

for many gun-control laws—such as state waiting periods and background checks, one-gun-a-month rules, and penalties for using guns in the commission of a crime—has so far been ignored.

But different gun policies all fit together, and it is hardly obvious that one can properly test the impact of right-to-carry laws without attempting to account for these other laws. Since different gun-control laws sometimes get passed at the same time as right-to-carry laws, inclusion of these other laws is the only way to separate out which law is causing the change in crime rates. The singular focus on right-to-carry laws in so many of these studies suggests that these authors don't believe that these other gun-control laws matter. I have made available the data that David Mustard and I put together as well as the later data in this book on the subject so others could without much effort examine the impact of these other laws.

The other major gun-control laws that we will turn our attention to are gun show regulations, bans on so-called Saturday night specials (inexpensive guns), the assault weapons ban, and the Castle Doctrine. In each section below, I will report the results that were obtained from accounting for these laws in the regressions used to produce figures 10.1a–10.1i. Those figures factored in the impact of all these other gun control laws on the crime rate.

Assault Weapons Ban

Despite many studies of bans on so-called assault weapons, economists and criminologists have yet to find any benefit from either state or federal bans. Analyzing the impact of the 1994 federal ban during its first seven years, Christopher Koper, Daniel Woods, and Jeffrey Roth wrote:

We cannot clearly credit the ban with any of the nation's recent drop in gun violence. And, indeed, there has been no discernible reduction in the lethality and injuriousness of gun violence, based on indicators like the percentage of gun crimes resulting in death or the share of gunfire incidents resulting in injury, as we might have expected had the ban reduced crimes with both [assault weapons] and [large capacity clips].¹⁹⁹

Banning some semiautomatic guns when there exist other semiautomatic guns that fire the same bullets at the same rapidity and do the same damage cannot be expected to have much of an impact.

During the 2004 presidential campaign, Senator John Kerry would remark: "I never contemplated hunting deer or anything else with an AK-47."²⁰⁰ Governor Howard Dean explained his support for extending

the assault weapons ban the same way: “Deer hunters don’t need to have assault weapons.”²⁰¹ The assault weapons ban unfortunately conjures up images of machine guns used by the military. Such weapons are surely not very useful in hunting deer. Yet the 1994 federal assault weapons ban had nothing to do with machine guns, only semiautomatics, which fire one bullet per pull of the trigger. The AK-47s banned by the assaults weapons ban were civilian, semiautomatic versions of the gun. The firing mechanisms in semiautomatics and machine guns are completely different. The entire firing mechanism of a semi-automatic gun has to be gutted and replaced to turn it into a military AK-47.

Does the assault weapons ban have any impact on crime after all? I used two different ways to estimate the impact of both the state and federal assault weapons bans on crime rates (tables 10.9, 10.10). One measures the simple before-and-after average crime rate and the other measures the before-and-after crime rate trends. The simple averages were used in the results shown in figures 10.1a–10.1i. Only using trends shows a significant impact of the law on crime rates, and the longer the ban has been in effect, the greater the increase in murder and robbery. The effects are actually quite large, indicating that each additional year the ban remains in effect raises both murder and robbery rates by around 3 percent. Rape also rises, but only slightly.

Presumably if assault weapons are to be used in committing any particular crime, they will be used for murder and robbery, but the data appear more supportive of an adverse effect of assault weapons bans on murder and robbery rates.

Gun Show Regulations

Despite the impression created by the term gun show “loophole,” there are no different rules for buying a gun at a gun show than anywhere else.²⁰² Gun-control groups, such as Third Way (formerly Americans for Gun Safety) identify eighteen states that have closed the loophole, but interestingly, prior to 2000, only three of these states had laws that even mentioned gun shows.

So how can a state close a gun show loophole if the laws didn’t even mention the term “gun show”? The issue is really private handgun transfers. What usually constitutes “closing the loophole” is mandating background checks for private transfers of handguns. Since 1994, federal law has required background checks for all handguns purchased through dealers. The checks were extended to long guns in 1998. But regulating transfers

Table 10.9 Enactment dates of state assault weapons bans

State	Date law went into effect	Penalty for violation
California	Jan. 1, 1990	Felony: 4–8 years in prison
California	Mar. 4, 1998—state appellate court ruled that the 1990 ban was unconstitutional	
California	Jan. 1, 2000—a new assault weapons bill went into effect	Felony: 4–8 years in prison
Hawaii	July 1, 1992	Class C felony: 5 years in prison
Maryland	June 1, 1994	Fine of \$1,000–10,000 and/or 1–10 years imprisonment
Massachusetts	Oct. 21, 1998	Felony: not more than 3 years or \$5,000 or both
New Jersey	May 30, 1990	Crime of the 3rd degree, knowingly violating regulatory provisions is a crime of the 4th degree
New York	Nov. 1, 2000	Class D violent felony: criminal possession of a weapon in the 3rd degree
Federal assault weapon ban	Sept. 13, 1994, through Sept. 13, 2004	

Table 10.10 Two simple ways of looking at the impact of the assault weapons bans

	Murder	Rape	Robbery	Aggravated assault
Change in the average crime rate when the ban goes into effect	0.4%	–3.0%	3.0%	–2.1%
Change in the crime rate calculated from the difference in the annual change in crime rates in the years before and after adoption of an assault weapon ban	3.2%*	1%**	2.7%*	0.1%

Note: The specifications reported earlier for figures 10.1a–10.1i use the simple dummy variable approach reported here, but using the before-and-after trends does not alter the earlier results.

* Statistically significant at least at the 1 percent level for an *F*-test.

** Statistically significant at least at the 5 percent level for an *F*-test.

by private individuals—such as those occurring at gun shows—has been left to the states (see table 10.11).

The theory linking “gun show loopholes” and crime is fairly straightforward. To the extent that background checks on private transfers prevent criminals from getting guns, crime rates will be reduced. But its impact depends upon two factors: how many criminals actually get guns from gun shows and the ability of criminals to get guns from substitute sources. There is also a trade-off: Increased regulations on private transfers can reduce the number of gun shows and make it more difficult for law-abiding citizens to get guns—guns that could have been used to protect against crime.

To help determine where criminals obtained their firearms, the Bureau