



## **GUN LAWS DO MAKE A DIFFERENCE: AN ANALYSIS OF THE OCTOBER 2003 CDC STUDY EVALUATING THE EFFECTIVENESS OF FIREARMS LAWS**

Legal Community Against Violence (LCAV) is a national clearinghouse for legal information and expertise to strengthen our country's gun laws and their implementation. LCAV has prepared this analysis to help activists and public officials respond to the gun lobby's claim that the recent study issued by the Centers for Disease Control and Prevention (CDC) provides "proof" that gun laws are ineffective.

### **The CDC Study**

On October 2, 2003, the CDC released a report by an independent task force, the Task Force on Community Prevention Services, regarding the effectiveness of firearms laws. That report, *First Reports Evaluating the Effectiveness of Strategies for Preventing Violence: Firearms Laws*, analyzed 51 studies to determine whether firearms laws were effective in preventing violent crimes, suicide and unintentional injury. The report considered the following types of laws:

- Bans on specific firearms or ammunition
- Restrictions on firearm acquisition (e.g., federal and state laws prohibiting the purchase of firearms by convicted felons)
- Waiting periods
- Firearm registration and licensing of gun owners
- "Shall issue" concealed weapon carry laws
- Child access prevention laws
- Zero tolerance for firearms in schools
- Combinations of firearms laws (e.g., international comparisons)

The Task Force concluded that existing studies provided insufficient evidence to evaluate the effectiveness of any of the firearms laws in preventing violence and recommended that research regarding this issue continue.

### **Our Analysis**

As discussed below, the CDC report should not be interpreted as standing for the proposition that our nation's gun laws are ineffective. The CDC merely found that it was unable to determine, on the basis of existing studies, whether those laws have reduced gun violence. The CDC did not consider information or research regarding the broader impact of firearms laws, which demonstrate that the laws have, in fact, had a positive effect.

The CDC report highlights the need for additional research, better data collection and stronger gun laws nationwide. Although laws regulating the manufacture, sale and possession of firearms

will not, by themselves, solve our nation's epidemic of gun violence, these regulatory measures provide an important complement to other strategies to address this complex societal problem.

### **Important Points To Remember**

#### **1. The CDC Report Was Inconclusive: It Did Not Find That Our Nation's Gun Laws Are Ineffective**

Although the CDC report found insufficient evidence to determine whether firearms laws were effective in reducing gun violence, it specifically warns that "insufficient evidence to determine effectiveness should not be interpreted as evidence of ineffectiveness." The report identifies several problems with existing studies (including a lack of information regarding implementation of firearms laws and inadequate crime data) and calls for additional high-quality research in this area.

Ironically, Congress slashed the CDC budget for firearm-related research from \$2.6 million in 1995 to \$400,000 last year (the CDC's total budget for 2003 was \$7.2 billion). Moreover, in 1996 the gun lobby persuaded Congress to forbid the CDC from advocating for stronger gun laws.

#### **2. The Report Measured Effectiveness Very Narrowly; Existing Research Shows That Gun Laws Have Had Positive Effects Even If They Have Not Been Shown Specifically To Reduce Firearm-Related Violence**

The purpose of the CDC study was to evaluate whether gun laws are effective in preventing violent crimes, suicide and unintentional injury. This is an extremely complex outcome to measure, especially considering the multiplicity of factors that affect levels of violence and the relatively short period of time many of these laws have been in effect. The Task Force only considered studies that assessed a law's impact on levels of violence – it did not consider information or research that has documented other effects of those laws.

Available data demonstrate that our country's gun laws have had a positive impact. For example:

- **The Brady Handgun Violence Prevention Act of 1993 has prevented the sale of firearms to nearly one million prohibited purchasers.**

Between March 1, 1994, and December 31, 2002, background checks mandated by the Brady Act prevented the sale of firearms to 976,000 prohibited purchasers, including convicted felons, minors and mental incompetents.<sup>1</sup> Prior to the adoption of the Brady Act, gun sales were – incredibly – governed by the "honor system," i.e., a dealer was permitted to rely upon the representations of a purchaser regarding his or her eligibility to own firearms. The Brady Act has clearly provided an effective mechanism for keeping guns out of the wrong hands.

---

<sup>1</sup> U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, *Background Checks for Firearm Transfers, 2002* (September 2003).

- **The Brady Act and Violent Crime Control and Law Enforcement Act of 1994 have significantly reduced the number of firearms dealers nationwide.**

The Brady Act also strengthened the laws regulating firearm dealers, requiring, among other things, that prospective dealers pay \$200 for a three-year license (license fees had been \$10 per year) and certify that they had informed local law enforcement of their intent to apply for a license. The Violent Crime Control and Law Enforcement Act of 1994 strengthened federal dealer laws further, requiring applicants to submit photographs and fingerprints, and certify that their business was not prohibited by state or local laws and would, within 30 days, comply with such laws.

Many federally licensed firearms dealers were unwilling to comply with these reforms. As a result, the number of licensed dealers has fallen from a record high of more than 286,000 in April 1993 to 102,020 in March 2000.<sup>2</sup>

- **The federal assault weapon ban has reduced the number of assault weapons used in crime.**

The federal assault weapon ban went into effect in September of 1994. A 1999 study found that in the first year of the ban, criminal use of assault weapons, as measured by Bureau of Alcohol, Tobacco and Firearms traces, declined by 20 percent.<sup>3</sup>

- **Virginia's one-gun-a-month law has reduced gun trafficking.**

One-gun-a-month laws (i.e., those that limit firearm purchases to one per person per month) are designed to reduce gun trafficking and stem the flow of illegal guns from jurisdictions with weak gun laws into those with stronger laws. Virginia implemented a one-gun-a-month law in 1993 after the state became recognized as a primary source of crime guns recovered in the Northeast (including New York and Massachusetts).

A 1995 study of the Virginia law found the percentage of guns traced back to a Virginia gun dealer after the law went into effect was reduced by 71 percent for guns recovered in New York and 72 percent for guns recovered in Massachusetts.<sup>4</sup>

- **Maryland's ban on junk guns has reduced criminal use of the weapons.**

In 1988, Maryland became the first state to ban the manufacture and sale of "junk guns" or "Saturday Night Specials," poorly made, easily concealable handguns that are disproportionately used in crime. In 1999, researchers at the Johns Hopkins School of

---

<sup>2</sup> Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, *Firearms Commerce in the United States, 2001/2002* (April 2002).

<sup>3</sup> U.S. Department of Justice, Office of Justice Programs, National Institute of Justice, *Impacts of the 1994 Assault Weapons Ban: 1994-96* (March 1999).

<sup>4</sup> Douglas Weil et al., *Evaluating the Impact of Virginia's One-Gun-A-Month Law*, The Center to Prevent Handgun Violence (August 1995).

Public Health published a study analyzing the impact of the law. That study compared Baltimore with 15 cities outside of Maryland, and found that a significantly smaller number of junk guns were used by criminals in Baltimore than in the other cities following the law's adoption.<sup>5</sup>

### **3. Studies Published After The Report's 2001 Cut-Off Date Show That Some Gun Laws Have Reduced Firearm-Related Violence**

The CDC Task Force only considered research published before July 2001. Since that time, however, two published studies (and possibly more) have concluded that gun laws do reduce violence.

The first study found that firearm homicide rates in Maryland were reduced by 6.8-11.5 percent as a result of the state's ban on "Saturday Night Specials."<sup>6</sup> The second study found that state laws restricting firearms access by domestic violence abusers subject to restraining orders lead to a 12 percent reduction in the number of women killed by firearms.<sup>7</sup>

### **4. Other Studies Have Found A Significant Correlation Between Gun Availability And Firearm-Related Deaths And Injuries**

Many other important studies were beyond the narrow scope of the CDC report, including those that have found a statistically significant relationship between gun availability and firearm-related violence. A study published by the Harvard School of Public Health in 2002, for example, found that children 5-14 years old who lived in the five states with the highest levels of gun ownership were 16 times more likely to die from unintentional firearm injury, seven times more likely to die from firearm suicide and three times more likely to die from firearm homicide than children in the five states with the lowest levels of gun ownership. The relationship between guns and violent death remained statistically significant even after controlling for state-level poverty, education and urbanization.<sup>8</sup>

Another 2002 study by the Harvard School of Public Health analyzed the relationship between firearm availability and unintentional gun death, homicide and suicide for women. That study analyzed data from 50 states over a ten year period and found that women in states with a large number of guns experienced elevated rates of gun violence, particularly firearm suicides and homicides.<sup>9</sup>

---

<sup>5</sup> Jon Vernick et al., *Effect of Maryland's law banning Saturday night special handguns on crime guns*, *Injury Prevention*. 1999; 5:259-63.

<sup>6</sup> Daniel Webster et al., *Effects of Maryland's Law Banning "Saturday Night Special" Handguns on Homicides*, *American Journal of Epidemiology*, Vol. 155, No. 5 (2002).

<sup>7</sup> Elizabeth Richardson Vigdor et al., *Disarming Batterers: The Impact of Domestic Violence Firearm Laws*, published in *Evaluating Gun Policy: Effects on Crime and Violence*, Jens Ludwig and Philip J. Cook, editors, Brookings Institute (2003).

<sup>8</sup> Mathew Miller et al., *Firearm Availability and Unintentional Firearm Deaths, Suicide, and Homicide among 5-14 Year Olds*, *Journal of Trauma*. 2002; 52:267-75.

<sup>9</sup> Mathew Miller et al., *Firearm Availability and Unintentional Firearm Deaths, Suicide, and Homicide among Women*, *Journal of Urban Health*. 2002; 79:26-38.

## 5. Loopholes In Many Of Our Gun Laws Reduce Their Impact

Finally, it is important to note that passage of firearms laws in this country is often the result of political compromise necessitated by the enormous power of the gun lobby. As a result of those compromises, many of our gun laws contain significant loopholes. At the federal level, for example, Brady Act background checks are only required of persons who purchase firearms from federally licensed dealers. Accordingly, individuals who purchase firearms from private sellers - estimated to be 40 percent of all gun purchasers - are not required to undergo background checks.

Although this huge gap in federal law is often referred to as the “gun show” loophole, this term is misleading because federal law does not currently obligate private sellers to conduct background checks at *any* sales location. As a result, convicted felons and other prohibited purchasers easily buy guns in this country. (Some states, such as California, have closed this loophole and require background checks of all prospective firearm purchasers.)

Another weakness of the Brady Act is that it only allows three days for the completion of a background check. If the background check is not completed within that time, the dealer is allowed to transfer the firearm by default.<sup>10</sup> Because of this provision, 10,945 prohibited purchasers were able to buy guns between November 1998 and September 2001.<sup>11</sup> The General Accounting Office has concluded that these “default transfers” would have been reduced by 87 percent if up to 60 days had been allowed for the completion of unresolved background checks.<sup>12</sup>

The federal assault weapon ban also contains significant loopholes. For example, that law does not prohibit the sale or possession of assault weapons manufactured before 1994 (the year the law became effective). Manufacturers took advantage of this loophole by boosting production of assault weapons in the months leading up to the ban, creating a legal stockpile of the weapons.

In addition, in the years since the ban went into effect, manufacturers have successfully circumvented the law by making minor modifications to their weapons. The federal assault weapon ban also includes a sunset provision, and will expire in September of 2004 unless renewed.

The existence of loopholes in our gun laws makes it difficult to accurately measure their impact.

### **Conclusion**

In sum, the CDC report does not provide “proof” that our nation’s gun laws are ineffective. The report was simply inconclusive regarding the narrow issue of whether those laws are effective in preventing gun violence. As discussed, existing research demonstrates that many firearms laws,

---

<sup>10</sup> 18 U.S.C. § 922(t)(1).

<sup>11</sup> United States General Accounting Office, *Gun Control: Opportunities to Close Loopholes in the National Instant Criminal Background Check System* (July 2002).

<sup>12</sup> *Id.*

including those with loopholes, have had positive effects. What the report does “prove” – and the CDC itself acknowledges - is that additional research in this field is critically needed.

Those working to reduce gun violence throughout this country – including legislators and community leaders at the federal, state and local levels – should feel confident that the CDC report does nothing to diminish the value of their work.

For more information on LCAV’s analysis of the CDC report, please contact Juliet Leftwich, Managing Attorney, at (415) 433-2062 or [Julie@firearmslawcenter.org](mailto:Julie@firearmslawcenter.org).

#### **About Legal Community Against Violence and the Firearms Law Center**

LCAV is the only organization exclusively dedicated to providing legal support services to those seeking regulatory solutions to gun violence. Our project, the Firearms Law Center, is a leading resource for information on federal, state and local regulation of firearms. The Center provides free legal assistance to activists and public officials working to advance gun violence prevention, and focuses on measures that can be implemented at the state and local levels. The Center’s web site, [www.firearmslawcenter.org](http://www.firearmslawcenter.org), is the most comprehensive site for information on firearms regulation in the U.S.

LCAV was founded in 1993, several days after a gunman with two assault weapons and a .45 caliber semi-automatic pistol shot 14 people, fatally wounding eight of them, at 101 California Street in San Francisco. Recognizing that stronger, common-sense gun laws might have prevented this massacre and potentially could prevent future tragedies, Bay Area lawyers and others formed LCAV.