



HOW DO AMERICANS WANT TO REGULATE GUNS?

A National Survey Examining Gun Laws On Both Sides.

Abstract

This national survey, based on 1,557 responses, is the first survey ever published which tries to determine the degree of support for legal initiatives on guns that reflect strategies of both the gun-rights and the gun-control communities. It compares the degree of support for public policies that align with advocacy efforts of both groups, and lets respondents express how they feel about both gun-rights and gun-control initiatives regardless of whether or not they own guns.

Mike Weisser
mike@mikethegunguy.com

I. Background and Context.

The Federal Government got into gun control big time in 1934, with the passage of the National Firearms Act, usually referred to as the NFA. This law created a list of weapons that were considered too lethal to be allowed into civilian hands unless the would-be owner submitted to a very detailed background check and paid a tax for each NFA weapon which would be worth more than \$4,000 today.¹ Chief among the NFA weapons were full-automatic guns, also known as 'tommy guns,' of the type used by the Al Capone gang at the St. Valentine's Day massacre in 1929.

A second federal gun-control law was passed in 1938 which regulated both the commerce of guns as well as their ownership and use. As to the former, the 1938 statute required that anyone engaged in the buying and selling of small arms, a.k.a., a dealer, had to register with the federal government, purchase a federal firearms license, (FFL) and maintain records covering the sale of guns. As to the latter, ownership of small arms, the 1938 law, known as the Federal Firearms Act (FFA) for the first time defined certain types of individuals, particularly felons, who could not own or purchase guns.

The shift away from regulating guns based on a weapon's lethality and towards regulating guns based on the behavior of the gun owner came full circle with the passage of the 1968 Gun Control Act (GCA68.) This law enumerated nearly a dozen 'prohibited categories' and proscribed gun ownership or purchase for anyone whose behavior placed them into any of those categories, such as being convicted or charged with a violent crime, licked up in a mental hospital, hooked on drugs – this list of prohibited behaviors being expanded from time to time.²

Had federal gun laws after NFA continued to focus on product lethality rather than on user behavior, there is a good chance that today's current level of gun violence would not exist. The initial draft of the NFA proposed that handguns be included on the list of prohibited guns, but the final draft of the law saw this issue rubbed out. On the other hand, until the early 1960s, most Americans believed that handguns should not be legal for ownership or use except by law enforcement and qualified, armed guards.³ Access to handguns is what distinguishes the U.S. gun culture from every other advanced national state, a distinction that goes hand in hand with a U.S. gun-violence rate that is 7 to 20 times higher than any other member-state in the OECD.⁴

The current gun debate, which escalated to a new level after Sandy Hook and took on an even greater dimension following Parkland, basically divides into two, well-defined groups. On the one hand, there are many national and local organizations demanding more laws and restrictions both on gun-owner behavior (e.g., comprehensive background checks) and gun design (e.g., assault weapons ban); on the other hand, there are national and local organizations which want a strengthening or extension of what is referred to as 2nd-Amendment 'rights,' or a lessening of restrictions both on gun-owner behavior (e.g., concealed-carry outside the home) and gun design (e.g., reducing the number of items on the NFA list.)⁵

Although there has been no substantive change in federal gun laws since 1994, one year after the Newtown massacre, The New York Times calculated that 109 new laws had been passed in various states, of which laws which loosened restrictions on gun ownership exceeded laws which tightened restrictions by a margin of two to one.⁶ More recently, the Giffords Law

Center, a prominent gun-control group, states that this 2 : 1 margin has remained constant from 2013 through the beginning of 2018.

While state-level legislation appears to favor the proponents of gun 'rights' over the proponents of greater gun restrictions, public opinion surveys from Gallup, Pew Research and the public health gun-research group at Johns Hopkins University all show that significant majorities of both gun-owning and non-gun owning Americans believe that more, not less restrictions should be placed on the ownership, use and design of guns:

- The most recent Gallup poll taken in 2018, found that 67% favored stricter laws covering the sale of firearms, the highest rate since 1993;
- A Pew Research survey in 2017 found that more than 75% of gun owners favored expanding background checks beyond the initial point-of-sale;
- A just-released survey from the Center for Gun Policy and Research at the Bloomberg School of Public Health extended the percentage of gun owners who supported expanding background checks to more than 85 percent.

II. The Problem.

How is it that the consensus between gun owner and non-gun owners on the need for greater gun restrictions continues to build in favor of tighter laws, yet at both the federal and state levels such laws fail again and again? There have been exceptions to the inability of gun-control advocates to mount serious challenges to the power and sway of gun-rights groups, the most notable being the recent legislation in Florida, a.k.a., the 'gunshine state,' which passed a

post-Parkland statute reinstating a three-day waiting period for gun purchases, but also granted school officials the right to arm teachers, thus eliminating educational locations as gun-free zones.⁷

This remarkable case of cognitive dissonance between how Americans allegedly view gun regulations and the degree to which such regulatory initiatives fail to get enacted into law is usually ascribed to the power and authority of something called the 'gun lobby,' which purports to be highly-organized political movement supporting gun 'rights.' The movement is led, so it is claimed, by the National Rifle Association (NRA,) whose three, or four or five million members (depending on which estimate you choose to believe) are quick and eager to bang the drums whenever a state legislative committee considers a gun bill either pro or con.

There are two problems, however, with picturing the NRA as the Grand Wizard behind every nefarious attempt to loosen gun rights. First, the degree to which legislators are beholden to the NRA's financial 'clout' is overstated, because at the national level, the average Member of Congress can count on receiving, at best, less than 3% of what is needed to finance an electoral campaign from the Fairfax group.⁸ Much more important, however, is the fact that the so-called 'nationally representative' surveys showing agreement between gun owners and non-gun owners regarding certain gun regulatory strategies fail to take into account or even mention specific gun strategies which are specific to the narratives and outlooks of the two sides.

For example, the 2014 Pew survey in 2014, 'Priorities for Gun Policy,' listed ten strategies, of which only one (arming school personnel) is backed by gun-rights groups.⁹ The

Giffords Center has published an extensive guide to what they refer to as polling results for “commonsense safety,” again restricting the list of polls to strategies that gun-control organizations support, with or without any degree of consensus from the other side.¹⁰

The most singularly detailed survey on attitudes about gun regulations comes out of the Johns Hopkins gun-research group, whose ‘nationally representative’ survey conducted by the NORC’s AmeriSpeaks organization, which claims to be a ‘breakthrough panel-based research platform,’¹¹ consists of yes-no answers to 24 regulatory policy ideas, of which 23 ideas reflect the agendas and perspectives of gun-control groups.¹² Like the Pew surveys, the Hopkins study also divides respondents into gun owning and non-gun owning groups, with the latter invariably supporting every proposal to a greater degree than the former, although a majority of gun owners also evidently support two-thirds of the entire proposal list.

Let me make it clear again that I am not questioning the validity, the assumptions or the agenda of any of the organizations and research groups which conduct such surveys in the hopes of developing a consensus between gun owners and non-gun owners over public policies that might reduce the 125,000 deaths and injuries from guns that we suffer each year, a number which seems once again to be climbing over the past several years. What I am questioning, however, is the construction and results of national surveys whose definitions of both ‘representative’ survey panels and ‘commonsense’ or ‘reasonable’ gun regulations, I believe to be flawed. Let’s speak to the panel issue first.

The Hopkins study (and the Pew surveys) ask respondents to identify themselves as gun owners or not. In other surveys, a differentiation is made between gun owners and people who

are household members where guns are located but aren't the owners themselves. Creating a panel based on gun ownership assumes that: a) gun owners are willing, ready and able to disclose their gun-owning status to a survey as easily and/or frequently as individuals who don't own guns. And while legal gun ownership has become more mainline as state after state adopts more liberal licensing policies on concealed-carry (CCW) of guns, the most recent estimates on the issuance of CCW sets the national number at somewhere around 15 million, which represents less than 20% of the adults who either own guns or live in gun-bearing homes.¹³ The gap between overall gun-owning numbers and the number of individuals who allow law enforcement agencies to keep a record of their ownership status certainly creates the possibility that the accuracy of any 'nationally-representative' panel comprising gun owners may be tentative at best.

Creating a survey about guns, then asking respondents to identify themselves as gun owners also creates issues of bias and responsiveness depending on which organization conducts the survey itself. The average gun owner is an older, white male who lives in a small or medium-sized town in the South or the Midwest, votes Republican, describes himself as politically conservative and has a post-high school education usually consisting of technical training at a community college or vocational school. How do you think someone with such a background is going to feel when he is asked about guns from someone connected to the University of Chicago or the Bloomberg School of Public Health?

In addition to the representativeness of the panels themselves, a bigger problem arises when we look at the list of policies created by the Hopkins group which gun owners and non-gun owners are asked to review and state whether they support such policies or not. The

Hopkins survey lists 24 policy initiatives, of which only one, allowing guns to be brought into K-12 schools, is endorsed by any of the major pro-gun organizations, and even the vaunted extension of background checks to secondary transfers and sales, which both Pew and Hopkins find substantial support from gun owners, has been openly denounced by the NRA.¹⁴

This is not to say that the gun-rights coalition is bereft of ideas for how to reduce violence caused by guns. To the contrary, the NRA, NSSF and other pro-gun organizations have long endorsed a wide plunch of strategies to keep America safe from gun violence, most of their ideas focusing on the positive social utility of owning and carrying a gun. On April 29, 1992 a television news team in a helicopter filmed and transmitted a video of a group of Black youths attacking a white truck driver, who made the mistake of driving through the middle of Los Angeles during the first night of the riots which erupted after 4 cops were found innocent of beating up Rodney King. The next day, there wasn't a gun shop in America that didn't sell out all its self-defense guns, and while serious and valid public health research began to validate the idea that guns were not so much a benefit as a risk, this scholarship could not and did not alter the attitudes of many Americans who increasingly believed that safety from crime and violence was best assured with access to a gun.

In 1959, a Gallup poll asked a cross-section of Americans how they felt about a ban on civilian ownership of all handguns, and 60% supported the idea. In 1993, the first time that Gallup ran this same survey after the riots surrounding Rodney King, support for a handgun ban had fallen to 42%. The percentage of gun-ban supporters would never again rise above 40%, and now sits at 28% in the survey dated October 5-11, 2017. Since most surveys which put the

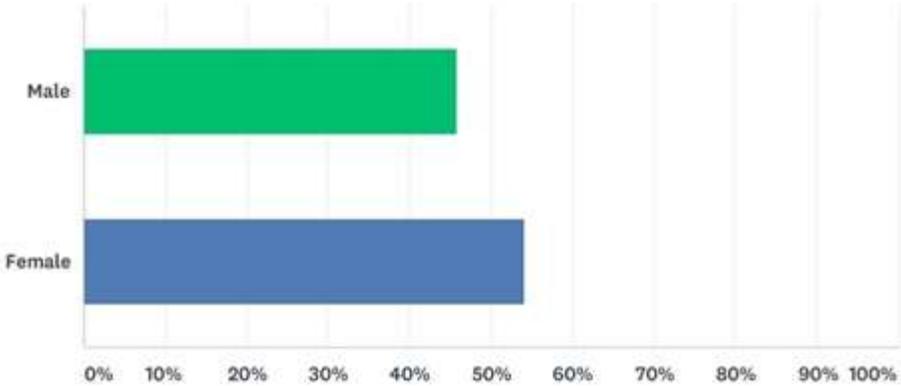
percentage of gun owners at or below 40%, obviously many of the respondents to the gun-ban poll are people who do not necessarily own guns.

To clarify where America really stands on gun control strategies, the survey I conducted does not divide respondents into two opposing camps and then asks them to state their opinions only on strategies promoted by one side. Rather, this survey is based on answers from 1,557 respondents whose demographics meet standard representative census criteria for gender, age, location and income, regardless of ownership or non-ownership of guns. The problem with trying to create a representative survey panel based on gun ownership status is that this criterion happens to vary significantly from state to state and sometimes vary even more significantly within individual states.

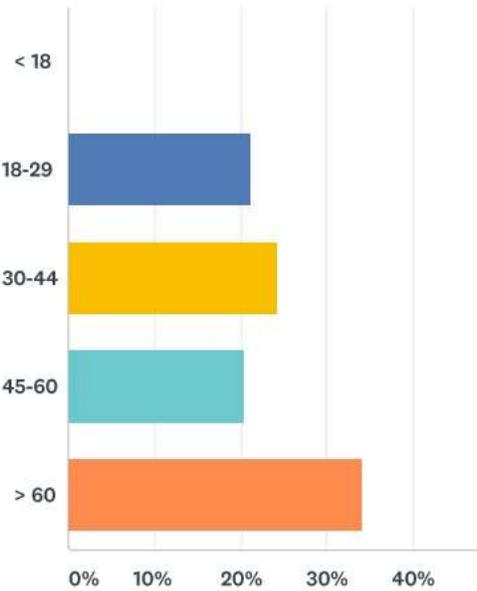
In addition to grouping all respondents regardless of gun-owning status, this survey breaks new ground by asking how respondents feel about 12 different strategies for what is referred to as 'gun-control' laws, with 6 laws representing strategies advanced by gun-control organizations versus 6 laws promoted by the other side; i.e., the gun-rights folks. According to *Survey Monkey*, the survey has a margin of error of less than 3% and has been validated for statistical significance (I'll spare the reader the usual verbiage boiler-plate in this respect.) The survey ran from May 24 through June 3, 2018.

III. The Survey.

Here is the demographic breakdown of respondents. Total respondents – 1,558. We begin with gender, the question answered by 1,547, of which 2%, not shown below, said their gender was something other than female or male:



The age of respondents, a question answered by 1,557 respondents, the question for which an answer was required to submit a completed survey:



The household income of respondents, this question answered by 1,227:



The residence by census area, answered by 1,208:



The breakdown for every one of these categories conforms to census data, the one exception being the age cohorts where this census has respondents above age 60 as 35%, whereas the current census 60+ age cohort is slightly above 20%. This difference will be adjusted when I filter the answers to specific questions about gun laws against respondent age. Note that 11% of respondents did not submit an answer about household income, which nevertheless did not basically change the distribution of income cohorts for the survey.

Respondents to the survey were asked their opinion on 12 specific gun-laws initiatives, 6 of which are being promoted by gun-control advocates, the other 6 by gun-rights groups. Here are the questions broken down by gun-control versus gun-rights categories.

Gun-Control Questions:

1. Are you in favor of background checks for all gun transfers? (Q2)
2. Do you support a ban on assault-style rifles like the AR-15? (Q4)
3. Do you support a ban on gun magazines that hold more than 10 rounds? (Q6)
4. Do you think that gun owners should be required to keep all guns locked or locked away at all times? (Q8)
5. Should everyone be required to pass a proficiency/safety test before owning a gun? (Q10)
6. Should handgun purchases require additional licensing beyond the FBI-NICS background check conducted by a dealer? (Q12)

None of these questions were skipped by more than 10 respondents. At the very least, this implies a near-universal understanding of the question's content itself. These questions were chosen because they are not only found in the published advocacy agendas of virtually every gun-control organization, but they also form the substantive basis for proposed legislation at both the federal and state levels.

Note that the texts of Q8 and Q10 include the word 'required.' This is a very important code-word in both gun-control and gun-rights camps because it means some degree of formal, governmental intervention in the procedures covered by both questions, and it is the role of government which most acutely divides the two sides in defining their basic approach to gun ownership.

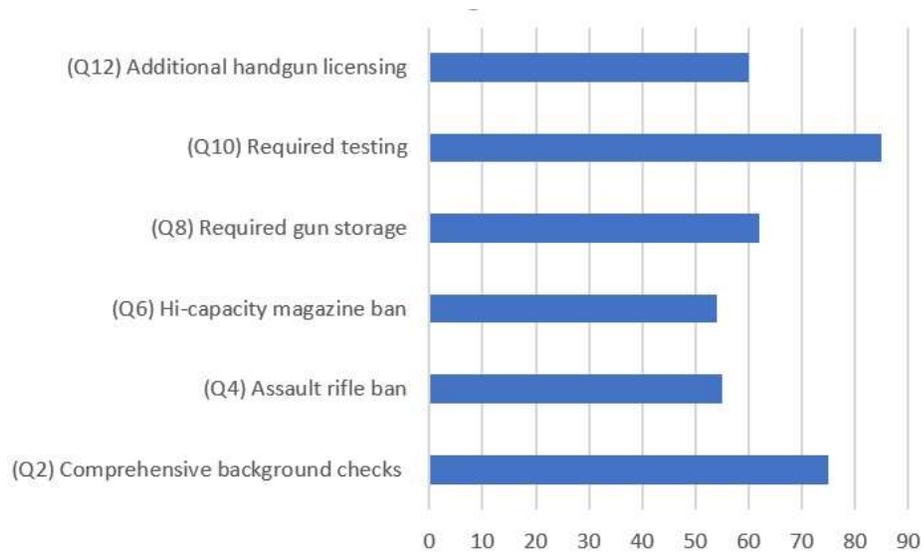
Gun-Rights Questions.

1. Are you in favor of eliminating gun-free zones so that people can protect themselves? (Q1)
2. Do you support concealed-carry without special licensing so that all gun owners can choose whether they want to protect themselves with a gun? (Q3)
3. Do you believe that if someone has a concealed-carry license from one state that he/she should be able to travel to any state with a concealed gun? (Q5)
4. Do you believe that everyone who commits a crime with a gun should serve a mandatory prison sentence? (Q7)
5. Should people be allowed to own handguns after age 18? (Q9)
6. Should gun safety be taught in K-12 schools? (Q11)

These questions represent policies which have been the most frequently-promoted legal strategies of the gun-rights movement, both at state and national levels. Q5 – national concealed-carry, is virtually several Senate votes away from becoming national law, having been introduced in every Congressional session since 1997. Eliminating gun-free zones is a current talking-point of President Trump and handing out 'tough' prison sentences for gun crimes is now SOP of the Justice Department under Jeff Sessions. Hence, like the questions representing gun-control strategies, these gun-rights questions are also part of the ongoing, public debate about guns. None of these questions were skipped by more than 10 respondents.

If the Pew and Hopkins surveys are correct, we should find some degree of support for the gun-control initiatives from the gun-owning population, which we have set at 44%. In other

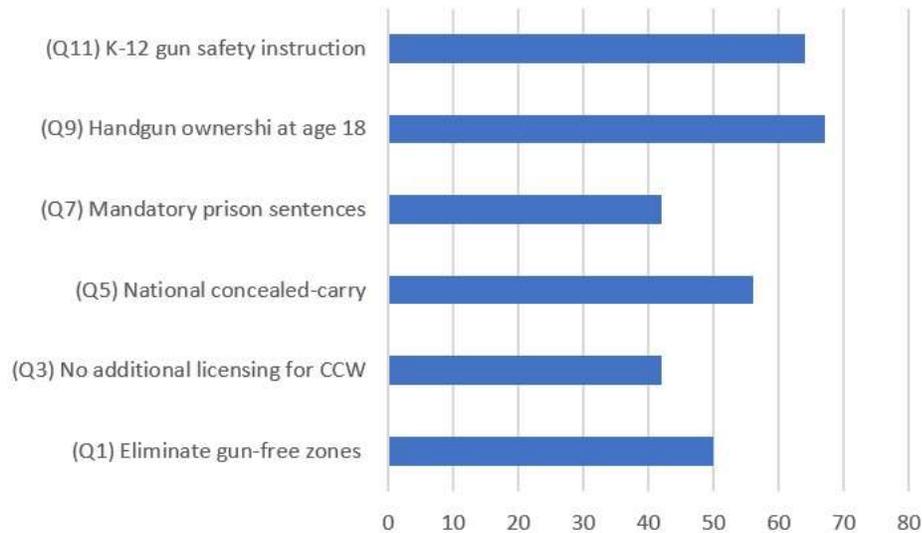
words, what we are looking for in Questions 2, 4, 6, 8, 10 and 12 is support whose floor would be higher than 56%; i.e., all the non-gun owning population plus some of the gun owners. Here are the percentages of support for all questions reflecting gun-control strategies for curbing gun violence:



Note that four of the six gun-control strategies did not receive support (<4% margin of error) beyond what would have been registered if we assume that 40% of the respondents to this survey were gun owners and would therefore not support initiatives developed by advocates for gun control. I am surprised somewhat at the degree of support for Q10 – required testing – and I am not sure that using the word ‘required’ for this question was necessarily understood to mean government intervention in the process. The response to Q2 also has some nuances which will be explained in the Appendix following this text.

Now we need to examine the answers to Questions 1, 3, 5, 7, 9 and 11 which form the basic gun-law strategies for gun-rights advocates and groups. If any of the answers to these

questions received more than 40%, we will assume that the overall percentage included both all gun owners and non-gun owners as well.



Four of the six questions representing public policies advocated by gun owners and pro-gun organizations received responses more than the percentage of respondents who would be identified as gun owners in any of the 'nationally representative' surveys. In other words, there appears to be more cross-over from the non-gun owning population than the other way around. Again, several of these questions gave respondents more options than just answering with a simple 'yes' or 'no,' an issue of nuance that will be discussed in the Appendix that follows the main body of the text.

Now let's cross-tabulate the questions based on specific demographics, starting with Q1, gun-free zones. This question asks respondents whether they support the abolition of gun-free zones, which has been a significant demand of the gun-rights movement and has been a basic pro-gun argument made by Trump both before and after the 2016 vote. Almost half the male respondents (48.8%) said 'yes,' negatives for this position were 29.8%. Respondents could also

give a more detailed reply, stating that they favored eliminating gun-free zones except in K-12 schools (4.5%) or positive unless for the presence of armed guards (8.4%) or 'not sure' (6.9%.) Women on the other hand, only supported eliminating gun-free zones to 26.7% and were opposed in 44.1% of their responses. Women expressed a much higher degree of doubt about the issue (15.5%) but supported retention of K-12 gun-free zones to the same degree as did the men.

Where we find the most significant cross-tabulated differences in the entire survey is in the comparison of responses by gender based on whether the questions reflected a pro-gun or a gun-control point of view. For every one of the 6 questions which represent a gun-rights priority, males responded more positively than females, from a difference of 5% for Q7 (mandatory prison sentences for gun crimes) to a difference of nearly 50% for Q1 (eliminating gun-free zones) and Q2 (universal background checks.) Conversely, women more strongly favored every gun-control initiative, with gaps of 50% for Q4 (assault-rifle ban) and Q6 (hi-cap magazine ban.) On average, women gave all six gun-rights initiatives 46.5% of their support; women gave gun-control initiatives 79% of their support. In other words, when the gun-rights movement speaks, it is largely speaking to and for men; when the gun-control movement speaks, it is basically reflecting a female view about guns. This should come as no surprise, given that men probably represent 85% of the owners of America's private stock of guns.

Perhaps the most interesting overall result in the survey was the difference between support for pro-gun laws (national RTC, eliminating gun-free zones, etc.) versus the degree of support registered for gun-control laws (comprehensive background checks, assault-weapon ban, etc.) Of the 6 questions covering pro-gun laws, Question #3, allowing for RTC without

special licensing, was approved by 693 respondents, disapproved by 851. It was the only question in the entire that registered more negative than positive responses, and the gap (more than 20%) was substantial. Although the other 5 pro-gun questions all scored more positives than negatives (4,267 positive, 2,627 negative), add in the responses to Question #3 and the overall support for pro-gun laws was 55%. Only Question #9 (handgun ownership at age 18) and Question #11 (K-12 gun safety instruction registered support higher than 55%, in both cases roughly 66%.

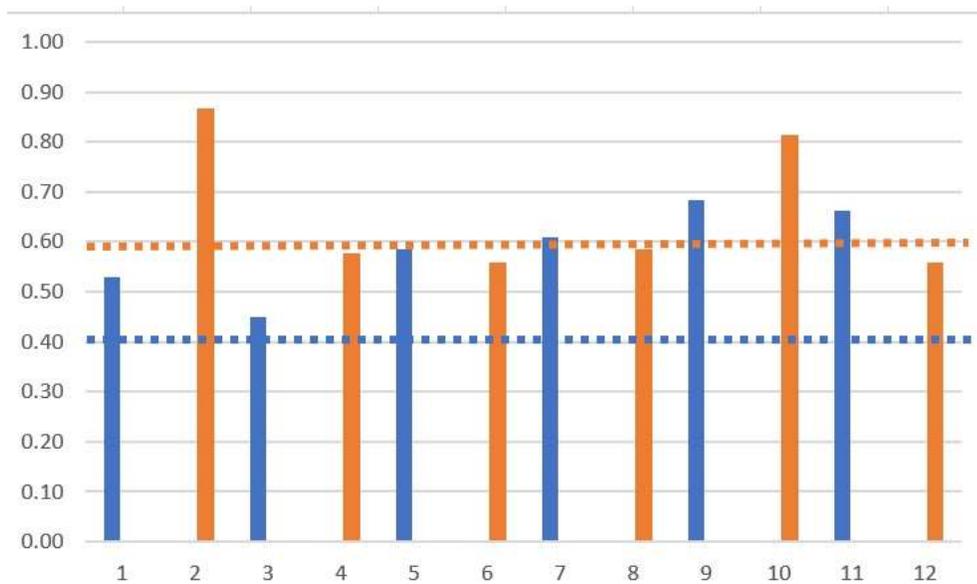
On the other hand, for the laws that reflected gun-control strategies, the overall support for all 6 laws was 66%, and support for comprehensive background checks (Question #2) and required proficiency/safety course prior to gun ownership (Question #10) were 85% and 80% respectively. It should be noted that 5 of the questions, in addition to answer options consisting of 'yes' or 'no,' also gave respondents additional options. An analysis of these more detailed responses is found in the Appendix.

IV. Conclusions.

By eliminating the gun-owner versus non-gun owner from the identity of respondents and giving all respondents an opportunity to express their views on laws that reflect both sides in the gun debate, I believe we have created a survey which, for the first time, presents a clear picture of how Americans feel about regulating guns. And not surprisingly, what emerges from this survey is the idea that laws which reflect the gun-control agenda are supported by a greater margin than laws which reflect 2nd-Amendment 'rights.'

On the other hand, and this is a very important finding, every one of the pro-gun legal options gained a higher level of support than what represents the percentage of gun-owners in the general population. We will look at several of these responses in more detail in the Appendix, but in crafting legal strategies, the gun-control community should know while every gun-control legal option gained substantial support well beyond a simple majority, there were also pro-gun legal options which clearly generate support beyond gun owners themselves.

Here is a comparison of percentages registered for gun-control laws (Q's 2, 4, 6, 8, 10, 12) versus gun-rights laws (Q's 1, 3, 5, 7, 9, 11):



Note that only 2 of 6 laws favored by the gun-control community registered support above the benchmark level of 60%, which might indicate that these measures also would be supported by some gun owners. In contrast, every one of the measures advanced by the gun-rights community also received some degree of support from non-gun owners, if 40% is a valid fault-line for the number of Americans who own guns. While Questions 2 (comprehensive

background checks) and 10 (required proficiency/safety training) received support well above the 60% line, which means that these issues were also receiving support from gun owners, no other gun-control legal proposal even reached a 60% rate. On the other hand, every gun-rights legal initiative received more than a 40% approval rate, with Q9 (dropping minimum age for handgun ownership to 18) and Q11 (teaching gun safety in K -12 schools) receiving nearly 70% support, which means that it is considered positively by almost as many non-gun owners as gun owners.

Aggregating all gun-control questions takes us to an overall approval rate of 66%, which mean that a slight number of gun owners also favor certain gun-control policies. But the overall approval rate for gun-rights initiatives was 59%, meaning that the gun provisions favored by gun-rights advocates received as much as three times more support from non-gun owners as gun-control initiatives received from the gun-owning population.

Again and again I hear gun-control advocates lamenting the fact that they cannot seem to find a 'middle ground' with gun owners in which discussions about 'reasonable' gun regulations can take place, hopefully leading to 'sensible' strategies for reducing gun violence. This survey clearly demonstrates that some gun owners will consider supporting regulations like comprehensive background checks and pre-ownership proficiency testing. At the same time, legal initiatives favored by the gun-owning community are attracting substantial support from the other side. Why should the ideas favored by gun owners be considered any less reasonable than the laws which gun-control advocates want to enact?

V. Appendix.

Of the 12 questions contained in the survey, 5 questions gave respondents an opportunity to choose a somewhat more nuanced answer than simply opting for a ‘yes’ or a ‘no.’ The other optional answers were not included in our analysis of how gun owners and non-gun owners viewed gun laws in an overall sense, the complete response list for these questions clearly demonstrates that these issues are considered in some degree of detail by many Americans. (Slight overcount because of rounding.)

Q1. Are you in favor of eliminating gun-free zones so that people can protect themselves?

- Yes 40%
- Yes, except for K-12 schools 5%
- Yes, unless there is armed security 8%
- No 35%
- Not sure 11%

Q2. Are you in favor of background checks for all gun transfers?

- Yes 72%
- Yes, but only for handgun transfers 3%
- Yes, but not for transfers between family members 10%
- No except for dealer sales 11%
- No background checks on any sales 4%

Q4. Do you support a ban on assault weapons like the AR-15?

- Yes 52%
- Yes, but grandfather in existing guns. 11%
- No 38%

Q6. Do you support a ban on gun magazines that hold more than 10 rounds?

- Yes 51%
- Yes, but grandfather in existing magazines. 10%
- No 40%

Q7. Do you think that someone who commits a gun crime should receive a mandatory sentence?

- Yes 42%
- Yes, but judges should have sentencing discretion 31%

- No. Depends on the circumstances.

27%

Notes.

SSRN6 Notes.

¹ Calculated in value of 2015 dollars. See: <https://data.bls.gov/cgi-bin/cpicalc.pl>.

² Current prohibited categories are found on the FBI-NCS background check form: <https://www.atf.gov/firearms/docs/4473-part-1-firearms-transaction-record-over-counter-atf-form-53009/download>.

³ Cf., Gallup poll: <http://news.gallup.com/poll/1645/guns.aspx>.

⁴ E. Grinshtyen & D. Hemenway, "Violent Death Rates: The U.S. Compared to Other High-Income OECD Countries, 2010," American Journal of Medicine, 129, 3 (March, 2016), pp. 266-73.

⁵ Reducing the number of NFA-regulated products is behind the campaign by Donald Trump, Jr., to promote the sale of gun silencers: <https://www.thedailybeast.com/how-donald-trump-jr-helped-push-the-now-highly-controversial-gun-silencer-bill>.

⁶ <https://archive.nytimes.com/www.nytimes.com/interactive/2013/12/10/us/state-gun-laws-enacted-in-the-year-since-newtown.html>.

⁷ <https://www.nytimes.com/2018/03/08/us/florida-gun-bill.html>.

⁸

<https://www.opensecrets.org/orgs/recips.php?id=D000000082&type=P&state=&sort=A&cycle=2016>.

⁹ <http://www.pewresearch.org/topics/gun-control/2014/>.

¹⁰ <https://giffords.org/learn/>.

¹¹ <http://www.norc.org/Research/Capabilities/Pages/amerispeak.aspx>.

¹² <https://ajph.aphapublications.org/doi/full/10.2105/AJPH.2018.304432>.

¹³ <https://crimeresearch.org/2016/07/new-study-14-5-million-concealed-handgun-permits-last-year-saw-largest-increase-ever-number-permits/>.

¹⁴ From the NRA: "NRA opposes expanding firearm background check systems, because background checks don't stop criminals from getting firearms, because some proposals to do so would deprive individuals of due process of law, and because NRA opposes firearm registration." Cf., <https://www.nraila.org/get-the-facts/background-checks-nics/>.

