 2/27/77); by B. Bruce-Briggs of the Hudson Institute (The Public Interest, Fall 1976, pp. 37-62); and by Phillips, Votey, and Howell of the University of California at Santa Barbara (Journal of Legal Studies, June 1976, pp. 463-478). Further, the report

does not discuss the Bureau of Alcohol, Tobacco, and Firearms' Operation CUE (Combined Urban Enforcement). Operation CUE is providing highly significant data for evaluating handgun abuse and for designing policies to stem it. [See GAO note 9.]

Chapter IV

The authors may wish to document the conclusion to Chapter IV (pp. 47-48) with Operation CUE data relating to South Carolina. Since the enactment of its "application to purchase" law in 1975, South Carolina no longer is a significant source of handguns used in crime in other States. The Operation CUE data indicate that the new law has been highly effective in stemming what had been a very large trade in handguns used for crime in the Northeastern States. [See GAO note 10.]

We appreciate the opportunity given us to comment on the draft report. Should you have any further questions, please feel free to contact us.

Sincerely,



Kevin D. Rooney
Assistant Attorney General
for Administration

- GAO notes:
1. Text has been changed to reflect this point more clearly.
 2. Information provided has been incorporated in table 1.
 3. Page references in this appendix refer to the draft report and do not necessarily agree with the page numbers in final report.
 4. The 1975 and 1976 UCR publication information has been incorporated into the text and figures of these chapters and changes have been made where appropriate. The trend over time has shown an increasing use of firearms in crime over the years. The new data does not change our conclusions or recommendations.
 5. Figures 9 and 10 have been updated and changed in format. The text has been changed to caveat the information being presented. The Department of Justice had reservations about the reliability of measures used for availability. While it is recognized that these data sources may have some difficulties, at present they are the best available estimates to measure firearm volumes.
 6. GAO feels that more research is needed in this area and that multivariate analysis could provide useful information. Many hypotheses can be developed based on the information in this report but detailed information on the flow of crime related handguns in high crime areas would be, perhaps, more useful at this point.
 7. Text has been changed to clarify the information being presented.
 8. Preliminary studies have been referred to in the report.

9. We reviewed the studies and included data from the Police Foundation study and ATF's project CUE. The other studies were reviewed and were found to contain very interesting information which, however, did not affect our conclusions and recommendations.
10. We have included this information in the text.



DEPARTMENT OF THE TREASURY

WASHINGTON, D.C. 20220

DEPUTY ASSISTANT SECRETARY

JUL 18 1977

Dear Mr. Lowe:

The draft of the proposed report, "Handgun Control: Effectiveness and Costs", forwarded with your letter of May 9, 1977, has been reviewed in this office and by the Bureau of Alcohol, Tobacco and Firearms. Most of it is a factual record of the results of inquiries on systems and programs for the control of firearms. We do not have sufficient information to comment on the factual portions of the report other than to say that we saw no reason to question the accuracy of the statements.

The report also recommends legislation establishing greater federal control of firearms. We will not comment on the general subject of whether gun control laws should be more stringent or more lenient. Treasury's position on specific amendments to the firearms laws will be given if it is called upon to comment on a particular bill.

The Bureau of Alcohol, Tobacco and Firearms objects to the wording of the section of the report beginning on page 93 under the heading, "ATF's Proposals for (See GAO note 1, p. 90.) a National System", because it indicates that ATF has proposed either a registration or a permit system for handgun control. Treasury agrees. ATF points out that it has not made any proposal. It has only made studies of costs of systems for control of firearms so that it would be in a position to testify if called on to do so, and has made available to GAO investigators the information developed in those studies. ATF has prepared a suggested rewrite of that section of the report. It is enclosed herewith. Subject to the qualification that we have not reviewed the studies referred to and therefore cannot comment on the accuracy of the cost projections, it is recommended that ATF's proposed wording be adopted. [See GAO note 2, p. 90.]

-2-

We concur with the statement that efforts to make estimates of the cost of administering a permit or registration system without having the details of the proposed system would be futile. Consequently, it is suggested that a specific system, or alternate systems, be worked out and thereafter a cost study, and a comparison of projected costs with anticipated benefits be made. Such cost studies should also be used to assure that adequate resources are provided to administer any law which may be adopted.

Sincerely yours,


James J. Featherstone
Deputy Assistant Secretary
(Enforcement)

Mr. Victor L. Lowe, Director
General Government Division
United States General Accounting Office
Washington, D.C. 20548

Enclosure

- GAO notes:
1. Page references in this appendix refer to the draft report and do not agree with the page numbers in the final report.
 2. The text has been clarified to indicate that ATF made studies, and not proposals, on several handgun control systems. The cost projections described in the text were provided by ATF and reflect their estimates of the various approaches.

(92030)