

James Q. Wilson

James Q. Wilson (1931–2012) was Collins Professor of Management and Public Policy at the University of California at Los Angeles. Among his books are Thinking about Crime (1975), Bureaucracy (1989), The Moral Sense (1993), and Moral Judgment (1997). The essay that we reprint appeared originally in the New York Times Magazine on March 20, 1994.

Just Take Away Their Guns

The president wants still tougher gun control legislation and thinks it will work. The public supports more gun control laws but suspects they won't work. The public is right.

Legal restraints on the lawful purchase of guns will have little effect on the illegal use of guns. There are some 200 million guns in private ownership, about one-third of them handguns. Only about 2 percent of the latter are employed to commit crimes. It would take a Draconian, and politically impossible, confiscation of legally purchased guns to make much of a difference in the number used by criminals. Moreover, only about one-sixth of the handguns used by serious criminals are purchased from a gun shop or pawnshop. Most of these handguns are stolen, borrowed, or obtained through private purchases that wouldn't be affected by gun laws.

What is worse, any successful effort to shrink the stock of legally purchased guns (or of ammunition) would reduce the capacity of law-abiding people to defend themselves. Gun control advocates scoff at the importance of self-defense, but they are wrong to do so. Based on a household survey, Gary Kleck, a criminologist at Florida State University, has estimated that every year, guns are used—that is, displayed or fired—for defensive purposes more than a million times, not counting their use by the police. If his estimate is correct, this means that the number of people who defend themselves with a gun exceeds the number of arrests for violent crimes and burglaries.

Our goal should not be the disarming of law-abiding citizens. It should be to reduce the number of people who carry guns unlawfully, especially in places—on streets, in taverns—where the mere presence of a gun can increase the hazards we all face. The most effective way to reduce illegal gun-carrying is to encourage the police to take guns away from people who carry them without a permit. This means encouraging the police to make street frisks.

The Fourth Amendment to the Constitution bans “unreasonable searches and seizures.” In 1968 the Supreme Court decided (*Terry v. Ohio*) that a frisk—patting down a person’s outer clothing—is proper if the officer has a “reasonable suspicion” that the person is armed and dangerous. If a pat-down reveals an object that might be a gun, the officer can enter the suspect’s pocket to remove it. If the gun is being carried illegally, the suspect can be arrested.

The reasonable-suspicion test is much less stringent than the probable-cause standard the police must meet in order to make an arrest. A reasonable suspicion, however, is more than just a hunch; it must be supported by specific facts. The courts have held, not always consistently, that these facts include someone acting in a way that leads an experienced officer to conclude criminal activity may be afoot; someone fleeing at the approach of an officer; a person who fits a drug courier profile; a motorist stopped for a traffic violation who has a suspicious bulge in his pocket; a suspect identified by a reliable informant as carrying a gun. The Supreme Court has also upheld frisking people on probation or parole.

Some police departments frisk a lot of people, but usually the police frisk rather few, at least for the purpose of detecting illegal guns. In 1992 the police arrested about 240,000 people for illegally possessing or carrying a weapon. This is only about one-fourth as many as were arrested for public drunkenness. The average police officer will make *no* weapons arrests and confiscate *no* guns during any given year. Mark Moore, a professor of public policy at Harvard University, found that most weapons arrests were made because a citizen complained, not because the police were out looking for guns.

It is easy to see why. Many cities suffer from a shortage of officers, and even those with ample law-enforcement personnel worry about having their cases thrown out for constitutional reasons or being accused

of police harassment. But the risk of violating the Constitution or engaging in actual, as opposed to perceived, harassment can be substantially reduced.

Each patrol officer can be given a list of people on probation or parole who live on that officer's beat and be rewarded for making frequent stops to insure that they are not carrying guns. Officers can be trained to recognize the kinds of actions that the Court will accept as providing the "reasonable suspicion" necessary for a stop and frisk. Membership in a gang known for assaults and drug dealing could be made the basis, by statute or Court precedent, for gun frisks.

The available evidence supports the claim that self-defense is a legitimate form of deterrence. People who report to the National Crime Survey that they defended themselves with a weapon were less likely to lose property in a robbery or be injured in an assault than those who did not defend themselves. Statistics have shown that would-be burglars are threatened by gun-wielding victims about as many times a year as they are arrested (and much more often than they are sent to prison) and that the chances of a burglar being shot are about the same as his chances of going to jail. Criminals know these facts even if gun control advocates do not and so are less likely to burgle occupied homes in America than occupied ones in Europe, where the residents rarely have guns.

Some gun control advocates may concede these points but rejoin that the cost of self-defense is self-injury: Handgun owners are more likely to shoot themselves or their loved ones than a criminal. Not quite. Most gun accidents involve rifles and shotguns, not handguns. Moreover, the rate of fatal gun accidents has been declining while the level of gun ownership has been rising. There are fatal gun accidents just as there are fatal car accidents, but in fewer than 2 percent of the gun fatalities was the victim someone mistaken for an intruder.

Those who urge us to forbid or severely restrict the sale of guns ignore these facts. Worse, they adopt a position that is politically absurd. In effect, they say, "Your government, having failed to protect your person and your property from criminal assault, now intends to deprive you of the opportunity to protect yourself."

Opponents of gun control make a different mistake. The National Rifle Association and its allies tell us that "guns don't kill, people kill" and urge the Government to punish more severely people who use guns to commit crimes. Locking up criminals does protect society from future crimes, and the prospect of being locked up may deter criminals. But our experience with meting out tougher sentences is mixed. The tougher the prospective sentence the less likely it is to be imposed, or at least to be imposed swiftly. If the Legislature adds on time for crimes committed with a gun, prosecutors often bargain away the add-ons; even when they do not, the judges in many states are reluctant to impose add-ons.

Worse, the presence of a gun can contribute to the magnitude of the crime even on the part of those who worry about serving a long

prison sentence. Many criminals carry guns not to rob stores but to protect themselves from other armed criminals. Gang violence has become more threatening to bystanders as gang members have begun to arm themselves. People may commit crimes, but guns make some crimes worse. Guns often convert spontaneous outbursts of anger into fatal encounters. When some people carry them on the streets, others will want to carry them to protect themselves, and an urban arms race will be underway.

And modern science can be enlisted to help. Metal detectors at airports have reduced the number of airplane bombings and skyjackings to nearly zero. But these detectors only work at very close range. What is needed is a device that will enable the police to detect the presence of a large lump of metal in someone's pocket from a distance of ten or fifteen feet. Receiving such a signal could supply the officer with reasonable grounds for a pat-down. Underemployed nuclear physicists and electronics engineers in the post-cold-war era surely have the talents for designing a better gun detector.

Even if we do all these things, there will still be complaints. Innocent people will be stopped. Young black and Hispanic men will probably be stopped more often than older white Anglo males or women of any race. But if we are serious about reducing drive-by shootings, fatal gang wars and lethal quarrels in public places, we must get illegal guns off the street. We cannot do this by multiplying the forms one fills out at gun shops or by pretending that guns are not a problem until a criminal uses one.