

## BRIEF ANALYSIS

No. 324

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# Texas Concealed Handgun Carriers: Law-abiding Public Benefactors

By H. Sterling Burnett

In 1994, Texas citizens approved a nonbinding resolution asking the state to grant Texans the right to carry concealed weapons. Gov. Ann Richards had vetoed such a bill prior to the vote and vowed that no such bill would pass while she was governor. By contrast, her opponent in the race for governor, George W. Bush, said that if elected he would sign an appropriately structured "right-to-carry" law. Bush won the election and on May 26, 1995, signed a law granting Texans the right to carry concealed firearms. When he did so, Texas joined 22 other states that since 1986 have made it legal to carry concealed weapons.

Because of its large geographic size and population and electoral importance, Texas' experience with concealed carry has come under sustained attack. Before passage, opponents predicted a decline in public safety, with minor incidents escalating into killings as the concealed carry law placed more guns in irresponsible hands. Further, critics claimed that criminals would be undeterred by an increase in armed citizens. Both predictions were wrong.

**Concealed handgun licensees: More law-abiding than the average Texan.** In 1998 and again in 1999, the Violence Policy Center, a research organization opposed to concealed carry, released reports highlighting the numbers of Texas' concealed carry licensees who have been arrested since the law went into effect. Using Texas Department of Public Safety records, the center pointed out that Texas licensees had been arrested for nearly two crimes a day through 1998 — with more than one arrest each month for a violent crime.

In isolation these numbers paint a troubling picture. However, the reports are misleading for several reasons. First, they do not separate crimes that involve concealed

weapons from those that don't. In addition, they ignore the fact that more than 55 percent of licensees arrested for violent crimes are cleared of the crimes for which they are arrested. Most tellingly, when the arrest rates of Texas' concealed carry holders are compared with those of the general population, licensees are found to be more law-abiding than the average person.

In an unpublished report, engineering statistician William Sturdevant found that concealed carry licensees had arrest rates far lower than the general population for every category of crime. For instance:

- Licensees were 5.7 times less likely to be arrested for violent offenses than the general public — 127 per 100,000 population versus 730 per 100,000.
- Licensees were 14 times less likely to be arrested for nonviolent offenses than the general public — 386 per 100,000 population versus 5,212 per 100,000.

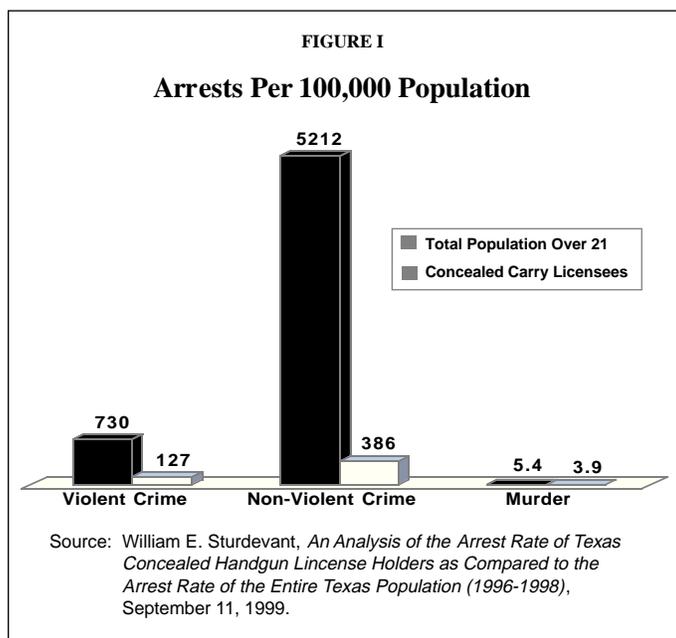
■ Further, the general public is 1.4 times more likely to be arrested for murder than licensees [see Figure I], and no licensee had been arrested for negligent manslaughter.

This is unsurprising, since the standards for getting a concealed carry license in Texas are the strictest in the nation. One must be at least 21 years of age, submit a photo and fingerprints for a background check, pay a \$140 fee and take more than eight hours of coursework. In addition, applicants must pass both a written test covering laws pertaining to deadly force and gun safety and a shooting accuracy test.

Even with all of these hurdles, more than 200,000 Texans have received concealed carry permits.

Shootings involving licensees are rare. However, most permit holders who have wounded or killed purported assailants have not been arrested because the authorities have determined that the shootings were justified. For instance:

- Licensee Jim Eichelberg ended James Turner's brief crime spree when, in an exchange of gunfire, he shot Turner as Turner tried to carjack Eichelberger at gunpoint. Earlier, Turner had robbed another driver.



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- In 1996, licensee Becky Shelton shot and killed a man who was attempting to rob and shoot her husband in their Richardson jewelry store.

Of the concealed carry licensees who have been arrested for a murder, several have been no-billed by grand juries that determined the killings were lawful. Gordon Hale III was the first Texas licensee to kill an assailant using his concealed firearm — and the first licensee arrested. Hale had been involved in a minor noninjury traffic accident that turned into an assault when the other driver, Kenny Tavai, punched Hale repeatedly in the face and then attempted to drag him out of his car through the window. Hale fired his weapon in response, killing Tavai. The Dallas district attorney's office charged Hale with murder for using what it considered excessive force in defending against Tavai. The grand jury believed that Hale justifiably feared for his life and refused to indict him.

Of the six licensees who were arrested for murder or nonnegligent manslaughter and brought to trial, twice as many (four) were found to have acted in self-defense as were found guilty of murder (two).

**Concealed carry and crime reduction.** When criminals suspect that the costs of committing a crime will be too high, they are less likely to commit it. The possibility of a concealed weapon tilts the odds in favor of the potential victim. Studies have shown that rape victims who resist with a gun are only half as likely to be injured as those who do not resist.

In *More Guns, Less Crime* (1998), the University of Chicago's John Lott examined the impact of concealed carry permits. Using data from all 3,054 U.S. counties between 1977 and 1992, he found that after controlling for other factors:

- Concealed handgun laws reduce murder by 8.5 percent, rape by 5 percent and severe assault by 7 percent. [See Figure II.]

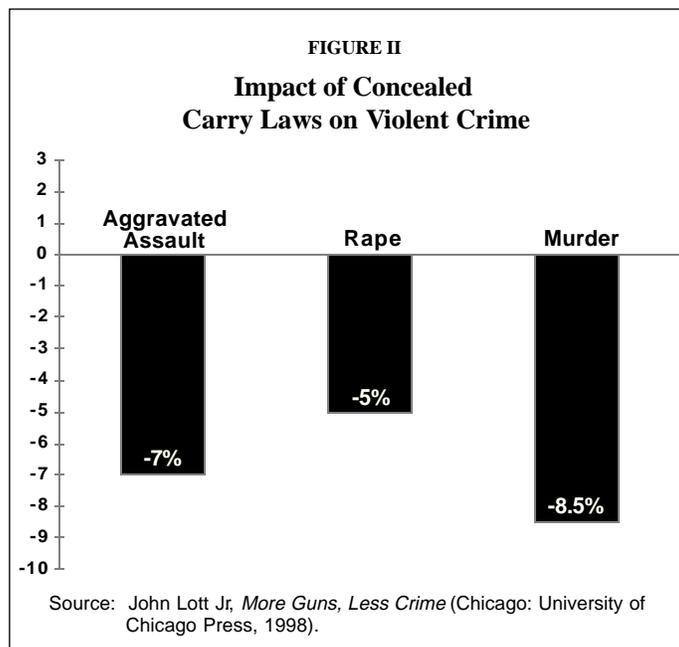
- Had right-to-carry prevailed throughout the country, there would have been 1,600 fewer murders, 4,200 fewer rapes and 60,000 fewer severe assaults.

These reductions are beyond the general decline in crime rates that the U.S. has experienced during the past eight years.

In the early 1990s, Texas' serious crime rate was 38 percent above the national average. Since then serious crime in Texas has dropped 50 percent faster than for the nation as a whole. For example, during the 1990s Texas' murder rate dropped 52 percent compared to 33 percent nationally, and the rape rate fell by 22 percent compared to 16 percent nationally. In light of Lott's research, it is likely that Texas' concealed carry law has contributed to the declining crime rates.

**Conclusion.** Both John B. Holmes, Harris County district attorney, and Glenn White, president of the Dallas Police Association, initially opposed concealed carry in Texas but have subsequently embraced it. Holmes said, "I . . . [felt] that such legislation . . . present[ed] a clear and present danger to law-abiding citizens by placing more handguns on our streets. Boy was I wrong. Our experience in Harris County, and indeed statewide, has proven my initial fears absolutely groundless." And White said, "All the horror stories I thought would come to pass didn't happen. . . . I think it's worked out well, and that says good things about the citizens who have permits. I'm a convert." The evidence indicates that concealed carry is a vital tool in the fight against violent crime.

*H. Sterling Burnett is a Senior Policy Analyst with the National Center for Policy Analysis.*



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