

Shotgun News, July 1, 2004, 20-21.

How Many Defensive Gun Uses?

One of the recurring questions in the gun control war is: how often do civilians use guns in self-defense? Gun rights advocates tend to quote the number “2.45 million uses a year,” from a study done by Professor Gary Kleck of Florida State University. Kleck’s survey was performed some years ago, when crime rates were much higher than they are today, and presumably civilians would have had more reason to use a gun defensively. A problem with this oft-quoted number is that this study produced a *range* of numbers: the likely range was 830,000 to 2.45 million.¹ Quoting the *high* end of that range without making it clear that the number could just as easily be at the low end is a little misleading. More recently, Dr. John Lott’s survey on defensive gun use has received a lot of attention—although it has been rather controversial.

Gun control advocates like to point to the FBI’s civilian “justifiable homicide” table in the Uniform Crime Reports series. This is very misleading, because this only includes those killings that are initially identified by the police as justifiable homicide. A shooting might be charged as murder, or manslaughter, and then reclassified as justifiable homicide during the police investigation, or while the district attorney is considering the case. The grand jury might refuse to issue an indictment, or at trial, either the judge or the jury might rule the killing justifiable.

In addition, there are a number of killings that do not meet the formal requirement of “justifiable homicide,” but nonetheless, are killings done in self-defense. I could

¹ Philip J. Cook and Jens Ludwig, *Guns in America: National Survey on Private Ownership and Use of Firearms*, (Washington: National Institute of Justice, 1997), 8-9.

explain the distinctions between justifiable and excusable homicide, but you might die of boredom while I explained them.

The more careful and honest gun control advocates will point to the National Crime Survey statistics. These are computed by surveying as much as 101,000 Americans, and then calculating what the actual number of crimes were by extrapolating to the nation as a whole.²

Unlike the FBI's statistics, which at least *attempt* to gather information on all the crimes in the U.S., the National Crime Survey is a sample, and suffers from all the problems that you might expect. How representative is the sample of average Americans? How accurately do the respondents answer the questions? Since these surveys are asking questions about crimes that took place as much as six months in the past, are the answers accurate? Was that crime five months ago, or seven months ago?³

The National Crime Survey numbers on defensive gun uses suffer from the problem that it asks, "Have you been the victim of a crime?" If you answer, "Yes," you will be asked about defensive gun uses. If you answer, "No," you won't be asked that question. There is at least a plausible argument that a person who has defended himself or herself with a gun, but weren't injured or robbed, will answer, "No." That person's defensive gun use won't show up in the National Crime Survey.

One quite astonishing claim that I sometimes hear from gun control advocates—at least in private—is that there aren't that many *real* civilian defensive gun uses. One rather prominent antigun professor insisted to me in email that situations where a civilian

² FBI, *Uniform Crime Reports 1992*, 386.
³ Gary Kleck, *Point Blank: Guns and Violence in America*, (New York: Aldine de Gruyter, 1991), 175-176.

really *needed* a gun for self-defense are quite rare—perhaps no more than a handful in any given year in the whole country. His argument was that most of the time that a civilian uses a gun in self-defense, the gun wasn't really needed. Just a loud shout would drive away the intruder.

I was so astonished at this claim that I started gathering news stories off the Internet of civilian defensive gun uses in the United States. Dr. John Lott's new book, *The Bias Against Guns: Why Almost Everything You've Heard about Gun Control Is Wrong*, discusses, among other matters, the manner in which news organizations grossly underreport defensive gun uses. (I will be reviewing his book here, soon.) Yet even with this strong bias against reporting civilian defensive gun uses, I had no problem finding *dozens* of such news stories from local newspapers and broadcast stations every month—often with as few as five minutes a day of searching.

For a while, I would just intersperse this with other articles on my daily weblog (<http://www.claytoncramer.com/weblog/blogger.html>). This became a bit clumsy, however, so I now keep a separate weblog just for these news reports. Another gun rights activist, Pete Drum, collaborates with me on finding these accounts on the Internet, and summarizing them every day.

Obviously, this is no substitute for the sort of careful survey work that criminologists like Gary Kleck do. A civilian defensive gun use where no shots are fired is unlikely to make it into the local newspaper. Many newspapers aren't on the Internet, or don't allow full access to non-subscribers to their news stories. Of course, the bias problem means that even stories that the news media should cover, often never see the light of day.

Nonetheless, these news items are interesting. The next time that someone tells you that “civilians seldom make use of guns defensively,” tell them to explain all these news stories. As I write this story, it is May 22nd. There are 31 such shootings that we have found covered in the news media since May 1st. Reading through them, you see a variety of situations:

“An entire community is on the lookout for the man who tried to rob a neighborhood store.

“The attempted robbery happened Sunday night at the Cahal Market in East Nashville.

“Police say a man walked into the store with a sawed off shot gun and demanded money. However, the store owners stopped the robbery by firing a gun of their own.”⁴

And this story from Atlanta:

”The shooting of a man who burst into an apartment in Gwinnett County early Monday appeared to be a case of self-defense, police officials said.

”Investigators determined that 20-year-old Jesus Arturro Velasquez kicked in the front door of the apartment on Club Drive where his ex-girlfriend lived with her current boyfriend. Kimberly Nelson had taken out a temporary protective order against Velasquez, according to court records.”⁵

From Raceland, Louisiana:

⁴ “Store owner shoots at potential robber,” WMSV-TV (Nashville, Tenn.), May 3, 2004, available at <http://www.wsmv.com/Global/story.asp?S=1835066&nav=1TcTMn7d>, last accessed May 22, 2004.

⁵ Tracey Christensen, “Ex-Boyfriend Shot After Break-In,” WXIA-TV (Atlanta, Ga.), May 3, 2004, available at http://www.wxia11.com/news/news_article.aspx?storyid=46422, last accessed May 22, 2004.

“An attempted carjacking in Raceland late Sunday ended in the death of one of the alleged suspects, according to the Lafourche Parish Sheriff’s Office.

“Deputies said Elgin Bailey, 24, of Raceland, was shot to death by Kyle Orgeron, of Larose.

“Orgeron called 911 at 11:29 p.m. saying he had shot a man who tried to rob him and steal his car. Orgeron said he and his girlfriend were driving back from Morgan City when they ran into a ditch. Two men helped him get his car out of the ditch and then asked for a ride.

“Orgeron told deputies that his girlfriend was driving when one of the men allegedly pulled a gun and told her to stop the car. As Bailey tried to grab the car keys, Orgeron shot him in the chest and the second man ran away, Orgeron told deputies.”⁶

Now, I won’t say that every civilian defensive gun use that we have found are as clear-cut as these cases. There are a few—and I am pleased to say, only a few—where the bad guys are bad, but the good guys aren’t poster boys for gun ownership, either. We’ve had a few cases where the “good guys” appear to have been drug dealers protecting themselves from robbery or murder. In some of these cases, the “good guys” end up in jail for drug charges—but not for shooting the bad guys.⁷

There have been a few reports where I found myself uncomfortable with the use of the gun. These were cases that, if they were within the law, it was barely so. In North

⁶ “Attempted Carjacking Suspect Shot To Death In Raceland,” WDSU-TV (New Orleans, La.), May 10, 2004, available at <http://www.theneworleanschannel.com/news/3287500/detail.html>, last accessed May 22, 2004.

⁷ Keri Kirby, “Home invasion shooting leaves one dead,” *Shreveport (Louisiana) Times*, April 2, 2004, available at <http://www.shreveporttimes.com/news/html/A9366936-2311-48D5-A19A-701E5CE3803B.shtml>, last accessed May 22, 2004.

Las Vegas, Nevada: “A Las Vegas homeowner traded gunfire with vandals stealing the tires and rims from his sport utility vehicle Tuesday morning.

“No one was hurt, but authorities say the man's SUV, his home and at least one neighboring home were hit by bullets during the shooting on Grey Knoll Circle.”⁸ The article went on to say that police were “investigating whether Hunt should face criminal charges for discharging his gun in the street outside his home.”

No one wants to pay the insurance deductible for a vandalized car, or spend the time filling out insurance forms, or waiting for repairs. You have good reason to be angered that thugs feel safe stealing your property. However much you might feel better about chasing off petty criminals under circumstances like this, remember that the insurance deductible is going to \$250 or \$500. You may well spend the night in jail—even if the police do not file any criminal charges. If you actually hit car thieves or vandals, plan on spending many tens of thousands of dollars defending yourself from criminal charges.

Even if you beat the criminal charges, the petty criminals you shot (or their next of kin) will probably file suit against you. Unlike the criminal case, where the prosecution has to prove beyond a reasonable doubt that you did something wrong, in a civil suit, the bad guys only have to have *most* of the evidence on their side to win. Reserve a defensive gun use for the circumstances where something that can't be replaced is at stake: murder, kidnapping, rape, or an attack that seems likely to lead to

⁸ “Homeowner, car vandals trade shots outside North Vegas home,” KRNVTN (Reno, Nevada), February 17, 2004, available at <http://www.krnv.com/Global/story.asp?S=1648877&nav=8faOKsUE>, last accessed May 22, 2004.

great bodily injury. Petty insults and damage to property will *never* be worth the legal fees if you draw and fire your gun.

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