

**Episode 2,386: Biden’s Gun Fables**

**Guest: John Lott**

**WOODS:**  Let's talk a little bit about Joe Biden here, because he made a statement on Twitter the other day that put me in mind of something Thomas Sowell once said. That it's easy, especially as a progressive, to utter a sentence or two that would take paragraphs to refute.

And likewise, every Joe Biden tweet, you could have a book length refutation if you so chose. So, one of the things he did was to say: *I've banned assault weapons before, and I'll do it again.*

Now, what's that a reference to?

**LOTT:** Well, I mean, we had a federal assault weapons ban from 1994 to 2004. It banned a lot of different guns by name. What had happened was Dianne Feinstein and her staff went through catalogs of guns and picked out guns that they thought looked particularly menacing.

And then there was some general features, a threaded barrel, or if you have a bayonet mount, or if you have particular type of grip on the gun, or a shroud that covers the barrel so that somebody can hold that without getting their hand burned – because the barrel gets very hot when you fire bullets through there.

Then if it had two or more of those characteristics, then the gun could be banned then too. Anyway, there's been a lot of academic work that's been done on it – and it's even work that was paid for by the Clinton administration, which signed the bill into law.

It was unable to find any benefit in terms of any crime or mass public shootings or anything else occurred as a result of the law there. And it's not too surprising to me that you would find that result, because they're banning guns basically on how they look, not how they function.

About 85% of the guns that are sold in the United States are semi-automatic guns. That means one pull the trigger, one bullet comes out. It reloads itself, one pull the trigger, one bullet comes out, and so on. And there's no machine guns out there being used in these mass public shootings.

In fact, since the 1930s there's only been one murder in the United States involving a machine gun, despite what you might get the impression by watching entertainment police shows where virtually all the guns that are used are machine guns.

So, you look at it and there's no evidence that there is a change in crime rates. What you will find is that you can look at the percent of attacks in mass public shootings involving so-called "assault weapons".

And if it's driving the results, as they claim, then what you should see is during the ten years that the ban was in effect, the percent of attacks involving assault weapons should fall. And then it should rise when it sunsetted in 2004.

And in fact, if anything, you see the opposite, even when you use the one data set that Biden likes to use on it.

**WOODS:** So, do you think they pursue policies like this more or less for show? So, they can tell their constituency: *Look at me, I'm going up against the big old big bad gun lobby.* And it doesn't really matter to them what the results are?

**LOTT:** I think gun control often is kind of used as an excuse to cover their other failed policies that they have. I mean, I think a similar example is kind of like the fire that we just had in Maui, where apparently there are a thousand people that are still missing.

They are presumably dead, though they're not listed that way yet. And they want to go and blame climate change for it. I look at it and I see the fact that you have one public official there who wouldn't use the alarm to go and alert people to the problem.

You have another public official, because of equity concerns, wouldn't let people use water to put out the fires for like three hours. But rather than focus on those types of things, they want to go and blame climate change. And with regard to crime, that's been increasing the last couple of years.

I look at that and I see, well, Chicago cut the number of police officers in 2020 by 400 positions. New York City cut its police budget by $1 billion a year that year, and it kept it cut afterwards. You have district attorneys around the country who are refusing to prosecute violent criminals.

You have liberal judges around the country who over the last few years have released half and even two thirds of the inmates from urban area jails. You've had this bail reform, which makes it so that criminals don't face any real penalty for committing additional crimes.

There was a case just recently in Detroit where somebody had murdered three people, was released on just having put up $1,000 for bond, and then he murdered somebody else. So, he's murdered three people. He's facing three life sentences.

And what's the penalty you're going to impose on him for killing a fourth person? Another life sentence for his fourth life that you're going to take away from? You know, it's like no marginal penalty that's imposed on the guy. So, guess what? You get more crime there.

And so, you look at these things and it's pretty obvious to me. If you're not making it risky for criminals to commit crime, you're going to get more crime. But rather than reexamining all these policies, instead they say: *Well, we just need more gun control in order to try to solve the problem.*

The difficulty that you have there is that over 92% of violent crime has absolutely nothing to do with guns in any way. Less than 8% has something to do with guns. And yet they want to focus on that 8% that's there.

And I can understand that. I mean, murders are disproportionately involving guns compared to other types of violent crimes like rape or robbery or aggravated assault. But they're not serious in terms how you do it.

The way you reduce the 8% that involves guns is the same way you reduce the other 92% of violent crime that has nothing to do with guns. And that is to make it risky for criminals to commit crime.

If you increase the probability of arrest, increase the probability of conviction, having longer prison sentences, that makes it risky for criminals to commit crime. And you can also make it risky for criminals to commit crime by allowing individuals to be able to go and defend themselves.

But we're living in this weird world right now where liberals don't want to make it risky in terms of law enforcement for criminals to commit crime, and they don't want to make it risky in terms of people being able to go and defend themselves for criminals to commit crimes.

**WOODS:** I've got a number of friends who use the term "anarcho-tyranny" to refer to the situation in the US, and particularly in certain cities.

"Anarcho" because the sorts of crimes against person and property that you would think the authorities would be engaged in fighting against are, let's just say, not being pursued as aggressively as they might, which is an understatement if you think about 2020.

But "tyranny" in the sense of how the average person is treated, who's hounded over trivial regulations, or who is railroaded when he's actually just defending himself. Do you think that's an accurate way of looking at the situation?

**LOTT:** Well, I'm sure for a lot of people living in these high crime areas, it kind of feels like anarchy is occurring there. I mean, you have district attorneys who want to prosecute people based on their race. They want to make sure that the percent of people who are convicted by race matches their share of the population.

So if 13% of the population is black, you shouldn't prosecute – more than 13% of the people that you prosecute should be black, or whatever. You know, if Asians make 3%, should make 3% of the people that are prosecuted.

For better or worse, people don't commit crimes in exactly proportional to their share of the populations that are there.

So, you have certain groups that may feel that they're going to be disproportionately charged and prosecuted at a relatively high rate simply because they commit relatively few crimes compared to their share of the population.

And other groups will find that they are not going to get prosecuted even when they commit crimes.

**WOODS:** Do you think there is such a thing as systemic racism among the police?

**LOTT:** No, I don't think so. You look at surveys of blacks who live in high crime, urban areas. They want more policing. They know – look, anybody who's looked at this stuff knows that you put the police where the crime is. And, okay, are blacks disproportionately arrested?

Yeah, they are. But they also, unfortunately, commit more than their share of the crimes that are there. But the thing that's important is, who are they committing the crimes against? People tend to commit crimes against people like themselves.

Hispanics tend to commit crimes against Hispanics. Whites tend to commit crimes against whites. Blacks tend to commit crimes against blacks that are there. 90% of blacks are murdered by other blacks.

And it's not just the direct victims of crime. They commit them in their own communities. And so, who tends to own the businesses in black areas where you have a disproportionate number of crimes? It tends to be, disproportionately, blacks.

Who works in those stores? It tends to be, disproportionately, blacks, because it's in those areas of town. Who shops in those stores? It tends to be, disproportionately, blacks. Who owns homes in those areas? It tends to be, disproportionately, blacks.

And their property values are depressed because of the higher crime rates. So, you focus on who the criminals are, and you say: Well, we don't want to go and punish them because they're disproportionately a minority. But their victims are disproportionately minorities.

And their victims – and not only in terms of the direct victims of crime, but also in terms of the indirect victims of crime. Stores get closed down in those areas. Because of the crime, it makes it unprofitable to operate. The people who work and live in those areas are harmed in many different ways.

And so, I care about the victims that are there. I don't want people disproportionately convicted. If I thought that there was evidence that people were being disproportionately arrested and convicted simply based on their race, I would be strongly against that.

But it's hard to look at this and not see who the overwhelming victims are of this. And if you want to stop crime, you don't put them in places where there's no crime. You put the police in places where there's the most crime.

**WOODS:** Let's get back to the Joe Biden statement. He mentioned safe storage laws. And again, this is the kind of thing that if you're not looking into this in any depth, you think: *Well, that sounds sensible. It might be a way to prevent accidental death by gunshot.*

So, what, in fact, has been the result of that?

**LOTT:** Well, it accomplishes the opposite of what you'd like to have happen. Look, if you make people lock up their guns and make them so they're not readily accessible, you make it more difficult for people to use guns defensively.

And criminals respond to that. I'll just give you a simple comparison. We have something called "hot burglaries". These are burglaries that occur while the residents are in the dwelling. We have this data for many countries.

In the United States, we have about half the burglary rate that let's say they have in the United Kingdom. Only 13% of our burglaries involve burglaries while the residents are in the home. In the UK, it's almost 60%.

There's other survey information that's out there that indicate that American burglars spend about twice as long casing a home before they break in compared to their British counterparts. Why do they spend so much time casing a home? Because they want to make sure nobody's there.

And why do they want to make sure nobody's there before they break in? Because they know one way to keep from getting shot is to make sure nobody's there. It's just a simple example of how burglars respond to the risks that they face for committing crimes in different places.

And so, when you mandate that people have to lock up their guns, what happens is, one, there is a drop in gun ownership that occurs at that time. And also people are much more likely to lock up their guns in their home, making it less accessible for them to be able to go and use the gun defensively.

And so, one is they talk about accidental deaths involving children. These are much rarer than most people might think. If you talk about children under age ten who die from accidental gunshots, you're talking about something that's in the 30 range each year.

And about two thirds of those involve adult males accidentally firing the gun, usually in their mid to late 20s, usually people who are alcoholics or drug addicts, usually people who have criminal records. First of all, a gun lock is not going to stop an adult male from firing his own gun.

Secondly, these are not the types of people anyway, who are obeying laws. It's probably illegal for the vast majority of these adult males who have criminal records to even own a gun to begin with. And surely there are other prohibitions if you're a drug addict, or what have you, to be able to go and own a gun or be able to purchase it.

But yet, obviously they obtained it anyway, despite it being illegal for them. And so, you're in a situation where the rate of accidental gun deaths, where a child either obtains a gun and uses it to shoot themselves or somebody else, this is akin to a child dying from lightning strikes.

Now, do I go and tell children not to walk in an open field in a lightning storm with an umbrella above them? Yeah, I probably tell them to behave smart with regard to that. And you can go and make similar types of statements with regard to teaching children about guns.

But the problem that you have is that there's really no evidence that passing these laws has any impact on accidental gun deaths or suicides involving minors.

What you do is you make it harder for families to be able to go and protect themselves and make it so that criminals become emboldened to attack people in their home and more successful in doing so.

**WOODS:**  I read an article that I think you co-authored on the subject of universal background checks. And you started the article by saying that it's true that if you poll Americans, how do you feel about universal background checks for gun ownership?

Well, overwhelming majority says, no problem. But you say, but if I reword the question so as to make clear to them exactly what is implied by these laws and circumstances that could arise in their own lives in which they would actually be legally in the wrong because of these laws, all of a sudden the numbers come way down.

They don't really seem to understand exactly what the implications of these kind of laws are. Can you say something about that?

**LOTT:** Sure. Well, look, they take these long laws that could be, like, 30 pages long, and the surveyors aren't going to read 30 pages of laws to somebody.

They go and they summarize it in one sentence. And the sentence basically comes down to: *Do you support background checks on the private sale of guns in order to prevent criminals from getting guns?* And people say: *Sure, that sounds reasonable.*

But as you say, there's a lot of details there that are kind of being sloughed over, that people don't recognize the implications. And so, you find in the high 80%, 90% range of people who support that simple one sentence discussion about the law.

But then when we would go and give some examples, as you say, so let's say a woman friend of yours calls you up in the evening. Her ex is threatening to come over and kill her in an hour. And you know she has no criminal record. You know that she's trained in being able to go and use guns properly.

And she's asking you if she can borrow your gun for a couple of days until she can go and buy one herself to be able to go and protect her. Well, if you lend her your gun, well, you're committing a felony. Does that affect your support of the law?

And it goes from having, as you say, overwhelming support, to people actually opposing a law if it has that implication.

And another example we gave was, the local scoutmaster is going to take the scout troop out for their annual skeet shooting merit badge. And he wants to know if he can borrow your shotgun for a day so he can go and use it with the scout troop.

Well, if you lend him your gun for a day, you're going to be committing a felony. How does that affect your view of the law? And again, it goes from overwhelming support, to people then opposing the law that's there.

And so, it's just common-sense type things that people don't realize are going to be affected by having these laws. But, there are more basic problems with these background checks generally, and these universal background checks.

And that has to do with the costs and the errors in the system. So, Biden will go and claim that there are 4 million dangerous, prohibited people that have been stopped from buying guns because of background checks.

And that's simply false. What he should say is there have been 4 million initial denials. And something around 99 plus percent of those are mistakes. It's one thing to stop a felon from buying a gun. It's another thing to stop somebody simply because they have a roughly phonetically similar name and similar birth-date to a felon.

You fill out these forms, the so-called 4473s, where you put down your name, your address, your birthday, your race, your eye color, your sex, your Social Security number. And you think that they're using all that information, when they're really just using roughly phonetically similar names and similar birthdays for the vast majority of cases.

And so, the problem is actually there's certain groups that are overwhelmingly discriminated against because of the way the background checks are done. And that's basically black and Hispanic males. People tend to have names similar to others in their racial groups.

Hispanics have names similar to other Hispanics. Blacks tend to have names similar to other blacks. About 34% of black males in the United States have felony records, about 18% of Hispanic males have felony records, about 6% for whites, about 3% for Asians.

Well, given that that's the case, who do you think they're most likely to have names confused with that will create an error? It's going to be black males and Hispanic males. And there's really no reason for these mistakes.

If you go to a private company and you were to go ask them, well, maybe you should just look at roughly phonetically similar names and similar birthdays for doing background checks on employees, they're going to look at you like you're from Mars.

If private companies had an error rate that was 100th, the error rate that the federal government has, they'd be sued out of business under federal laws. And so, you talked earlier at the beginning about reasonable gun control laws.

My only point is, let's have reasonable fixes to these gun control laws, and just require that the federal government has to meet the same standards for doing background checks that private companies have to meet.

And yet, gun control advocates will fight you tooth and nail for having the federal government have to meet the same standards as these same people require that private companies have to meet. Look at the costs.

In Washington DC, where they're voting on trying to apply these universal background checks to the rest of the country, it cost $125 to do a background check on a private transfer of a gun. Now, it costs resources and time for background checks on guns to be done in general.

But you normally don't see that if you don't live in a state that has these background checks on private transfers of guns. Because it's not like a sales tax, this gets added on top of the cost of a gun.

Just to give you an idea of what's motivating these background checks in the way that they're set up, let's say, Tom, you and I lived in Washington DC, and I'm going to give you four guns. It's just John giving Tom four guns.

The same person is getting all four guns. The same person as giving all four guns. You would think it would just be one background check. But no. What they usually do with these different laws across the country is they require a separate background check on each gun.

So, rather than $125, which is bad enough, it's going to cost $500 for me to transfer the guns to you. Somebody provide me with a rational explanation for why they set it up that way, other than the fact that they're just trying to make it as costly as possible for people to be able to go and obtain guns.

So, here's the thing. If you think background checks are good in terms of reducing crime, then presumably you want to encourage people to go and do the background checks. And you don't tax things that you want people to be encouraged to do.

Here they're going out of their way to go and do the background check. Why make them have to pay $125 or $500, whatever it is, to go and do this thing that you want them to do? That's not encouraging them to go out of their way to go and do the background check that's there. It's doing the exact opposite.

And so, I would say if you really want to do this and you're really serious about encouraging people to do this thing which you claim is good, then pay for the background checks out of general revenue. Don't make the law-abiding people who are going out of their way to obey the law having to bear this cost.

But it's more than that, too. If you think background checks reduce crime, presumably they reduce crime for everybody, not just the law-abiding citizen who's going out of his way to obey the law.

And the issue that you have is that as an economist, I would say the people who benefit should be the ones who pay for it. If everybody benefits, then everybody should pay.

Why make the law-abiding citizen who's not getting the benefit from this have to bear the entire freight of having to go and do the cost of the background check?

 So, again, if you really think that these are beneficial, pay for them out of general revenue. And yet, whether it's fixing the errors in the system – I mean, I've never gotten any benign explanation for why we should have a system where virtually everybody who gets stopped is a law-abiding citizen who shouldn't have been stopped, through no fault of their own.

So, again, I think these are just reasonable fixes, but yet gun control advocates will fight you tooth and nail. For over 20 years, I've been telling gun control advocates: *Look, if you're willing to make a couple reasonable changes in your proposals here, you could get these easily passed*.

But they won't do that. And it indicates to me that they really don't care about getting the background checks passed, per se, in order to try to reduce crime. They actually want the background checks passed in order to make it costly and difficult for law-abiding citizens to be able to go and get guns.

**WOODS:** I want to ask you a question that's a genuine puzzle to me. These other issues we've talked about, I don't know the research and the details the way you do, but I would know the right answer. In this case, I don't really know the answer.

And that involves the issue of these mass shootings. And I will grant that they are not as common as people think. And there's a very, very infinitesimally small chance you're ever going to be caught up in one.

But I think we can admit that they happen, and they're happening in the US much more than in other places.

**LOTT:** That's not true.

**WOODS:**  Okay. Then let me finish at least my framing of this, because people seem to think it's true because they're debating, well, maybe it's because people are on these drugs or the breakup of the family.

But the problem is the breakup of the family is happening in Western Europe, too, and they don't have this problem. So, what's going on?

**LOTT:** Well, I mean, first of all, it's happening all around the world. The United States is way below the world average in terms of these mass public shootings. The United States makes up almost 5% of the world population, and we make up about 1% of the mass public shooters in the world.

Even in Europe, what people don't do is they don't adjust for population. You wouldn't compare the number of murders in Montana with the number of murderers in Texas or California. You'd put it in per capita rates.

So, since 2000, the United States has had ten mass public school shootings. Well, look at Germany. Germany, over that same period of time has had three. But Germany has a population of 80 million people, and the United States has a population of 330 million people.

So, we have more than four times the population. If you adjust their three by four, that's the equivalent of 12, which is a higher per capita rate than we have here in the United States. Finland's had, like, two mass public school shootings.

But Finland has a population of 5.5 million people. So, that's about 1/60 the population that we have here in the United States. Well, 60 times two, that's a per capita rate comparable of 120, compared to our ten.

Norway, which has had one mass public school shooting, has a population of about 5 million also. So, you've got to adjust that. So, what people don't do is they don't look at Europe as a whole, or they don't go and adjust for population differences that are there.

The United States is a very populous country. The other problem that you have (and I can understand this to some extent) is that the media is much more likely to cover mass public shooting in the United States than it is to go and cover a mass public shooting in other countries.

Even in European countries, even when you have it in Europe, the attacks in Europe get less coverage in Europe than the attacks in the United States, get coverage in Europe. Partly that kind of fits into a narrative that's there.

But if I were to ask you, since 2010, for example, where are the two worst mass public shootings, just comparing Western Europe and the United States? I think few people would know that the two worst were in Europe.

You have the Paris concert shooting in 2015, late 2015, where 130 people were killed. And you have the Norway killer who, putting aside the bombing deaths that he had there, just looking at the people he killed by shooting, was able to murder through shooting 67 people.

Both of those are significantly higher than the worst mass public shooting that we've had in the United States. But my guess is relatively few people would think about those attacks.

So, in the school shootings in Germany, I think the two worst one had 18 people killed, another one had like 17 people killed, for the two worst.

Russia has a fair number of school shootings that have occurred. They have them occur yearly, almost, it seems, if not more frequently. And yet, these are countries which have incredibly strict gun control. France has banned semi-automatic guns, essentially the same in Germany.

In either France or Germany, it takes over a year and literally thousands of dollars to go through the approval process to be able to go and get a license to have a gun.

But the other thing about the United States mass public shootings that the media just refuses to go and cover, is that while the media covers these guys manifestos or diaries, it does so in extremely biased ways.

You would never know that when these guys very frequently talk about why they picked the target that they do, time after time they explain that they wanted to go to a gun free zone. You have the Nashville mass murderer school shooter just from earlier this year at the Covenant School.

Apparently, according to her diaries – or his, whatever you want to call them – their diaries. They wanted to go and attack the mall but had decided not to because apparently the mall allowed people to carry permitted concealed handguns, and they had armed security that was there.

So, the person decided to go and attack a school where they didn't think they had that type of protection. You take the Buffalo mass murderer from last year. He has a long discussion about why he picked the target that he did.

And right up there at the top is he wanted to go to a place where he thought people would not have permitted concealed handguns. Because he was worried if they had those, it would make it much more difficult for him to go and kill people.

I would think it's newsworthy to go and talk about, in the media, why these people pick the targets that they do. But the media just refuses – refuses to go and talk about this. 94% of the mass public shootings in the United States have taken place in areas where guns are banned.

These guys may be crazy in some sense, but they're not stupid. They want to commit suicide. They want to commit suicide in a way that will get them news coverage. Anybody who's read the diaries and manifestos for these killers knows that they want to get news coverage.

They'll very frequently say: If I can only kill more people than such and such did, I can get even more news coverage. They feel unappreciated. They talk about being able to get their names in the history books and getting to get people around the country and the world to know who they were.

So, I'm not going to go and say we should ban or cut out the First Amendment or rewrite it. But you end up with a situation where if you can look at why these people are committing the crimes that they are, you can take away their goal.

Their goal is to get media coverage. And if you can have somebody there quickly to stop them, then you can go and stop their incentives from committing these crimes.

**WOODS:** Yeah, that's an excellent point. You would need somebody who's right there on the spot. Because you can get on the telephone and call the police if you like, and by the time they get there, they'll be able to write down everybody's names, or that'll be it. So, you would need to have people on the spot.

By the way, I could have sworn I read that sometimes when certain media outlets are totaling up the alleged number of school shootings, that they're classifying these as school shootings in a very tendentious way, such that they will include somebody in the parking lot after hours discharges a gun, and that's a school shooting.

Have you heard anything like that?

**LOTT:** Well, I mean, I don't know if you've gone to our website, but we've gone through a lot of those. And yeah, that's the case.

**WOODS:** So, say a little more. Because I want to encourage people to support CrimeResearch.org, I suppose people can take a guess, but what's the kind of work you do there?

And just, I guess would remind people that the kind of work that John does so that he's able to give us these authoritative answers doesn't happen automatically and does rely on people's support.

So, can you say a word about it?

**LOTT:** Well, we're a group of academics. I've been a professor myself over the years. I've had academic positions of various types at Stanford, University of Chicago, Yale, the Wharton Business School.

And I've been chief economist for the US Sentencing Commission and more recently I was Senior Advisor for Research and Statistics at the US Department of Justice. So, I've done a lot of work with prime data.

And other people that are attached to our organization are experts in different areas. And we know where the data is, and so we try to put up posts that, people don't need to accept our word for it.

We have the data and then we have the links to the underlying data, so that people can go and double check things themselves. But there's a lot of misinformation out there – a huge amount. And so, we try to go and deal with that.

**WOODS:** CrimeResearch.org is the website. Check that out and support it. It's doing extremely important work. John, thanks so much for your time today.

**LOTT:** Thank you very much, Tom. I appreciate you having me on.