

Preventing or Fomenting Crime: A Contribution to the Lott – Donohue Debate

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Introduction.

This debate began with the 1998 publication of *More Guns, Less Crime*, a book in which John Lott argued that homicide rates correlated with possession of right-to-carry (RTC) licenses, leading to a decline of homicides in localities which issued RTC. This argument was initially critiqued by John Donohue in a Yale Law review of Lott's book, and the two adversaries have been going at it ever since.¹

The disagreement between Lott and Donohue is much more than the usual academic argument which remains hidden in arcane, scholarly journals or is the occasional subject of a panel discussion at an academic conference attended by nobody other than other scholars working in the same field. This is because the issue of whether armed citizens should and can protect themselves and others from crime has become a contentious and extremely vituperative discussion in the public domain.

In 1970, when the American civilian arsenal probably amounted to Roughly 110 million guns, less than one-quarter were handguns, most of which were the old style, long-barreled six-shooters carried by the good guys and bad guys who shot up the OK Corral.² More than half of American households held a gun, but for the most part these were shotguns and rifles used for hunting or protecting livestock from predators and 'pests.'

As America became an urban and suburban society, hunting began to give way to other forms of recreation and outdoor sport, with a consequent decline in demand for products like long guns which no longer served the needs of a population not living on the land. In 1986, American gun makers produced 3 million guns, of which half were handguns; since 2000 handguns have accounted for more than half the new guns going into the commercial firearms market each year.³ Were it not for the growing popularity of assault-style rifles over the last 15 years, the proportion of handguns to long guns coming out of gun factories would be roughly three to one.

This product shift took place at the same time that research on gun violence first appeared linking higher fatal injury rates from penetrating trauma to the availability of guns. Foremost in this respect were studies by Arthur Kellerman and Frederick Rivara, who found that households containing guns experienced much higher deaths than households where guns didn't appear.⁴ This research was then generalized into a wider perspective by David Hemenway, who correlated gun access with excessive rates of fatal violence in the U.S. as compared to all other countries in the OECD.⁵

The narrative that gun ownership was the primary factor in elevating gun injuries to what Katherine Christoffel calls the 'endemic' state of American gun violence, was a challenge to the gun industry whose defense was first taken up by the criminologist, Gary Kleck. In 1995, Kleck published the results of a telephone survey, and based on 222 responses, claimed that people used guns to thwart upwards of 2.5 million criminal acts each year.⁶ Only 15% of these 'defensive gun uses' (DGU) involved actually firing the weapon at another human being; most were events in which the person who otherwise might have been a crime victim let it be known that he or she could defend themselves with a gun.

Kleck's paper became the basis upon which the gun industry began to shift the marketing of its products away from hunting and sport to using guns as a response to violent crime. Taken together with the research by Kellerman and Hemenway, what emerged was an argument which I refer to as an argument about the social utility of guns. Either guns represent a positive social utility (protection against crime) or they represent a negative social utility (high rates of gun violence) – Americans must choose.

What John Lott has contributed to this debate about the social utility of guns is to take Kleck's argument to another level and attempt to prove the validity of positive social utility based on changes in the rate of violent crimes. Lott's main argument in his 1998 book, *More Guns, Less Crime*, was that violent crime rates, particularly murder, declined because criminals did not want to test Kleck's DGU thesis and switched their behavior from in-person to anonymous crimes.

Lott's book and the attendant publicity which his thesis received, along with extremely positive accolades from the pro-gun lobby, has made him known as the "most prolific and influential writer on gun violence," a description coming from an important and influential gun violence prevention (GVP) source, who was certainly not pleased at having to write those words.⁷

It was seductively easy to cast Lott as the chief villain in America's switch from long guns to handguns, with the consequent increase in gun violence, because when his book appeared he became something of a fixture on pro-gun media shows, the decline in murder rates that he associated with the growth of RTC licensing was gathering steam. Lott's data originally covered the years 1977 through 1994, a period when the violent crime rate grew from 475.9 to 713.6, most of this increase a function of murder and aggravated assault. By 1998, however, the violent crime rate had dipped to 523.

The Donohue-Lott Argument Begins

Leaving aside for a moment Lott's explanation for this decline, the question of why the United States experienced a nearly 50% drop in violent crime between the early 1990's and over the next twenty years, has provoked one of the most extensive and exhaustive academic debates perhaps since Henri Pirenne blamed the shift of Western Civilization from the Mediterranean to North Europe on the advent of Mohammed in a little book, *Medieval Cities*,

published in 1927. But as provocative as Pirenne's argument was to medieval historiography, it had no significance on current political affairs. That simply cannot be said about the current debate over the decline of crime. To quote a summary of the debate's importance, "It melds law, economics, science, criminology, and public policy analysis to address the challenges facing our country."⁸ That's quite a debate.

Whether he's right or wrong or somewhere in between, Lott's book is a fundamental milestone in that debate. The point at which he and Donohue first crossed swords was over the latter's attempt to explain the crime decline, an attempt that provoked significant controversy far beyond anything written by Lott.

In 2000, Donohue and Steven Levitt published a paper, "The Impact of Legalized Abortion on Crime," which may be one of the most prolifically-discussed and debated scholarly articles in all of the social sciences, not just as regards the issue of the crime decline.⁹ Levitt went on to fashion an entire scholarly career and a considerable personal fortune with the development of his personal brand of economic inquiry and methodology known as 'freakonomics,' which takes seemingly disconnected phenomena, links them together through regression analysis and then explains how and why things happen the way they do.¹⁰

As a species, humans have an innate desire not only to understand the world around them, but to predict how and when that world will change. Using observations of any type of behavior to predict if and when that behavior will change is an inexact science at best, not only because if we could predict the future it wouldn't be the future, but because our observations about anything are a function of the manner in which we choose to gather our data on past events. Not only do we choose how to gather the data, we also choose what kind of data to gather, both procedures fraught with inexactitude relative to the conclusions that we derive from such exercises.

In this regard, using various regression analysis models to explain crime is a particularly fertile method to generate an academic debate, if only because we tie so many socio-economic indicators to the behaviors usually assumed to produce criminal activity in the first place. And while scholars always posit the idea that criminal behavior is complex and multi-faceted, the whole point of regression methodology is to reduce this complexity to a gradation of causes, allowing us to identify the most essential issues for which mitigating strategies can then be designed.

Precisely because criminal behavior is a function both of multiple environmental as well as sociological factors, regression analysis is frequently used to illustrate the complex relationships between criminal causalities, even if the understanding of the interactions between these causalities may not be fully understood. This is the reason why Lott, for example, broaches the issue of causality at the very beginning of his book (p. 27) because he knows that any attempt to impose a unilateral explanation for variations in crime rates may prove to yield answers that cannot necessarily be sustained.

No such qualms appear to have affected John Donohue and Steven Levitt when they ascribed the drop of violent crime in the 1990's to one, specific event which took place twenty years before. Rather than adding the effects of legalized abortions (thus reducing the numbers of 'unwanted' children who otherwise would have been neglected and therefore more likely to grow into a life of crime) to the other accepted causalities for the decline of crime, D&L state that *Roe v. Wade* accounted for 50 percent of the drop in violent crime – no other scholar has ever posited an explanation for the post-1990 crime decline which relies so heavily on only one, specific causal variable.¹¹

The argument put forth by D&L is an attempt to explain what they refer to as 'the recent abrupt improvement in crime.' The only problem with this narrative, however, is that the improvement (or decline) in crime rates was certainly abrupt but was also short-lived. In fact, by the time this article was published in 2000, the crime declines which began in 1990 had flattened out by 1998 and would fall roughly 2% a year from then until 2016.

If, as D&L propose, crime rates correlate positively with abortion rates, indeed correlate much more strongly than any other variable, how do they explain the fact that the increase in reported abortions which reached its post-1973 level in 1990, then began a steady decline following that date, did not result in more unwanted children came into the world, but because alternatives to abortion such as contraceptive measures, became more widespread?¹²

Any decline in criminal activity is obviously first and foremost a function of how many individuals decide to commit crimes. D&L places this estimate at roughly 3% of any age cohort, a number based on the study of a single age cohort; i.e., male children born in Philadelphia in 1945.¹³ They take this number, then assume that children born out-of-wedlock are most likely to fall into the crime-prone category, then find a decline in abortions, hence a decline in out-of-wedlock children being added to the general population, thus creating a *prime facie* connection between abortions and crime.

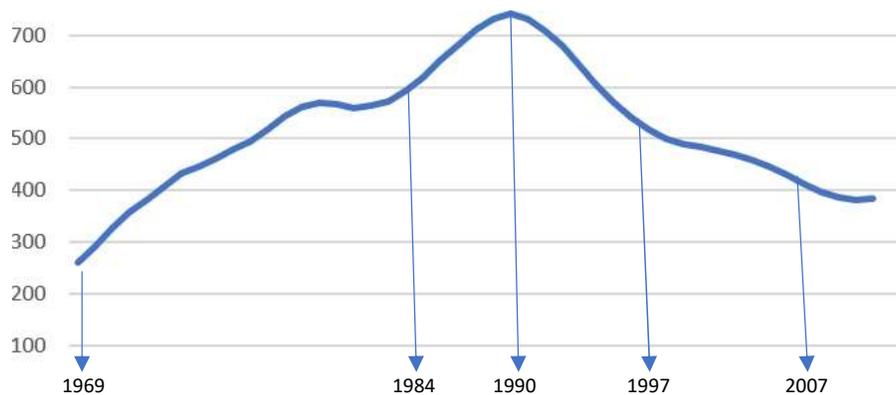
Building an argument in this fashion isn't a scientific methodology, it's guesswork backed up by statistical packaging which may create a bunch of dots but doesn't connect them in any meaningful way. I am hardly the first reader to review the D&L abortion article from this perspective, but when the piece was reviewed by John Lott, he stood D&L's entire argument on its head, producing a statistical analysis which supported the contrary argument, namely, that access to legal abortions created more crime, particularly homicide crimes.¹³

The purpose of this paper is not to discuss the disagreement between Donohue and Lott over whether legal abortions did or did not impact violent crime rates in the decades following *Roe v. Wade*. I point it out because the same argument is now made by Donohue against Lott, namely, that redrawing the data results in Lott's basic argument about the relationship between crime rates and the issuance of RTC being reversed; i.e., the more RTC licenses in the general population, the more violent crime goes up! Before I get into the details about Donohue's critique of the Lott thesis, however, the reader deserves a brief overview of what Lott really says and doesn't say.

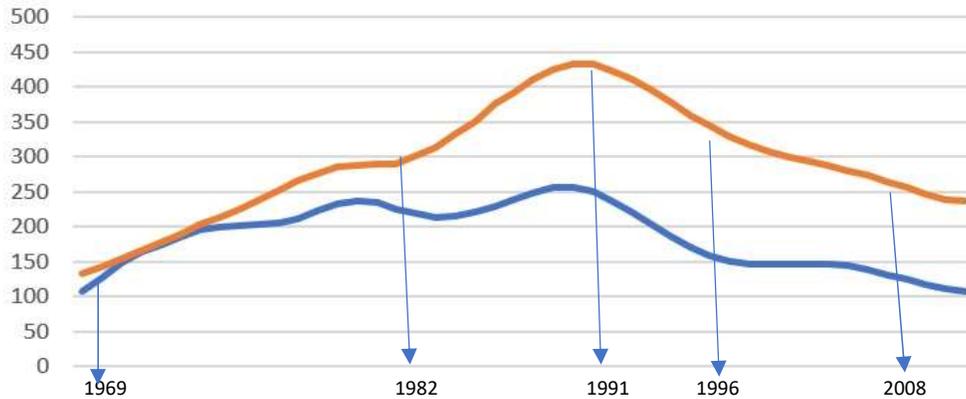
The Lott Thesis

Like the abortion paper of Donohue and Levitt, the work by Lott connecting RTC issuance to crime rates is also a contribution to the larger argument about the decline of crime. But Lott's approach and the choices he made about gathering data differ from D&L in two important respects: First, D&L only used a basic category of 'violent crime' along with some limited usage of homicide data to understand the impact of legalized abortion, whereas Lott broke violent crime into its 4 constituent categories (homicide, aggravated assault, rape and robbery) and tested his assumptions about the impact of RTC against each one. Second, D&L only looked at the abortion-crime connection following the legalization of abortion access, first in 5 pre-Roe v. Wade states, then throughout the country following the 1973 decision. On the other hand, Lott tested his thesis with a before-after comparison of states which issued RTC.

By differentiating between specific violent crime trends, Lott gives us a much more nuanced view, both of the decline in crime starting in the early 1990's, as well as what led up to the reversal of crime rates which had climbed steadily from prior to the period he covers beginning in 1977. I have calculated the entire sweep of overall violent crime from the late 1960's through 2015 and the overall trend (using rolling 5-year averages) looks like this:

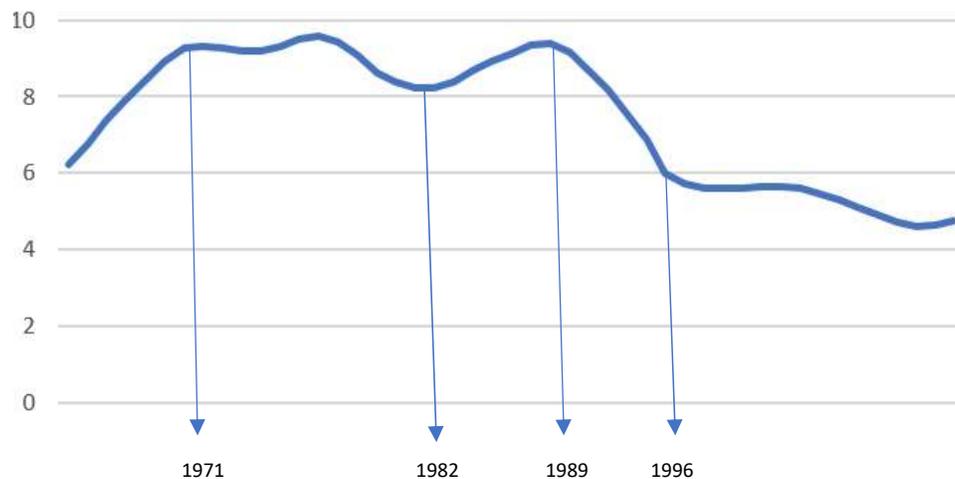


When we break violent crime into its constituent parts, the trend-line changes in different ways. Here is the trend for assault (orange) and robbery (blue):



Note that when we examine trend lines for aggravated assault and robbery, that the former begins a steep rise after 1982, whereas the latter remains basically unchanged during the great crime increase of the 1990's, but then shows a significant drop between 1991 and 1996. Thus, the 'abrupt' change found by Donohue and Levitt in violent crime holds true for aggravated assault but not for robbery crimes.

Now we turn to murder and here's what we find:



For murder, we have an unprecedented increase from 1965 until 1971, then a waffling and finally a downward slip until 1982, then another rise until 1989 followed by a sharp decline which ends in 1996. What appears to be the crime category most responsible for the overall violent crime trend between 1965 and 2015 is aggravated assault, a category which Donohue doesn't mention at all in his abortion study or his critiques of Lott, whereas Lott finds no statistically significant connection either way between aggravated assault and RTC.

Because Lott finds his strongest connection between RTC and the movement only of homicide trends, he adjusts his theory to account for this correlation by presenting a rather novel explanation based on the idea that criminals in localities which issue RTC switch their

criminal behavior away from face-to-face crimes, preferring instead to engage in anonymous criminality (burglary, auto theft, etc.) because there is less chance they will encounter a crime victim who happens to be armed. While this explanation may be consistent with the behavior of different criminal categories matched against RTC as the causal variable, I am not sure that one can easily assume that the type of criminal behavior which produces homicide could be consciously altered to make it more likely that the same individual will commit a different kind of crime.

One thing which appears to be present in just about every criminal act resulting in the victim's demise is that the behavior of the attacker is random, impulsive and rarely, if ever planned.¹⁴ On the other hand, crimes like burglary require at least a modicum of thought and planning before the act takes place, so to assume that someone can make a rational and thoughtful decision to substitute anonymous criminal behavior like burglary, for face-to-face criminality as in homicide, is to make an assumption that is nothing more than a leap of faith. The fact that burglary declined at a much slower rate than homicide after 1990, doesn't necessarily prove any kind of substitution effect.

I'm not being entirely fair to Lott in this respect because my graphs above capture only national crime rates, and Lott is careful to distinguish between RTC and crime at state and county levels, the connection between these two trends often masked when data is aggregated in national terms. This is a particularly important nuance to bear in mind because much of the crime epidemic which began in the mid-1980's and then abruptly turned downwards in the early 1990's occurred in large, metropolitan areas which were not usually jurisdictions that granted RTC either before, during or after the period in which the most obvious crime-rate changes occurred.

Notwithstanding my reservations about Lott's approach to the issue of the great crime decline, I believe his work deserves serious consideration, and should not be viewed as simply an effort to put a scientific gloss on some kind of apologia for the gun industry. In Donohue's critique of Lott that I will examine in detail below, Donohue states that Lott's work "may well have encouraged state legislatures to adopt RTC laws," when in fact, by the time the first edition of More Guns, Less Crime appeared, more than 30 states had already adopted 'shall issue' RTC statutes, reflecting a grass-roots movement initiated in Florida more than a decade previous to the appearance of Lott's book.¹⁵

Condemning Lott's work as an example of false or misleading narratives which promote gun ownership and the value of guns for self-defense has become a cottage industry within the gun-control community, an example being this statement from a popular gun-control blog: "After every mass shooting or national gun violence tragedy, Lott is the de facto talking head for the pro-gun community on news programs such as *Fox News*. He has also testified numerous times in front of Congress and state legislatures, having been a critical voice in the expansion of Right-to-Carry (RTC) laws."¹⁶

Like the rationale advanced above by Donohue as a motive for attacking Lott, this statement also flies in the face of reality regarding how and when Americans began accepting the positive social utility of guns as a response to crime. In 1959, Gallup conducted a national survey based on the following question: “Do you think there should or should not be a law that would ban the possession of handguns, except by the police and other authorized persons?” This question effectively broached the basic difference between gun policies in the United States versus every other OECD country, namely, free access to handguns. In 1959, positive responses were 60%, negative responses were 34%. In 1999, shortly after Lott’s book was published, positive responses to the same question were 34%, negatives were 64%.

By ascribing to John Lott’s work a formative role in the growth of pro-RTC sentiment, gun-control scholars and advocates are saying something which is simply not true. If anything, what Lott has managed to accomplish since his book first appeared is to build a public persona by recognizing and taking advantage of shifts in public thinking about guns, shifts which began to emerge well before he was a known personality in this field. I will return to this issue following my analysis of Donohue’s latest anti-Lott work.

The Donohue Counter-Thesis

In 2017, Donohue updated his earlier critique of Lott by extending the data to cover the period 2000 – 2014 and subjecting the data to a different regression model known as ‘synthetic controls.’ Basically, this method allows researchers to predict the result of a change in a causal variable (i.e., issuance of RTC) by comparing the consequent result (i.e., crime rates) between localities which did, as opposed to not effecting the change.¹⁷ It is argued that the synthetic control approach advances the value of regression methodology because it makes regression analysis a more robust tool for predicting, as opposed to only describing changes in trends over time.¹⁸

To take advantage of the comparative methodology embodied in synthetic controls analysis, Donohue created three state groups: one group adopted RTC laws between 1977 and 2014, the second group adopted RTC prior to 1977 and the third group never adopted RTC. What he and his research colleagues found was that the decline in violent crime rates in non-RTC states was between four and five times higher than the decline in violent crime found in states which adopted or had RTC.

Having produced this finding based on simply comparing crime rates in RTC versus non-RTC states, Donohue now takes a leap of faith and states that “the synthetic controls analysis best supports the view that the adoption of RTC laws substantially raises overall violent crime in the ten years after adoption”¹⁸ Except this evidence actually shows this to be the case only if we accept the idea that the main driver of criminal behavior is the existence of RTC laws. *Volia!* Abortion as the *deus ex machina* of crime trends is now replaced by RTC.

I would be somewhat less skeptical of this explanation were it not for the fact that compiling the three groups of states differentiated by only the existence or non-existence of RTC creates a bias in evaluating the comparative outcomes between the different groups that Donohue appears to not only neglect, but not even be aware of how this bias could shape his results. What I am referring to is the fact that of the eight non-RTC states (I am excluding the District of Columbia) two of these states – California and New York – together constitute nearly 40 million of the 59 million residents of the entire non-RTC states. Which means that what happens in those two jurisdictions alone will determine the overall outcome for that group as a whole.

And what happened in those two states beginning in 1993 was a decline in crime, most notably in the major urban centers, which was not only unprecedented in national terms at the time but continues to the present day. Los Angeles set a record for yearly homicides in 1992 with 1,092 murders, most committed with guns. That same year New York City recorded 2,020 homicides, a decrease of 134 from the year before. These two localities alone accounted for 20% of all U.S. homicides in 1992, their combined populations counting for 4% of the entire U.S. population. By 1998, the national murder rate had dropped by 29%, but in New York City the decline was more like 70%, in Los Angeles the drop was slightly more than 60%.

If these two cities experienced such an enormous drop in murders due to the non-issuance of RTC, how do we explain the fact that these same two cities previously found themselves facing gigantic increases in murder rates, given their non-issuance of RTC? Does Donohue ever ask how come his use of synthetic controls to explain crime rates only works if crime is going down? But that's not an issue we need to consider, since the explanation for upward movements of crime indices has already been furnished by Donohue with his work on abortion and crime.

Comparing the trends on murder to other violent crimes (p. 6 above) note how different the former is from the latter. Murder increased sharply in the late 1960's, then began to level off and actually declined at the same time that robbery and assault were beginning to grow. Murder rates crested in 1989, other violent crimes continued an upward trend through 1991 (using five-year averages.) Then all three crime rates experienced a drop but the decline in murder was much quicker and much more pronounced.

The extent to which murder rates differ from other violent crime rates as well as the overall rate of violent crime should alert us to another problem in Donohue's counter-argument against Lott, namely, the degree to which what he claims to be differences in crime between RTC as opposed to non-RTC states is not based on comparisons between actual criminal occurrences. In fact, it is a comparison of *predictive* trends assuming that the synthetic controls used to replicate the interplay of various causal factors would hold true as one goes beyond the time-frame for which data actually exists. In this respect, Donohue builds a case around what *might* happen to crime rates in RTC versus non-RTC states; Lott builds his case based on what has already occurred.

Lott's work not only distinguishes between the different crime categories, whereas Donohue only looks at murder rates in specific terms; Lott is also aware of the degree to which state-level crime data often distorts or disguises more than it explains, whereas Donohue only utilizes state-level data in both the comparisons and conclusions he draws about the causality of RTC. To a certain degree, Lott's utilization of county-level evidence also creates problems insofar as many counties with limited populations cannot furnish conclusive evidence on crime rates because even the appearance of a single criminal incident could generate a significant change in the rate of crime. While Lott at least acknowledges these issues, Donohue passes over this issue as if it doesn't even exist.

I would still be willing to give Donohue's argument the benefit of some of my own doubts were it not for the fact that, at the conclusion of his article, he moves entirely away from data-driven analysis and issues an arbitrary, gratuitous and totally subjective editorial on the cause of gun violence that has nothing whatsoever to do either with the content of his work or any verifiable, evidence-based data at all. I am referring here to his statement about what he believes to be a link between gun violence and RTC issuance based on violent behavior of RTC-holders themselves. I quote Donohue at length:

while this paper has focused on the statistical estimation of the impact of RTC laws, it is useful to consider the mechanisms by which RTC laws would lead to net increases in violent crime; that is, the statistical evidence shows us that whatever beneficial effects RTC laws have in reducing violence, they are outweighed by greater harmful effects. The most obvious mechanism is that the RTC permit holder may commit a crime that he or she would not have committed without the permit. A number of high profile crimes by RTC permit holders would seem to follow this pattern: George Zimmerman, the popcorn killer at a Florida movie theater who was angry at a father texting a babysitter, and the angry gas station killer (shooting a black teen for playing loud rap music) are all individuals who would likely never have killed anyone had they not had an RTC permit.¹⁹

Of the three 'high-profile' killings cited by Donohue to support his theory about the risk of granting RTC, one of the killers happened to be the retired head of the Tampa SWAT team (the 'popcorn' killer) whose 28-year, unblemished law enforcement career certainly entitled him to walk around with a gun. As for the idea that RTC recipients commit violent crimes far beyond the number of crimes which do not occur because people are walking around with guns, there is simply no evidence which Donohue could cite that would back this argument up. So much for Donohue's reliance on data to drive policy choices.

The Violence Policy Center reports that between 2007 and 2017, some 700 shooting events occurred in which someone with RTC either shot and killed themselves or someone else. We can discount 40% of these events because they were suicides, which do not constitute a criminal threat of any kind. Of the remaining 500+ killings committed by RTC-holders, obviously the numbers aggregated by the VPC are no doubt underestimated, but even if we were to double or triple the number of RTC shooting events, as a factor in the overall incidence of gun violence, it wouldn't count at all.

Donohue attempts to compensate for what he knows to be low numbers of shootings by RTC-holders by fashioning an explanation which can only be considered a shot in the dark (pardon my pun.) Again, I quote Donohue at length:

Some have questioned whether permit holders commit enough crime to substantially elevate violent criminality, citing apparently low rates of social withdrawals from permit holders convicted of crimes.

Two points need to be made in response to this claim. First, official withdrawals clearly understate criminality by permit holders. For example, convictions for violent crime are far smaller than acts of violent crime, so many permit holders would never face social withdrawal of their permits even if they committed a violent criminal act that would warrant such termination. Moreover, social withdrawals will be unnecessary when the pending permit holder is killed. In the nightmare case for RTC, two Michigan permit holding drivers pulled over to battle over a tailgating dispute in September of 2013 and each shot and killed the other. Again, without permits this would likely have not been a double homicide, but note that no social action to terminate permits would ever be recorded in a case like this.

The second critical point is that RTC laws also increase crime by individuals other than permit holders in a variety of ways. First, the culture of gun carrying can promote confrontations. Presumably, George Zimmerman would not have hassled Trayvon Martin if Zimmerman had not had a gun. If Martin had assaulted Zimmerman, the gun permit then could have been viewed as a stimulant to crime (even if the permit holder was not the ultimate perpetrator). The messages of the gun culture can promote fear and anger, which are emotions that can invite more hostile confrontations leading to more violence. This attitude may be reinforced by the adoption of RTC laws.²⁰

My response to Donohue's two points are as follows. First, for someone who buttresses his arguments throughout his work with reams of data and sophisticated statistical analysis, the entire issue of threats posed by the RTC population suddenly is devoid of even the slightest reference to evidence-based information of any kind. The anecdote involving the 2013 dual homicide in Michigan involving two RTC-holders is an interesting and somewhat unique example of road rage, but it says absolutely nothing about whether or how often RTC licenses are revoked or suspended in instances where the licensee may have committed a serious crime.

Donohue's second point about RTC creating a culture in which armed citizens are less likely to back down or avoid a confrontation leading to violence is certainly an issue which needs further study and I suspect such studies might well prove Donohue's idea to be true. But what I find interesting in Donohue's argument about the aggressive culture promoted by RTC is that he seems to believe that such culture only exists in the minds of people walking around with guns. Going back to the 'popcorn' shooting mentioned above, the two principals who engaged in the dispute were seated one behind the other in a movie theater which, at the time of the shooting, contained less than 30 patrons in a theater holding more than 400 seats. Following Donohue's argument, we must assume that only the ex-cop was ready to escalate the argument because he was carrying a gun. When he was asked to stop texting, why didn't the unarmed man move to another seat where he could have continued texting to his heart's content?

We seem to be living in a society in which backing down has nothing to do with whether or not someone is armed. On August 9, 2014 in Ferguson, MO Michael Brown did not have a gun when he responded to a cop's demand to back off by coming forward and escalating a verbal dispute into a physical assault. Why does Donohue feel it appropriate to only consider the issue of aggressive behavior when it involves someone with a gun?

Is There A Donohue-Lott Synthesis?

If there were grounds for basic agreement between Donohue and Lott, as well as between the two constituencies whose views they embody in their work, there certainly has been enough time and ink spilled to bring this controversy to an end. The fact that these two capable scholars have been engaged in this dispute for more than two decades with no sign of compromise on either side tells me that the grounds for agreement are non-existent to microscopically thin.

But while I have tried to be as objective and honest as possible in describing what I believe to be the most salient features of the debate, I find myself more in agreement with Lott's argument than with the argument which Donohue makes. And I say this for the following reasons.

First, I do not share Donohue's evident attempt to shape his work so that it will counteract what he believes to be Lott's influence over the growth of armed, self-defense culture, as well as the legal strictures that promote that cultural view. And I say this having written numerous articles on my own blog and elsewhere condemning the gun industry for promoting armed, self-defense and RTC, because I do not believe that citizens should take upon themselves the responsibility of community safety through the use of guns.

Second, Donohue knows full well that his use of the synthetic controls method does not really alter the degree to which his estimates about the impact of RTC are exactly that – estimates, without any real grounding in facts. When he says that “our analysis suggests that had states avoided adoption of RTC laws, they would have experienced greater drops in violent crime,” he is basically saying that his regression methodology cannot define the relationship between crime rates and RTC beyond an educated guess. Meanwhile, he has no trouble justifying the guesswork based on the idea that his results can “reliably guide policy in this area.”²¹

With all due respect to the attempts by Donohue and others to use the results of their research to guide policy, in a policy area as fractious and divisive as gun control, the last thing we need is to be guided by suggestive conclusions about what might work or not work. It would be one thing if Donohue and like-minded scholars would develop a synthesis which could actually explain whether and to what degree armed citizens do or do not constitute a crime risk; it is quite another to produce a suggestive explanation as a byproduct of the continued effort to diminish or denigrate the argument made by the other side.

Gun-control scholars, led by John Donohue, continue to entertain themselves by dismissing Lott as a misguided fool, an intellectual crank or worse, while public opinion continues to shift towards accepting Lott's argument and rejecting the findings which 'suggest' that he is wrong. Lott's public presence doesn't make him the leader of a national movement to promote gun 'rights;' his work simply validates decisions made by a majority of Americans that a gun represents a benefit, not a risk. This majority includes many people who don't own guns, and I fail to see even the slightest attempt on the part of gun-control scholars to understand how or why this cultural shift has come about.

I would like to offer up a suggestion to Donohue and his scholarly colleagues for how they might begin to develop a serious research synthesis that might actually serve both as a guide to successful policy-making in this area, as well as begin to create an alternative narrative about gun risk that could be attractive to the public at large. I note that Donohue's article begins with an acknowledgement to 17 individuals who aided in the analytic work that went into creating the article itself. What I find interesting is that not one of the people named and thanked by Donohue and his co-authors has ever published a single bit of gun research themselves. In other words, to the extent that Donohue took advantage of the resources and talents of other experts, their expertise did not extend to anything related to the scholarly research about guns.

If Donohue and other like-minded scholars are really determined to seek an end to the behavior which results in 120,000 Americans being killed or seriously injured each year (along with many more who suffer the psychological trauma of witnessing these events) they could take a tiny fraction of the ink they have spilled criticizing John Lott and use it to sharpen their arguments among themselves. And the way you do that is to critique each other's work in the public domain, rather than reserving your published criticisms to take an academically-approved pot-shot at John Lott.

To quote the brilliant Marxist economist Paul Baran: "An intellectual is thus in essence a *social critic*, a person whose concern is to identify, to analyze, and in this way to help overcome the obstacles barring the way to the attainment of a better, more humane, and more rational social order."²² And being a social critic means criticizing everything in one's environment, most particularly the work of colleagues whose research creates the intellectual context within which one formulates their own research ideas.

So, the question comes down to this. Do gun researchers want to behave like intellectuals or not? Are they so wrapped up in their efforts to 'guide' gun-control policies that they are unable to step outside the narrow orbit of advocacy and conduct research based solely on the search for truth? The biggest problem facing gun-control advocates is the degree to which many of their strategies are fixed by what Tversky and Kahneman refer to as 'anchoring,' i.e., beliefs that are fixed by initial explanations about a problem and then become resistant to any significant degree of change.²³

What troubles me most of all about the reaction of Donohue and others to the work of John Lott is that their efforts do little, if anything, to dislodge the gun-control movement from its anchored beliefs. Which means that the only thing we can rely on to alter the basic landscape of the gun debate is the public reaction to the mass slaughters which now appear to be occurring at a record pace. This is a rather unfortunate state of affairs and gun-control scholars might ask themselves whether their efforts have contributed to how this situation has come about.

Notes

¹ Ian Ayres and John Donohue III, "Review: Nondiscretionary Concealed Weapons Laws: A Case Study of Statistics, Standards of Proof, and Public Policy," *American Law and Economics Review*, 1, 1-2 (Fall, 1999), pp. 436-470.

² F. Zimring and G. Newton, Jr., Firearms and Violence in American Life (Maryland: NIJ, 1969). Re-posted in G. Kleck, Point Blank, Guns and Violence in America (New Brunswick, Aldine, 1991).

³ Department of Justice, ATF, "Firearms Commerce in the United States, *Annual Statistical Update, 2017*," (2016.)

⁴ A. Kellerman, et. al., "Gun Ownership as a Risk Factor for Homicide in the Home," *New England Journal of Medicine*, 1993, 329 (October 7, 1993) pp. 1084-1091. This article has produced its own bibliographical pile, some of the articles interesting, many unfortunately silly.

⁵ E. Grinshteyn and D. Hemenway, "Violent Death Rates: The U.S. Compared with Other High-income OECD Countries," *American Journal of Medicine*, 129, 3 (March, 2016), pp. 266-273.

⁶ G. Kleck and M. Gertz, "Armed Resistance to Crime: The Prevalence and Nature of Self-Defense With a Gun," *Journal of Criminal Law and Criminology*, 86, 1 (Fall, 1995) pp. 150-187.

⁷ E. DeFilippis, "Shooting Down the Gun Lobby's Favorite 'Academic,': A Lot of Lies," *www.armedwithreason.com*, December 1, 2014.

⁸ O. Roeder, et. al., "What Caused the Crime Decline," *Brennan Center for Justice*, (2015), p.2.

⁹ J. Donohue, III and S. Levitt, "The Impact of Legalized Abortion on Crime," *NBER Working Paper 8004* (November, 2000).

¹⁰ There have been endless discussions about Freakonomics, positive and negative, but a balanced summary of Levitt and Dubner's works was published in *The Guardian* blog: Michelle Dean, "Freakonomics 10 years on: Stephen J. Dubner and Steven Levitt on what they got right and wrong (May 15, 2015).

¹¹ Cf., a summary of all the credible 'crime decline' arguments in the Brennan article cited above (fn. 8).

¹² <https://www.guttmacher.org/news-release/2014/us-abortion-rate-hits-lowest-level-1973>.

¹³ John Lott and John Whitley, "Abortion and Crime: Unwanted Children and Out-of-Wedlock Births" (2001). *John M. Olin Center for Studies in Law, Economics, and Public Policy Working Papers*. Paper 254 (May, 2001.)

¹⁴ I believe the single most authoritative discussion about the motives behind homicide still remains an article written by Lester Adelson, whose 1,000-page forensic textbook on homicide remains an absolute classic, as does this piece: "The gun and the sanctity of human life; or the bullet as pathogen," *Archives of Surgery*, 127 (June, 1992) pp. 659-664.

¹⁵ Brian Anse Patrick, Rise of the Anti-Media, Informing America's Concealed Weapons Movement, (Toledo, 2013).

¹⁶ E. DeFilippis, *op. cit.*

¹⁷ John Donohue, et. al., "Right-to-Carry Laws and Violent Crime: A Comprehensive Assessment Using Panel Data, the LASSO, and a State-Level Synthetic Controls Analysis," *NBER* (June, 2017.)

¹⁸ *ibid.*, p. 44.

¹⁹ *ibid.*, p. 45

²⁰ *ibid.*

²¹ *ibid.*, p. 3.

²² P. Baran, "The Commitment of the Intellectual," *Monthly Review* (February, 1961.)

²³ A. Tversky and D. Kahneman, "Judgement under Uncertainty: Heuristics and Biases," *Science*, Vol. 185, 4157 (September 27, 1974), pp. 1124-1131.