

Rebutting “Why the Legislature should keep concealed weapons off Texas campuses”

By W. Scott Lewis

In a May 8, 2009, op-ed in the *Austin American-Statesman*, titled “Why the Legislature should keep concealed weapons off Texas campuses,” four anti-gun activists (anyone who is not familiar with Colin Goddard, Elita Habtu, Omar Samaha, and John Woods can confirm through a quick Internet search that their anti-gun activities with groups like The Brady Campaign to Prevent Gun Violence and ProtestEasyGuns.com extend well beyond keeping guns off of college campuses) contend that Texas’s concealed handgun licensing laws actually lead to more crime. They back up this assertion with the lone supporting statement, “Professor John J. Donohue of Yale Law School found that, if anything, concealed carry laws like Texas’ ‘are associated with uniform increases in crime.’”

That statementⁱ by Professor Donahue refers to his efforts, along with Yale Law professor Ian Ayresⁱⁱ, to discredit studiesⁱⁱⁱ by John Lott and David Mustard purporting to show that right-to-carry/shall-issue concealed handgun licensing laws lead to a decrease in crime. The study by Donahue and Ayres seeks to discredit the “more guns, less crime” assertion by extending the statistical model used in Lott and Mustard’s 1977-1992 study through 1997.

It’s important to note that the study by Donahue and Ayres focused on the nation as a whole, not on Texas. Even more significantly, it factors in only the first two years of Texas’s concealed handgun licensing program. Clearly, this study is not a scientific or mathematical analysis of the impact of Texas’s concealed handgun licensing laws.

Furthermore, Carlisle E. Moody, Professor of Economics at the College of William and Mary in Williamsburg, Virginia, and Thomas B. Marvell, attorney-sociologist and director of Justec Research in Williamsburg, Virginia, thoroughly rebut the findings of Donahue and Ayres, in their article “The Debate on Shall-Issue Laws,” in volume 5, issue 3 (September 2008) of *Econ Journal Watch*. Moody and Marvell state:

While reading Ayres and Donohue’s 2003 article in the Stanford Law Review, we noticed that their analysis did not prove what they said it proved. They claimed that their model proved that shall-issue laws increased crime. Our conclusions are as follows.

Many articles have been published finding that shall-issue laws reduce crime. Only one article, by Ayres and Donohue who employ a model that combines a dummy variable with a post-law trend, claims to find that shall-issue laws increase crime. However, the only way that they can produce the result that shall-issue laws increase crime is to confine the span of analysis to five years. We show, using their own estimates, that if they had extended their analysis by one more year, they would have concluded that these laws reduce crime. Since most states with shall-issue laws have had these laws on the books for more than five years, and the law will presumably remain on the books for some time, the only relevant analysis extends beyond five years.

Though several analysts have credibly rebutted the “more guns, less crime” claims of Lott/Mustard and others, by using statistics to show that concealed carry laws have no statistically significant impact on crime rates, no peer-reviewed study^{iv} has found that licensed concealed carry increases crime.

The fact remains that all credible evidence^v on the issue suggests that Texas concealed handgun license holders are five times less likely than non-license holders to commit violent crimes. A person is twenty times more likely to be struck by lightning than to be murdered or negligently killed by a Texas concealed handgun license holder^{vi}.

i Donahue, John J. "The Impact of Concealed-Carry Laws." *Evaluating Gun Policy: Effects on Crime and Violence*. Ed. Jens Ludwig, Philip J. Cook. 2003. 290.

ii In 2007 Ian Ayres was found to have plagiarized nine passages of *Super Crunchers*, his book on statistical analysis. (<http://www.yaledailynews.com/articles/view/21638>; http://www.insidehighered.com/blogs/university_diaries/plagiarism_yours_mine_and_ayres)

iii Lott, John R. and David B. Mustard. "Crime, Deterrence, and Right-to-Carry Concealed Handguns." *The Journal of Legal Studies*, 26. 1997. 1-68

Lott, John R. *More Guns, Less Crime*. University of Chicago Press. 1998

iv The Donahue/Ayres study cited by the op-ed in the *Austin American-Statesman* appeared in a student-edited journal (*Stanford Law Review*) and was not peer-reviewed.

v "An Analysis of the Arrest Rate of Texas Concealed Carry Handgun License Holders as Compared to the Arrest Rate of the Entire Texas Population," William E. Sturdevant, PE, September 11, 1999; Texas Department of Public Safety and the U.S. Census Bureau, reported in *San Antonio Express-News*, September, 2000; Texas Department of Corrections data, 1996-2000, compiled by the Texas State Rifle Association; Five year average (2002-2006) of Texas Department of Public Safety statistics on criminal convictions of CHL holders (http://www.txdps.state.tx.us/administration/crime_records/chl/convrates.htm)

vi Average number of persons murdered/negligently killed each year by concealed handgun license holders in the state of Texas, based on a five year average (2002-2006) of Texas Department of Public Safety statistics on criminal convictions of CHL holders (http://www.txdps.state.tx.us/administration/crime_records/chl/convrates.htm): 2.2; Average population of Texas from 2002-2006, per U.S. Census Bureau yearly estimates (<http://www.census.gov/popest/states/NST-ann-est.html>): 22,475,812; Odds of being killed by a Texas concealed handgun license holder in a given year (22,475,812 divided by 2.2): one in 10,216,278; Odds of being struck by lightning in a given year, according to the U.S. National Weather Service, "Medical Aspects of Lightning," Dr. Marry Ann Cooper (<http://www.lightningsafety.noaa.gov/medical.htm>): one in 500,000.