

The Need for Conceal Carry Training and Licensing: Balancing Rights and Responsibilities

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I wish to thank the members of the subcommittee for their willingness to hear my testimony today. As a historian and criminologist, I believe that the authors of the Second Amendment wished to guarantee an individual's right to bear arms, even though the broader justification for that amendment—militia service—is no longer relevant in our society. My research has also persuaded me that guns are not the fundamental reason why the United States is by far the most violent affluent society in the world. The causes of our nation's violence run deep, and I believe we would remain a violent society even if Americans owned and carried far fewer guns. But my research has also persuaded me that widespread gun ownership—and the widespread practice of carrying guns on our persons—has made our society more violent and deadly than it would otherwise be. Guns aren't the root problem—but when modern firearms are readily available in a society wracked by violence, they make matters worse.

That's why I would like to encourage the Ohio legislature to strike a balance between rights and responsibilities when we think about the role of firearms in our society. As a Scouter and a counsellor on all of our Citizenship badges and requirements, I've always been impressed by our First Class requirement, which lists our rights on the left hand page of our Handbook, and our responsibilities on the right. Of course, our first responsibility is to defend our rights. But when it comes to firearms, we have a responsibility, I believe, to do everything we can to see that guns do not fall into the wrong hands, and to see that every person who wishes to bear arms in everyday life be trained and licensed. I would love to see us model our firearms training on Scouting's Youth Protection training. As Scout leaders, we must take a new version of the course every three years and pass a test to ensure that we have access to the latest research and understand the "real life" situations in which child abuse can occur. I hope the legislature will mandate a similar kind of training for conceal-carry permit holders—to remind them every few years about the dangers of firearms, about the high risk of suicide among firearms owners, and about the types of situations in which otherwise law-abiding citizens misuse firearms in the heat of the moment.

I'd like to begin my testimony by explaining why the most popular conservative and liberal explanations for the alleged "crime drop" of the 1990s are deeply flawed. Dr. John Lott argues that the passage of more liberal conceal-carry laws in the early 1990s were largely responsible for the dramatic drop in homicides and other violent crimes between 1992 and 2000, because those guns, ready for self-defense, deterred criminals. Dr. Steve Levitt, the co-author of *Freakanomics*, argues by contrast that the 1973 decision by the Supreme Court in *Roe v. Wade* was responsible for the crime drop, because abortions led to the births of fewer children to families who lived in poor, crime-ridden, and criminogenic neighborhoods.

The homicide rate in the United States did drop in the mid- and late-1990s: exactly when their theories would predict (Slide 1). But Lott and Levitt failed to look as deeply as criminologists do at the data on violent crime. When we look at changes in homicide victimization by the ages of the victims, we can see in an instant that there wasn't a "crime drop" in the 1990s (Slide 2). Homicide rates for persons ages 25 and older have been dropping steadily since the mid-1970s, but homicide rates for persons under the age of 25 spiked suddenly between

1985 and 1992 for young men of all races—African Americans, Asian Americans, Native Americans, Hispanics, and non-Hispanic whites—and fell just as fast between 1992 and 2000, ending the short-term surge in youth homicides.

How can we explain these conflicting trends? Levitt's theory doesn't work. Homicide rates for young people ages 10 through 19 peaked in 1992—and every child in that cohort was born *after* *Roe v. Wade*. Nor can we blame the crack epidemic, because that epidemic started in the early 1980s and continued unabated into the early 2000s, when measured by crack cocaine deaths and hospital admissions. The rise and fall in youth homicides correlates instead with the proportion of all National Football League gear sold in a given year that was Oakland Raiders gear—the primary gang colors of the period (Slide 3)—and with the popularity of the gangsta rap, a genre that appeared first in 1985 with Schooly D and Ice-T, peaked in popularity in the early 1990s with NWA, and declined rapidly in popularity as less angry, misogynistic, and alienated forms of hip-hop supplanted it. What we see in the homicide data is the rise and fall of a violent, destructive, self-destructive gang culture, which young people in disadvantaged neighborhoods embraced in the late 1980s and early 1990s, and rejected by 2000. Lott's idea that gun-toting conceal-carry permit holders from suburban and rural communities put the fear of god into these young people after 1992 doesn't hold water—those permit holders didn't live or work anywhere near these young people. We should credit young people who live in disadvantaged neighborhoods for turning away from that culture, not conceal carry laws.

And of course, the conceal-carry and abortion arguments can't make any of long term decline in homicide among Americans ages 25 and older. Sadly, that decline correlates with mass incarceration (Slides 4 through 7). As incarceration rates went up for men ages 25 to 44, homicide rates fell. By 2000, 3 of every 100 Hispanic and non-Hispanic white Americans in that age group were in prison or jail, and 1 of every 10 African Americans. Incarcerating our most angry, alienated, abused, disillusioned, mentally ill, drug addicted, poorly educated, and impoverished fellow citizens has saved lives, albeit at a tremendous financial and social cost, and without addressing the fundamental causes of our society's violence. The long-term decline in homicides of Americans ages 25 and older also correlates, however, with the long-term *decline* in gun ownership in the United States since the early 1970s, from 50 percent of all households to only a third (Slide 8). I believe that both mass incarceration and the decline in gun ownership will prove important. Without question, however, the “more guns, less crime” argument is wrong. Fewer guns, rather than more guns, has helped suppress the homicide rate. The decline in gun ownership has been partisan, which makes it a divisive and difficult issue for you as legislators. Republicans have not turned away from gun ownership. Democrats and Independents have. But the relationship between lower rates of violence and lower levels of gun ownership is clear.

The evidence is clear, as studies have become more rigorous and mathematically sophisticated, and as more years of data have become available, that states that have passed more liberal conceal carry laws have seen lesser declines and larger increases in violent crime than states which have less liberal laws (e.g. – John Donahue's recent studies). But when we look farther into America's past, we can see even more clearly the deadly impact that widespread ownership and carrying of firearms has had on our society. The critical turn occurred between 1857 and World War I, when our nation's muzzle-loading firearms were replaced by modern, breech-loading firearms—firearms that could be kept loaded and ready to fire at all times. Guns were not the weapons of choice for murderers in the muzzle-loading era, because muzzle-loaders could not be used on the spur of the moment, except on occasions where they were readied for

another purpose, such as hunting trips, target shoots, or militia exercises. Black powder is hygroscopic and corrosive, and it will destroy any gun left loaded for more than a short period (although that period could be extended by storing a firearm over a fireplace—the warmest, driest place in a home). That’s why muzzle-loading guns were almost never used in more than 10 percent of homicides of spouses, relatives, or other members of a household: they couldn’t be used spontaneously. Think of how long it would take in a fit of anger against your spouse for you to pour powder down the barrel, tamp down the wad, tamp down the ball, and replace the percussion cap. By the time you’re ready to fire, your spouse should have run a half mile away! Axes, hoes, flat irons, and other household implements worked faster and better on loved ones. Not surprisingly, so did heavy iron musket barrels, which made great blunt weapons!

Outside the home in the muzzle-loading era, gun use in homicides went up and down with the homicide rate among unrelated adults. When the homicide rate was high, and people expected violence, they went armed and ready to property disputes, political disputes, etc., and committed 40 percent of all homicides with guns. But when the homicide rate was low, and people did not expect violence, they left their muzzle loaders at home, and only 10 percent of all homicides were committed with guns. It’s no surprise, therefore, that the northern United States and the mountain South were perhaps the least homicide places in the world in the decades immediately following the Revolution, even though 50 to 60 percent of all households owned a working gun. Conditions favored low homicide rates, so the availability of muzzle loaders did relatively little damage.

The invention of breech-loading firearms, however, changed the equation. Breech-loading handguns, which have been with us since Smith and Wesson’s marvelous invention of 1857, caused our current predicament, in which over 70 percent of all homicides outside and inside the home are committed with firearms. We can see how dangerous modern firearms are by looking at the new types of homicide that appeared in the late nineteenth and early twentieth century as muzzle loaders disappeared. First and foremost, law enforcement officers were subject to extraordinary violence because the new handguns, and officers responded in kind with extraordinary, lethal violence from their own handguns. By the early 1880s, for example, 1 in every 7 homicides in Chicago involved a police officer as a shooter or a gunshot victim. Policing in the United States suddenly became dangerous and deadly for officers and civilians alike—a pattern that has persisted to this day. Second, there was an upsurge in romance and marital murders, because rejected husbands and suitors could stalk their former partners, take them by surprise with a concealed handgun, and turn the weapons on themselves in a suicidal rage. No form of homicide was more likely to be committed with a gun in the late nineteenth and early twentieth century than a homicide against a former romantic partner. And third, we can see a surge in deadly bar fights, because angry, drunken men could kill a fellow customer in an instant for “disrespecting” them or kill a bartender for refusing them another drink. We no longer think of these homicides as a product of a new kind of weaponry, because we’ve lived with that weaponry for so long. But if we go back in time, we can see their deadly impact. Law-abiding, decent citizens can turn into killers in a heartbeat, if they are drunk, disrespected, or rejected romantically, and are carrying a modern, concealed, breech-loading firearm.

It’s important to remember, however, that modern firearms are not the fundamental reason why America is today a violent society. That’s a matter of feelings and beliefs toward government and society, which can increase or decrease the prevalence of hostile, defensive, and predatory emotions in our society (Slide 9). As I put it in my own work, there have been four correlates of low rates in North America and Western Europe over the past 450 years:

1. The belief that government is stable and that its legal and judicial institutions are unbiased and will redress wrongs and protect lives and property.
2. A feeling of trust in government and the officials who run it, and a belief in their legitimacy.
3. Patriotism, empathy, and fellow feeling arising from racial, religious, or political solidarity.
4. The belief that the social hierarchy is legitimate, that one's position in society is or can be satisfactory and that one can command the respect of others without resorting to violence.

These are the key elements, as historians will be quick to recognize, of successful nation building. When these elements are in place, we are more willing to cooperate and sacrifice for the good of the whole, and homicide rates among unrelated adults can fall below 1 per 100,000 per year. But when these elements are not in place, and we sense that that our political system is in disarray, that our lives and property are in jeopardy, that our government does not have our interests at heart, that we have little in common with many of their fellow citizens, and that we have little hope of attaining or maintaining their proper place in society, we are more contentious, and in the extreme power-hungry and predatory. In such circumstances, homicide rates can reach catastrophic levels. In the aggregate, homicide, intentional or premeditated, political or apolitical, is a consequence of success or failure at nation building. When nations falter or fail, aggression and struggles for dominance can proliferate.

The best correlate of the homicide rate in the United States from colonial times into the early twentieth century is the proportion of new counties in any decade named for national heroes—an unconscious way of saying that we believe in our country and our leaders. When we name our counties after national heroes, we seldom kill one another. Another strong correlate of the homicide in the United States is hate speech. You can map the ups and downs of the homicide rate in the nineteenth century by the frequency with which hate speech against African Americans and slaveholders appeared in newspapers and periodicals. The use of the “N-word”—our nation’s most powerful word for signaling hatred toward our fellow Americans—parallels not only the incidence of interracial homicides, but of homicides of blacks by blacks, and whites by whites, because when Americans are angry, they are most likely to take out their aggression against those closest to them. And these deadly feelings don’t only surge through the “criminal” class. They surge through everyone, law-abiding or not, good guy or bad guy, and turn us toward more violent thoughts and actions.

Gary LaFree, past president of the American Society of Criminology, discovered that the best correlate of the aggregate homicide rate in the United States from the 1950s into the early 2000s (before the opinion polls were fouled by partisanship) has been the proportion of Americans who believe the federal government does the right thing most of the time and the proportion who believe most public officials are honest (Slides 10 and 11). When those proportions have been high, we’ve been less likely to kill one another. When those proportions have been low, we’ve been more likely.

We can bring these patterns down to the present. I predicted in an opinion piece on the History News Network that if candidate Obama won the election of 2008, the homicide rate would drop dramatically in America’s cities, because of what the election of the first African American president would mean not only to African Americans, but to all disadvantaged Americans. But I worried that the homicide rate would rise in the white supremacist areas of the United States, where I feared trust in government would collapse with the election of the first black president. That was exactly what happened. In the areas shaded red that voted more Republican in 2008 than in 2004 (Slide 12)—the

areas of the southern United States which would become the heartland of the birther movement that denied President Obama was an American citizen and a Christian—the homicide rate rose by 20 percent in the year after the election. But the homicide rate dropped by 15 percent in American cities, because African Americans, according to opinion polls, were more optimistic by the end of 2009 for their own futures and their children’s futures than they had been in a generation (Slides 13). Unfortunately, with the rash of controversial police shootings in 2015 and 2016, and the end of the Obama presidency, African American homicide rates have risen again. We don’t have sufficient data to know if white homicide rates have fallen in white supremacist areas in the same period, but it is likely they have with the political changes that have occurred. We are a divided people—not a strong, unified nation. One American’s legitimate government is another’s illegitimate government. One American’s patriot is another’s American’s traitor. We’re trapped in that vicious cycle—a cycle that affects the behavior not only of bad guys, but of good guys, and that increases the likelihood, especially in the presence of modern firearms, that defensive, hostile, and predatory emotions will lead to deadly violence.

Finally, there is a clear relationship between firearms ownership and suicide—the most deadly consequence of widespread ownership of modern firearms (Slides 14 and 15). Every study I know of to date has shown the same pattern. High levels of gun ownership lead to high levels of suicide, because suicide attempts with firearms are over 90 percent successful. And there is no “substitution” effect: low levels of gun ownership don’t lead to an increase in suicides by other means. The most suicidal group in our society is the most gun-owning and gun-carrying group in our society: white males. One of every 65 white males born in our society will commit suicide—a proportion that has prevailed for decades. That’s why I’d like to include in conceal-carry training a warning to gun owners of the dangers to themselves and others in their households if someone suffers from depression. Bouts of suicidal depression usually pass within a few weeks or months. But during those bouts, it is important that we advise gun owners, and especially conceal-carry permit holders, that they might want to send their firearms temporarily and voluntarily out of their households, until those suicidal thoughts pass.

These are the reasons why I believe we need responsible conceal-carry policies. We need to do everything we can to keep firearms out of the hands of people who have been declared dangerous by our courts, and everything we can to help conceal carry permit holders better understand the situations, personal and historical, that can lead law-abiding citizens to do unthinkable things, especially if they have a gun at hand. I hope that you will have time to take a careful look at the research my colleagues and I have done. We are not partisans or ideologues. We are not hostile to gun owners or to gun control advocates. We are simply trying our best to get things right, because so much is at stake. The bottom line, however, is clear. Modern firearms aren’t the fundamental reason we live in the most violent society in the affluent world. But they have made matters worse than they would otherwise be.

My first priority will always be to address the fundamental causes of violence. We need to do a better job of nation building at home. But we must also do all we can to lessen the impact of modern firearms in potentially deadly situations. When trust breaks down and tempers flare, good guys with guns can become bad guys in a heartbeat.