

Research

Professor David Kopel on Magazine Bans

David Kopel, Second Amendment expert, author, law professor, and Director of Research at the Independence Institute, has addressed the claim that magazine size limits might reduce casualties during spree killings, because potential victims might be able to overpower or escape a killer or a terrorist, while that person was reloading a firearm with smaller capacity magazines. Professor Kopel:

“Advocates of a ban on standard-capacity magazines assert that while the attacker is changing the magazine, an intended victim might be able to subdue him- yet they cannot point to a single instance where this actually happened. They cite a trilogy of events that happened in Tucson, Arizona (2011), Aurora, Colorado (2012), and Newtown Connecticut (2013). In fact, all of those events involved gun jams, not magazine changes. At Newtown, the criminal changed magazines seven times and no one escaped, but when his rifle jammed, people did escape. Clearing a gun jam takes much longer than changing a magazine. Fixing a gun jam involves all the steps of a magazine change (remove the empty magazine and insert a new one) plus all the intermediate steps of doing whatever is necessary to fix the jam. Similarly, in the Luby’s cafeteria murders (24 dead), the perpetrator replaced magazines multiple times. In the Virginia Tech murders (32 dead), the perpetrator changed magazines 17 times.

Advocates of banning magazines larger than 10 rounds call them ‘high capacity.’ (15 rounds, according to the Colorado ban) “Again, this is incorrect. The standard manufacturer-supplied magazines for many handguns have capacities up to 20 rounds; for rifles, standard magazine capacity is up to 30. This has been true for decades. Indeed, magazines holding more than 10 rounds constitute 47 percent of all magazines sold in the United States in the last quarter century. There are tens of millions of such magazines. A law that was really about high-capacity magazines would cover the after-market magazines of 75 or 100 rounds, which have minuscule market share and which are not standard for any firearm. As of 2011, there were approximately 332 million firearms in the United States not in military hands. With the rough estimate that one-third of guns are handguns, most gun owners owning at least two magazines per gun, and 47 percent of magazines holding more than 10 rounds, the number of large magazines in the United States is at least in the tens of millions. When one also takes into account rifle magazines, the number of American magazines holding more than 10 rounds could be more than 100 million. That in itself is sufficient, according to the Supreme Court’s *Heller* precedent to make the ban unconstitutional.” (Heller ruled that the government could not ban a firearm or related item that is in widespread common use.)

In addition, with the benefit of advanced planning, criminals and terrorists have the advantage of bringing multiple guns to the anticipated scenes of their crimes, allowing them uninterrupted firepower in the unlikely event that they decide to comply with a magazine restriction law.

Defenders, on the other hand, are constrained by the amount of ammunition that they can carry outside a firearm on a regular basis by weight factors and other considerations. Remember, the criminal or terrorist will always have the advantage of planning and surprise.

Kopel, David, *Costs and Consequences of Gun Control*, Cato Institute Policy Analysis # 784, 12-01-2015.

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CDC- Limits on Research?

David Kopel: Testimony before the Colorado House State, Veterans, and Military Affairs Committee on 02-02-2015

The Centers for Disease Control (CDC) have never been prevented from doing research on gun control by the National Rifle Association, or any other group promoting individual rights. The CDC has been denied funding to advocate for gun control for a number of years by amendments to the congressional budgeting process.

(David Kopel is an adjunct professor of law at Denver University, the author of several books on the Second Amendment, was at the plaintiff table during the DC v. Heller Hearing before the US Supreme Court, and is a recognized expert in the field of law related to the Second Amendment. He is a former Assistant Attorney General for the State of Colorado.)

There have been previous indications of bias against the right of individuals to own guns for self-protection from crime, corruption, tyranny and genocide on the part of individuals associated with the CDC. Two examples are included below.

In 1994, Dr. Mark Rosenberg, former head of the CDC National Center for Injury Control and Prevention, stated, "We need to revolutionize the way we look at guns, like what we did with cigarettes... Now (smoking) is dirty, deadly, and banned."

In 1993, Arthur Kellerman, in a study funded by the CDC, purported to show that possession of a gun made the resident of a domicile almost three times more likely to become a victim of violence. (This same study indicated that renting, rather than owning, increased risk factors for becoming a victim of so-called "gun violence" by almost five times.) Subsequent examination of this study casts serious doubt on its conclusions, in part, because of a lack of adequate controls on the potentially confounding variables of likely gun ownership by residents in high crime areas, drug involvement and gang membership by some study subjects, and the probable under-reporting of gun ownership during telephone surveys by members of the control group.)

Kellerman, Arthur, et al, "Gun Ownership as a Risk Factor for Homicide in the Home," *New England Journal of Medicine*, October 7, 1993, Vol. 329 No. 15, pp. 1084-1091.

Rafferty, Ann P. et al. "Validity of a household gun question in a telephone survey." *Public Health Reports*. May-June 1995, Vol. 110, No. 15, p. 282.

Kleck, Gary; Hogan, Michael, "National case-control study of homicide offending and gun ownership," *Social Problems*, May, 1999, Vol. 46, Issue 2, pp. 275-293.

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