

Testimony Opposing HB227

House Government and Oversight Committee

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

Chair Wilkin, Vice Chair White, Ranking Member Sweeney, and members of the committee, thank you for allowing me to provide testimony opposing HB227. 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. 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. We even beat our children to death at the highest rate in the affluent world. 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.

I'd like to begin my testimony by noting that it was not the original intent of the Founding Fathers to permit the carrying of concealed weapons under *any* circumstances, because they believed, drawing on common sense and the ways in which single-shot pistols and fighting knives were used at the time, that concealed weapons were inherently dangerous and not a right protected by the Second Amendment. The founding generation passed laws to ban concealed weapons in Ohio and elsewhere, as demonstrated by noted conservative historian Clayton Cramer in his book *Concealed Weapon Laws of the Early Republic* (Westport, Connecticut: Praeger, 1999). Those laws were enforced throughout the nineteenth century with the imposition of heavy fines, as I can attest from my study of numerous county court records in Ohio and elsewhere.

I'd like to continue my testimony by explaining why the most popular explanations for the alleged "crime drop" of the 1990s is deeply flawed. Scholars have argued 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.

The homicide rate in the United States did drop in the mid- and late-1990s: exactly when that theory would predict (Slide 1). But these scholars failed to look deeply 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). The long-term decline in

homicides of Americans ages 25 and older since the mid-1970s correlates with a long-term *decline* in gun ownership in the United States, from 50 percent of all households to only a third (Slide 8). And the rise and fall between 1985 and 2000 in homicides of Americans under age 25 correlates with the rise and fall of gang culture, the purchase of gang paraphernalia (such a Oakland Raiders gear), and the popularity of gangsta rap. The 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 gang culture, not conceal carry laws.

Without question, the decline in gun ownership has helped suppress the homicide rate. The decline in ownership has been partisan, however, 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 also 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. 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. Muzzle-loading guns were almost never used in homicides of spouses, relatives, or other members of a household, because they couldn't be loaded quickly and used spontaneously.

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.

The invention of breech-loading firearms changed the equation. Breech-loading handguns, which have been with us since Smith and Wesson's marvelous invention of 1857, have 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. 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 of successful nation building. When 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. And 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.

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 and other minorities, 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.

These are the reasons why I urge you to reject HB 227 and instead to maintain the responsible policy we currently have of requiring a permit, with a background check and safety training, for those who wish to conceal carry. 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, and to consider why the great majority of law enforcement officers who are civil servants oppose this bill. 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 may not be the fundamental reason we live in the most violent society in the affluent world. But they have made matters far 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.