

Transcript for the symposium at Cooley Law School entitled “To Bear or Not to Bear: Guns in Educational Institutions.” was provided by Gun Rights Radio Network <http://gunrightsradio.com>

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To bear or not to bear guns and educational institutions was recorded February 4th 2011 at Cooley Law School Lansing Michigan recording provided by the gun rights audio network gunrightsradio.com.

Andreea Custurea Guns in educational institutions - I would like to thank the legal conference committee for their hard work and dedication in organising this conference. The Law Journal would also like to acknowledge our co-sponsors the federalist society who have offered their support on addressing this timely issue. The idea of the legal conference came about at our Law Journal picnic last summer where Professor Wagner was our guest speaker. He inspired us all with his motivational speech in thinking of ways the Law Journal could further its mission of aiding the legal community and academic community with finding practical solutions to inherent problems in the law. Given the recent judicial decisions surrounding gun control the Law Journal thought that a legal conference would be the best way to address this issue which continues to be an issue of concern in today's society. Our moderator for this event is Professor Wagner. Professor Wagner holds a 10 year professorship teaching constitutional law at ex and advance the public techniques at Thomas and Cooley Law School. He is a frequent speaker at world conferences and has published a number of articles, books and other publications. He has served as lead amicus counsel in various matters before the United States Supreme Court. He has also testified before various state legislative bodies and presented an address at the United Nations Human Rights counsel in Geneva. Professor Wagner is a prominent figure in the Cooley community. He is also an inspiration to Law Journal. At this time I would like to welcome Professor Wagner. [Clapping]

Prof. Wagner Thank you for those warm but over generous remarks. The Law Journal at this Law School is a remarkable organization and I suspect that over the years the leadership of this journal continues in the same realm that our current group focus are but you're going to see this journal take national and international prominence among some of the law reviews in the world and so thank you for putting this conference together it is a pleasure to moderate it especially when we have prominent figures from both sides of the debate that are on both sides of me and so I am really looking forward to kind of being the potted plant of this event. And sitting down there in that chair and listening to some experts talk about some very timely issues certainly if you've been following the news

you've seen that over the past few years the Supreme Court has been at now I have to tell you that in 1787 when our constitution came forth and we had a framework for the nation and a little bit later when we as we have the bill of rights the second amendment has always been there. Now I find it interesting that its recent that the Supreme Court has spoken on it in such a way that is causing conferences like this to emerge around the country but in back in 2008 in case to support District of Columbia vs Heller the Supreme Court held that the second amendment protects the right to keep and bear arms for the purpose of self defence and in doing so struck down a district of Columbia law that banned the possession of handguns in home a couple of years later the Supreme Court went further and said that individual liberty applies as a limit on state as well and what I mean when I say a limit on the state I want you to think about our framers as they put this constitution together and they understood what Government power was about, they understood what power was about, they understood that human being created as we are don't necessarily use power in the most proper and beneficial way when anyone entity or anyone part of the Government would be given all powers so they did things like separate power.

[0:05:09]

Prof. Wagner

And they created a constitution that separated power among a branch of Government they would make laws a branch of Government to execute laws and a branch of Government they would decide cases in conflict. Now if you look to the constitution if we were in common law classes these are my students here you know that I would probably bring out my big prop and I have the big picture and actual photos of the constitution **[0:05:34][Indiscernible]** and we could point the parts of it where we would see different parts where we the people delegate to our government power and so in the legislature in congress they have the power to regulate commerce, power to regulate post and things like that. The president is the commander in chief has the power of the commander in chief of the armed forces and the judiciary well maybe not expressly in the constitution but at least ever since *Barbara vs Madison* some justices on the court have suggested that they have power to state what the law means. Here's our power sources in the constitution and the question that becomes what about the rest of the constitution what about these bill of rights do they act as limits on the constitution this liberty this individual liberty we have are they swept? What amount or kind of limit do these provisions the second amendment for example place on the exercise of government power. Now for the first time the court has clearly stated that the second amendment is an individual liberty and it is an individual liberty that is going to exercise as a limit on

the exercise of government power and specifically in the context of the cases I mentioned it was you know its going to protect and give you a right of an individual to self defence and it struck down a law that banned possession of hand guns in home. So we know at the very least the court has said that we can protect ourselves in our home if the bad guy comes in and now we also know that if a state passes the laws where was the federal government passing the law that that same limitation is there in that case Otis McDonald vs the City of Chicago where do we go from here that brings us to today. What about an education institution quick Google last night brought me the most recent thing that's happening some productive law student is using his legal education he's a second two L in university Idaho and he's now sued over campus gun restrictions because he lives on campus housing in married housing and he wants to be able to protect his wife and family or some such under some such satisfaction the question is this government action to university saying that he can't coz that's a fire arm in campus housing congress chamber in the constitution that's what these folks are going to debate here in the educational context now I bet you'll be surprised if you knew how many folks that all the state schools and including all the priority I would ask I would not be probably surprised if all private schools how many of your professors have fire arms. In fact how many of them have permits to carry a concealed firm arm. You'd be surprised how many of your students have been trained to have fire arms and have concealed permits and you'd be surprised how many of our actively involved in lobbying efforts with regard to agencies - organisations like the Brady foundation. So we've got folks at all law schools on both sides of these issues and depending on your world, depending on how you see the constitution depending on how you see the world you're going to come to two very different conclusions and I'm going to guess that when we have these speakers come up here today each one of them is going to have a chance that opening statement about 20 minutes or so we have a little bit of agreement - gentleman's agreement among a couple of them ones going to be longer one's going to be shorter. And the the end of the day the second half of the symposium we are going to have a good debate, civil debate, vigorous debate I'm sure but again I think each of us would be surprised how many other folks in the other camp there are. And I think by the end of the day we are going to understand our own position better and more importantly we are going to understand the position of those we disagree with a little bit better. And so in the long tradition of Cooley having civilised debates on important issues I'm going to get this thing started and I'm going to introduce the first speaker. In your hand out are extended bios I'm not going to read of the bios because I'd rather save the time for these folks to give their messages and have their debate but

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I will give just a little bit for each one Dr. John Lott received his PHD in economics from UCLA he's a senior research scholar at the university of Maryland and he's had many positions and a long list of very distinguished awards and honours so I hope that you can read them but lets begin with Dr. Lott. [Clapping]

[0:10:38]

Dr. Lott

But anyway thanks very much for having me here its an honour. So we've been asked to talk about these places where guns were banned the notion is we simply take guns away from some place we're going to make people safer and there's a range of different types of gun bans we are going to talk about. There's nothing unique about us just talking about campuses and we have a long history and I would like you think about when we're going through this debate is just try to ask yourself one question and that is to name one place where we can go and study we have data that we've had a gun ban and murder rates have gone down because I can't find the place maybe people can go and point to it for me but every place in the United States in the world that I can look at that we've got gun bans murder rates have either gone up a little bit or gone up a lot. As I've said we've a lot of experience with these gun bans and gun presumps you can think about it in terms of a few years ago we had the bill about whether the pilots should be able to carry permits to carry concealed hand guns on planes we have K312 some places you can't go and take guns into sporting facilities that debate over time on whether or not people could take concealed hand guns or open carry guns into restaurants and serve alcohol I guess its like 42 states in one way or another allow people to carry guns into restaurants and serve alcohol. As was mentioned in the introduction we've had a couple of big Supreme court cases that have dealt with gun bans where in DC in Chicago and a lot of the issues a lot of the claims that were being brought up there about why we needed to ban guns in those places have been applied almost word for word to what we hear in terms of the arguments for concealed carry on campus. Now some would go argue that the bans we saw in DC and Chicago weren't really fair tests of having bans because unless you have a ban across the entire country criminals or bad guys can go and get guns from one part of the country and take it in whether it's Virginia and Maryland in the case of DC or Nebraska, Illinois in the case of Chicago. But we have other areas of United States as I've mentioned we've had gun bans that we can look at and we have other countries even whole countries we have firing nations so it seems like we have a lot of things to try to work at to study.

When you look at Chicago or DC I think a lot of people are familiar with the increases in murder rates and violent crimes that occurred when they banned their guns February 1977 DC's hand gun bans and gun loft laws went into effect and DCs murder rate exploded. Prior to the ban it was about 15 to 20 in terms of tough cities in terms of murder rates and the 30 years the ban was in effect it ranked either 1 or 2 and half of those years it ranked in the tough 4 in 2/3 of the years. Part of the ban there was no ranking or remotely close in terms of how high it was DC's murder rate rose not only relative to what its own murder rate had been in the past but it rose dramatically relative to other cities comfortable cities. This will definitely quickly show you a few graphs here this is DC's murder rate over time relative to the other 50 larger cities you can see here prior to the ban it was 4 there was [0:14:43][Indiscernible] increase over this period of time something about [0:14:54][Indiscernible]. I'm not sure what's going on with my figures here but do you have an old copy of California's CJSC?

[0:15:16]

Dr. Lott

So you can break it down lots of different ways you can break it down by comparing it to the US as a whole you can break it down comparing it to states which are next to DC you can look at even longer periods of time where you can see DCs murder rate explodes even more dramatically relative to other cities. How you break it down and I was going to be doing that slides right after this you're going to be seeing large increases. Now what people may not be too familiar with is what happened after the Supreme Court decision in 2008 the numbers that came out for 2009 showed that DCs murder rate had fallen by 25% had gone from about 186 per 100,000 in 2008 to 144 in 2009 and that translates down to a rate that they haven't seen since 1967 that's 3 times larger drop than it had for murder rates nationally or for similar sized cities. But its I think you've got a full copy of in here. So anyway what I was going to show is if you break it down look at the 2 years after the ban went into effect what you're going to see is that the drops continue. DCs murder rates fallen by 36% since the ban ended I think a lot of that has to do with the fact that the gun loft law was basically stopped it made it a crime for people to go and have an operational gun within the districts limit you had about 90,000 people who had permits to own long guns and Washington DC and it made it easier for them to defend themselves. But the other things you're going to find interesting that I showed you is that none [0:17:27][Indiscernible] but crimes with guns fell about more 3 times faster in crimes without guns if you look at robberies with guns they fell about 3 times more than robberies without guns. And while assaults with guns fell about 3 times than more than aggravated assaults without

guns and that's consistent with other evidence that we've got from concealed carry laws over time which have found that the - when people are able to carry concealed hand guns we saw a drop in criminals carrying guns you actually see a greater drop in gun crimes and none gun crimes when that happens. So what I was going to show you then was that its not just Washington DC if you look at Chicago when it had its gun ban going into effect you saw that Chicago's murder rates went up. Chicago's murder rates went up to the top 10 largest cities in the country it rose relative to 50 largest cities it rose relative to Jason county and dramatically relative to all those states. There was not one year after Chicago's gun ban went into effect where the murder rate was as low as it was in Chicago prior to the ban going into effect. And we only have 6 months of data so far right now but Chicago's murder rates weren't down since they started letting citizens go and carry own hand guns in the city.

Thirdly the types of convictions that politicians and gun control groups were making in either of those cases are the ban going into effect and in the first 6 months of last year Chicago's murder rate had risen 5% faster over that same period what they had the previous year and in the last 6 months of last year it had fallen by 14% more than it had in the last 6 months of 2009. Its not just for Chicago which changes its rules at the same time saw 14% drop in violent crime last year but pretty much occurring after the middle of the year. Chicago's drop started in September which is pretty much also the time when they started to do it.

[0:20:05]

Dr. Lott

Now one thing is on we see these increases when the bans occurred we see these drops when they're finished and people say well its not a fair test for Chicago and Washington DC so what I was going to show you is we've already mentioned it around the world and time after time and these changes are dramatic if I could show you my book 3rd edition "More guns less crime". But you look at Ireland. Ireland's murder rate explodes within just a few years after the ban went into effect their murder rate was 5 times higher you go out 10 years later its 10 times higher than what it had been before the ban. You go and look at Jamaica, Jamaica's had the same type of change when you look at these diagrams its basically flat right till after the ban goes into effect and the murder rates go up. UK which banned hand guns in January 1997 you look at the 10 years afterwards there's no year after UKs ban went into effect where the UKs murder rates was as low as it was before the ban going into effect. The number of those years is twice as high as what it was before the ban went into effect. But lots of other things are changing in these different countries I'm not going to go and argue without going into the

[0:21:37][indiscernible] that this is proof by itself quite argue its pretty suggestive in the case of DC and Chicago you can't do that type of incomparable work easily it is that type of incomparable work what I've done and its pretty hard to look at these dramatic changes up or down when you have these types of bans being put in effect or removed they might think something's going on there especially when you try to account for other factors that are there. But in the UK I thing some of the other things happened for example things like they've had a much worse drug gang problem but a huge percent of murders in United States are drug gang related also. And just at the beginning of Obama administration they came up with a report indicating that they thought about 80% of crime in United States was gang related vast majority of that was drug gang related I can't agree more with the Obama administration explains some of those things I'm not sure its quite as high but it gives you some idea how difficult it is to go and control the flow of guns because you know how hard it is then to go and stop drug gangs from getting drugs to go and sell. In the notion that you're going to stop them from getting weapons that they can go and use to protect these very valuable property that they have or to fight some other gang that maybe moving onto their drug tuff seems a little bit hard for me to believe it. So what should I do is speak more about other types of gun results that we've had and I guess the basic question and this is the basic question that we deal with in gun control debates all the time and that is the who is most likely to obey the law. Everyone of us want to try to keep criminals from getting hold of guns but the problem is the problem we have to be concerned about is whose most likely to obey the law. One of the problems we've had with these gun bans is that if you pass the law and its primarily law abiding good citizens who obey the law and not the criminals you're going to get perverse impacts rather than making it safe for potential victims you actually make it easier and safer for the criminal to go and engage in their crime. The question is who are you going to disarm relatively more than the other. So you take something like the gun presumps we have around schools take something like Virginia Tech permanent holder there whether be a faculty member or staff, or student they carry a concealed hand gun virtually any place in the state but not on college campus. If a faculty member were to go and carry his permit concealed hand gun safely on the school property and he gets caught what's going to happen? He's going to get fired. You get fired as a family member for firearms away violation what do you think happens to your academic career? Its over. Chances of you getting another academic job some place in the United States is simply zero and you take a student if you get caught you're going to get expelled even though you can carry it legally any place else.

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Dr. Lott

The effect is going to be quite as dramatic for you as it would be for a faculty member but the likelihood that you're going to be able to get admitted to another law school or get admitted to another undergraduate program to get your BA or law degree is pretty close to zero. Your life is going to be dramatically changed. But if you have somebody like the killer there who killed 32 people and lets say he had lived about 75% of the time people commit these crimes the killer themselves die for sin but even if you live he's facing 32 life sentences and 32 death penalties for the other types of felonies that he's going to be facing the notion that critical penalty for him that would have determined whether or not he would have committed the crime would have been the fact that he also would have risked extortion from school just seems absurd to me. You know its the notion somehow that its alright he could live with telling his parents that he was facing 32 death penalties but somehow he just couldn't tell them that he also been expelled from campus just doesn't seem credible the problem is that when you have these types of impact the people who would obey the rules the people who face the real martial counties for violating those rules are basically law abiding good citizens not the criminals and so you're going to create a situation where its going to be only the bad guys who are going to have guns in this situation. Let me give you a third example to think of lets say somebody was really threatening you or your family seriously threatening you would you feel safer putting a sign up in front of your home that your home was a gun free zone you think that would make the criminal less likely coz he's say no guns are not allowed in there I'm not going to take it in there what do you think would have the other effect? My concern and the data that I've looked at indicates to me in effect that this gun free zone are sensitive magnets for criminals to go and commit crime because rather than you telling them that its going to be more difficult for them to do it you are actually telling them you have less to worry about they don't have to worry about somebody going on protecting them or stopping them protecting themselves. Yolandis at the university of Chicago when I was there we started working on some research we looked at all the mortal victims public shootings in United States from 1977 through 1999 and there were interesting things that we found one thing as I mentioned is that 75% of the time that people commit these attacks the killer themselves died for sin the interviews that have been done with these people after the fact that once they do live what you find is that virtually all the others expected to die at the crime scene main reason why they didn't die is that they couldn't bring themselves to commit suicide the 75% either commit

suicide or killed by somebody else at a gun battle and what you find happening is that these guys know that they're going to commit suicide. You look at the Arizona attack in Tucson Arizona that we just had the person had notes indicating that he thought he was going to die in the attack. You go through the notes or videos or other things that these people leave and time after time they mention that they also mention something that they want to get more attention. They want to commit suicide in a way that's going to get them attention and what they see from all these other past attempts is that people who kill the most people the people who commit the most carnage are the ones that get the most news coverage. And this is important for a couple of different reasons one is police. My research finds the police are the single most important fact for reducing crime but did one of the things that police understand themselves is that they virtually always arrive on the crime scene after the crime has been committed and that raises questions about what do you advice victims to do when they're confronted by themselves. But the reason why its particularly important for these types of multiple victim public shootings is that how does the law enforcement work? The way law enforcement works is that we catch people after the crime and we punish them and so for somebody who is virtually certain that they'll convince themselves that they want to die at these crime scenes the threat of law enforcement simply isn't relevant for them. Things like arrest rates and conviction rates and prison sentence rates like the death penalty they can affect crime generally just don't have the impact statistically significant impact on these multiple victim public shootings. And I could go through the other things we looked at 13 different types of gun control laws only one of them had any impact and that was the passage of right to carry a arms they all found that when states pass superior laws by 60% drop in a the rate of multiple rate public shootings in about 78% drop in the rate that people were killed or injured in these attacks and to the extent to which these attacks still occur in overwhelmingly occurred in places within the state where guns were banned its not 100% drop but its very large and extremely significant that you see this.

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Dr. Lott

And a couple of interesting things one is that if you compare this to drops in murder rates in general you see a much bigger drop in multiple victim public shootings why is that? Generally what the research shows is that as the probability that somebody is going to be able to defend themselves increases you see greater deterrence on the part of criminals. You know I have 5% or 3% of the adult populations state one state is as high as 10% they have concealed hand gun permits the criminal comes up

to somebody at a dark parking lot or an alley at night the criminal is going to face some risk within committing the crime and there's some deterrent generally I find the biggest drops are in high crime urban areas and minorities benefit more from owning guns generally than whites do. That's kind of besides the point but we see these drops and you may see every traditional year that these right to carry laws have an effect you may see by 1 1/2 some drop to murder rates. So why do you see such a much greater dramatic drop in multiple victim public shootings the answer is pretty simple lets say anyone adult in this room had a 2% probability of having a permit concealed hand gun with them someone who would be unknown to the attacker what's the probability I don't know we're 80 people or 100 people in this room lets say what's the probability that at least someone would have a concealed hand gun on that seems to be 100% that you'd have at least 2 people that would have a handgun and so as I mentioned is you see the probability rise and you see greater deterrence's there. You know there's lots of hypothetical things so I guess that Steve can go through some numbers a little bit for Michigan but there lots of hypothetical things people say about what might go wrong what might happen in these circumstances. We don't need to guess we've had some states Indiana's had concealed carry laws since 1920s we have 40 states have had these laws now many of them apparent for decades we have huge amounts of data on this and we have data not only on the behaviour permit holders and the rate at which they loose their permits but we also have a lot of data on what happens when these attacks happen. And the amazing thing to me is how frequently these attacks get stopped without the permit holder even having to fire his gun so relatively a few of you are going to know for example that over 1/4 of public schools shootings have been stopped K312 have been stopped by citizens with guns before uniformed police were able to arrive. You've had attacks in malls you've had church attacks but the biggest one was the New Life Church in Colorado Christmas time a few years ago, you've had shootings on the streets you've had shooting at a law school at Appalachian Law School in Virginia time after time and you know one thing is also interesting in the part of this example constantly or hypothetical concern is what about by slanders being shot? I can find an example of one of these multiple victim public shootings that have been stopped by concealed carry permit holder where a by stander has been shot by a permit holder so these are possibilities that can be raised but it seems to me much more direct to look at what's actually happening. I could go through a lot more data on this maybe later on I will but there are a few other points I wanted to cover point is look at Israel very interesting I mean Israel has been victim of terrorists attacks since 1940s when it was founded and a couple of interesting phenomenal

one is if you look at the attacks go back and read news reports 40s, 50s, 60s early 70s you going to find one attack after another involving machine guns first of all the terrorist attacks involve machine guns after 72 virtually all the terrorist attacks involved bombs something changed. There's no change in technology for designing bombs at that time what happened was Israel changed its policy on what started letting adult Israelis carry concealed hand guns right now about 15% of the adult Jewish population in Israel which is allowed to go and carry hand guns with them.

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Dr. Lott

And what Israel had tried to do for decades was protect the policy that we see being talked about at schools and universities they say what just put more uniformed police on the street put more military on the street what they found is that it didn't work. No matter how much money they poured in they found it just wasn't enough and there's a very simple reason for that that is what happens is terrorists have huge strategic advantages if you are a terrorist on a bus and you have 2 soldiers and 3 police officers there you have 2 options one is you can go and wait for them to leave so you can wait an hour or 2 hours and as soon as they leave you engage the attackers or those will be the 2 first people you take out first. The advantage of a concealed carry with civilians doing is the attackers have no idea who is going to be able to stop them before the attack occurs. There are other things I could go through and talk about Israel you know people talk about multiple victim public shootings and what they often think about it is an American problem in fact look at Europe in the per capita rate of multiple public victim shootings in Europe its fairly similar to what it is in the United States. Take Germany for example you may not be privy to know this but you should and that is you know where the 2 worst K212 public school shootings have occurred they're taking place in Germany and both of them have taken place in Germany within the last 10 years. In fact Germany has 3 of the worst 5 and those 3 have all occurred in the last 10 years. Germany has all the types of guns control laws that people could possibly want what's more they don't even go and mention them you have to a year to get a gun undergo sets of psychological screening tests and other things and yet these attacks still occur. France has a number of them, Italy, UK just had an attack last year which 10 people were involved, Finland has had a number of attacks so we could go on with this list here. And one thing just to talk about here briefly is just behaviour **[0:37:36][Indiscernible]** and we find is that they're extremely law abiding. Data here for Arizona my book goes through 25 states in detail Florida I just mentioned Florida between October 1st 1987, December 31st 2010 Florida issued permits

to over 1.9 million people. On average the average person there had had his permit renewed more than twice had had the permit on average for a little bit more than 12 years. So you have 1.9 million people on average having permits for 12 years and yet for all those people and all the years they hadn't had permits we had 168 who had their permits revoked any type of firearm to wait by right. The vast majority of those are from one particular type of violation and that is people accidentally carrying a permit concealed hand gun into a gun free zone. So no threats or violence there in those cases. That comes to a revocation rate of less than .01% actually .009% so its less than 100 of 1% if you look at the data over the last 3 years that's 36 months you've had 4 additional of those 168 they've had their permits revoked and that's a revocation rate there of .00003% that's 3 ten thousands of 1% of a point. I would go and argue its pretty hard to find almost any of the group in the population that's anywhere near as law abiding. So just a brief comment about carrying on campus. With 71 campuses which explicitly allow students to be able to carry on campus I think its actually more coz I don't think have gone through all the students hand books plus 35 are said to have had this for more than 5 years there's no accident that I know of with any of those students on any of those places where its been allowed have created any problems. And if you go there and this isn't a new phenomenal these guns are people carrying guns on campus really go back to when the federal debate over them free zones occurred back in the early 90 states had right to carry laws pretty much universities allowed students and faculty and others to carry hand guns on school property prior to the early 1990. I can't find one example where any of those places where people were actually allowed to carry where there was a problem. There was a larger number of schools that allows staff and faculty to go and carry nobody is going through and flip through the hand books in the country but its obviously substantially larger than the 71 again I can't find a single example of any problems that have occurred. My guess is they both faculty being able to carry concealed hand guns on campuses and staff insist they weren't students. So going and focusing on students is a little barbaric they would argue its the principles law. And in my book I look at data involving young people loosing their permits as opposed to older people their revocation rates are virtually identical you basically have to go down to the third decimal point to see any differences in terms of revocation rate.

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Dr. Lott

So to go and talk about hypothetical things that might happen you know say well students will get into arguments over parking places or other types of - the parking places are off campus there barriers off of campus

these people were able to carry apparently with no problem at all off campus. We have got a 6.5 million Americans that have concealed hand gun permits right now I'm not going to say that there zero cases but the important thing you have to look at there is what's the rate of problems and I would argue that when you look at the entire set all 6.5 million compared to the rate that you find problems its going to be very hard to find almost any of the group and population that's anywhere near as law abiding in that year this debate about things that might possibly go wrong my response to that is lets go law point to examples on school property point to examples to these schools that have these problems, point to K212 schools where we have even more experience than we have no examples of problems with permits. Thank you very much for your time. [Clapping]

Prof. Wagner

Thank you Dr. Lott we are off to a great and spirited discussion this is going to be a great afternoon I can tell his book again I didn't mention it and forgive me for not but his book again is "More Guns less crime" understanding crime and gun control laws. That's his most recent book. So the next speaker is James Manley he's a staff attorney with the Mountain States Legal Foundation he received his jurists doctorate from the University of Colorado Law School again he has a long and distinguished bio that I will point you to if you read in the hand out that you were given but among the things on the researchers are the president of federal society while he was in Law School and he served his lead attorney on a quite a number of gun cases in the state and including a case called Students for concealed carry on campuses vs the Regents of University of Colorado that was a state stage court challenge to the universities ban on licensed concealed fire arms. James Manley [Clapping]

James Manley

Dr. Lott started with a question do guns make places safer and I'd like to look at the opposite question do guns make places more dangerous? And we don't want to talk about what would happen if we allowed concealed carry on campus we can look at what is already happening because there are guns legally present on at least 2 dozen college campuses right now in Colorado and Utah and there have been legal guns on these colleges and campuses for almost a decade in Colorado and for 15 years in Utah. As Dr. Lott mentioned there are a lot of other states that allow students that are visitors but are not student of faculty or of faculty to carry some combination of that but I'd like to focus on just those 2 examples in Colorado and Utah where everyone students, staff, faculty and visitors are allowed to carry and the right to carry is protected by state law. Now in both Colorado and Utah concealed carry on campus

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requires a license. In Colorado you have to pass a 10 point finger print based background check and even if that check is clean the Sheriff can reject your application if he thinks that you would be a danger to yourself or others.

[0:45:09]

James Manley

You ought to undergo safety training and you have to be so scrupulously law abiding that you pay over \$100 in fees to get permission to do something which by its very nature is secret and hard to detect. And in Utah there's a similar permitted law system so in Colorado the right to carry is protected every where in the state with 4 narrow exceptions; one of the exceptions is K312 schools, a place where federal law does not allow you to carry, public buildings with metal detectors where everyone going in is screened and where if you are carrying you can store your fire arm with security. And then lastly private property that doesn't allow carrying then he can prohibit you from coming onto his property with a gun.

Now the university of Colorado has ignored the law and I'll get back to that a little bit later but Colorado State University has recognized the right to carry for almost 10 years. It does prohibit carrying in dorm rooms so if you're licensed permit holder you can carry everywhere on campus except dorms and people have been carrying there for almost 10 years. Also in the past year about a dozen community colleges have recognized the right to carry and lifted their ban in Colorado. In Utah the situation is even more liberal since 1995 licence carry has been allowed everywhere in the state with a few exceptions but not included in those exceptions are K312 schools or dorms colleges and there's some resistance from the University of Utah quite ultimately a law suit challenging the law failed. Students at University of Utah can choose to live with a gun free room mate although as I understand it very few have taken that option to live with a room mate that is guaranteed gun free. So we've got 15 years of experience with concealed carry on campus. We've got Colorado where its a little bit more constructed you can carry on campus but not on K312 schools and cannot carry in dorms and then we've got Utah where you can carry at all schools including in dorms. And I shall also point out that the Michigan state university recently within the last year recognized that state law protects the right to carry on campus and they lifted their ban on concealed carry on campus although as I understand there's still a ban in some campus buildings so they're trying to enforce.

So what have we learnt in the last 15 years? CSU Colorado state experienced a rapid decrease in crime in 2003 but put that aside ignore

any possible benefits to conceal carry on campus. I want to focus on the negative effects conceal carry on campus have their nightmare wild west scenarios played out, has academic discourse been water down because people are afraid if they get into a heated debate that there will be a gun fight, a drunken students and professors misuse firearms on these campuses. And what we've seen in the last 15 years is that responsible safe concealed carry is the norm both on and off campus. Concealed carry on campus has been perfectly safe there have been no gun crimes involving permiters, there have been no academic disruptions or issues no shoot outs over class discussions there have been no measurable negative effects to concealed carry on campus in Utah and Colorado. When the CSU faculty about a year ago tried to institute a fire arms ban the only argument that they could master was peer pressure they didn't like being the only school in the state that allowed concealed carry. They couldn't point to any incidences in the preceding years where concealed carry had disrupted the learning environment in any way. Unfortunately that ban failed and concealed carry is still allowed at CSU and they have some more company now as I mentioned most of the community college campuses in Colorado have now recognized the right to carry. And I hope that they may have even more company soon as I mentioned the University of Colorado has never followed state law they've never followed allowed licensed concealed carry on campus I suppose that's not entirely true because their ban went into effect in 1971 I believe.

[0:50:00]

James Manley

So for the first 100 years the CU was around they didn't have a gun ban what for the last 40 years they've had one in place but last April the Colorado Court of Appeal ruled that CU's ban is unlawful. Now the university appealed and so the Colorado Supreme Court will soon be hearing arguments in that case and I represent the group of students and the organisation that they belong to that soon they'll be over their gun ban. The organization is called Students for concealed carry on campus its a grass roots organization that was formed in the wake of the Virginia track tragedy. And its entirely grass roots student run student formed everyone that works there is a volunteer and they're not your typical students and nor the plaintiffs in the law school typical students they're - the students and the law students are all licensed to carry they all carry when they're off campus and they all have their own reasons for wanting to carry.

One of my clients is Martha Orman she probably wouldn't want me to tell you how old she is but I will tell you that she went back to college when she sent her son off to school and she chose the University of Colorado at

Denburg because its close to her work but its also down town and on campus there had been over a dozen forcible sexual assaults and over 50 robberies and aggravated assaults in the last 3 years and like most none traditional students Martha has a schedule that requires her to take early morning and late night classes and she feels safer walking to her car in the dark in the city when she has the means to protect herself. And frankly I cannot understand why anyone would want to deny her the choice to fight back if she's attacked on campus. Eric Mode is a graduate of University of Colorado he's still active on campus he's also an airforce officer, he's entrusted with millions of dollars in the military equipment to clean firearms but the university prohibits him from carrying on campus. They prohibit him from even storing the gun in his car so when he is driving to and from campus he can't carry either because he would violate the ban as soon as he drives onto campus if he's caught he could be charged with crime and then banned from campus for life. John Davis is a grad student at the University of Colorado at Colorado Springs he's also a non traditional student before college he spent 12 years in the military including active duty as a rifle and pistol merchant ship instructor and he is currently a sergeant in the army reserves. These are not your typical college students and that's because your typical college student isn't eligible for concealed carry weapon. We're not talking about handing out guns at orientation we're talking about people who are already licensed to carry who are over 21 years old who passed a vigorous background check. We're not talking about kids at their first party. We're talking about adults who have made the decision that their lives are worth fighting for. Now when we sued the University of Colorado we raised 2 claims I'm not going to get into all the details because a lot of it is specific to Colorado but the first claim was under the state law the concealed carry law that's 40 states have similar laws. 48 states have some sort of concealed carry law although on those other 8 states the permits are harder to get if you're not politically connected. Now in Colorado the concealed carry law as I said applies to all parts of the state with 4 narrow exceptions and the legislature considered adding universities to that list but the legislative debate is crystal clear they decided not to ban carry on campus they decided to protect the right to carry on campus because they thought it was important for adult students who had gone through the training to have that right to defend themselves and our statutory argument is simple when the legislature says this is a state-wide rule on concealed carry that means state wide it doesn't mean state wide except for universities.

[0:55:05]

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James Manley

If the universities are not excluded then they're covered by comprehensive state wide legislation like the concealed carry act. And the situation in Michigan is similar you have a law that covers concealed carry in all parts of the state with a list of exceptions and if universities are included in that list of exceptions then they're included under the law. And they can't ignore the law or pretend that they are above the law and ban licensed concealed carry on campus the legislature has taken away that policy choice.

Another policy choice that's taken away is taken away by the constitution in Colorado and perhaps in other states as well and the policy choice that's taken away by the constitution is policy choice to ban all fire arms which is what the University of Colorado does. They have essentially created a pretend gun free zone where law abiding people are disserved but people with evil intentions are free to ignore the no guns rule as every school shooter and arm breaker has done. Now unless the university is willing to screen everyone coming onto campus they cannot ban guns. If the university is not willing and able to protect every individual it cannot deny law abiding individuals the right to provide their own safety. To do so would violate the constitutional right to keep and bear arms. And that is critically important to this debate there is a constitutional right to possess a fire arm for self defence. Now that's a right that's only recently recognized and we don't know what the outlaw contours of that right are but there's a critical difference in policy debate when we're talking about constitutional right because in the past anti-gun activists have been held to a lower standard. It used to be that any conceivable justification no matter how implausible would be enough to justify almost any gun regulation including total gun bans. But the courts have made it clear that is no longer the case. If someone wants to deny law abiding individuals the choice to fight back when their lives are threatened the burden is on the gun banners they have to prove through evidence that the regulations they propose are narrowly tailored to achieve a compelling government interest. A Carolina hunch or conjuncture or faulty logic taking cold hard facts applicable to the situation that prove a precise connection between their proposed legislation and the specific harm that will be prevented. If they can't show that the ban is justified by evidence then its unconstitutional and here with concealed carry on campus the evidence is pretty clear we have a 15 year long real world empirical study that shows no benefit to banning concealed carry on campus. Now whether concealed carry in general or on campus has any measurable benefits I believe to **[0:58:53][Indiscernible]** he studied the issue extensively but what we can see is that there haven't been any negative effects and we do know that

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school shootings have been stopped by the presence of fire arms and in most cases as Dr. Lott mentioned the mere presence of a gun in a victims hands has saved lives. So my question is why if the record is clear the concealed carry on campus has had none of the negative effects imagined by its opponents then why should we deny Martha Orman and Eric Mode and John Davis and any other law abiding citizen the choice to fight back if their lives are threatened on campus? [Clapping]

[1:00:00]

Prof. Wagner

Thank you very much we are going to mix it up a little bit and the moderators prerogatives so Mr. Johnson if we can maybe get you to come up here. John Johnson received a degree from Purdue University here at distinguished career as mechanical engineer and again I'll let you read his full bio in the hand out but currently he serves as the outreach coordinator for the campaign to keep guns off campus a project called and I think it likely says gunfreakids.org so without further ado John Johnson. [Clapping]

John Johnson

Thank you very much for coming my talk is more guns more gun deaths and injuries. Certain people have gone through this I'll try to be as brief as I can probably nearly all colleges and universities have policies that prohibit the possession of fire arms on campus. There are probably 7,000 premier colleges and universities and then about 2,000 community colleges.

Prof. Wagner

Its not on?

John Johnson

I'm just not speaking in tongues.

Prof. Wagner

Excuse me?

John Johnson

Start again nearly all colleges and universities and about 7,000 four year colleges and 2,000 two year colleges currently prohibit the possession of fire arms carry on campus. Following mass shootings at Virginia back in 2007 and Northern Illinois University in 2008 the gun lobby is pushing legislation in several states if that will allow guns on campus. The bills are very similar from state to state in general these bills will allow any person to carry a concealed weapons to carry guns on campus. In class rooms, student centres, sporting events and keep fire arms in students dormitories and fraternity houses. The campaign to keep guns off campus was formed in 2008 as a project of gunfreakids.org which is a New York based advocacy organisation. The campaign urges colleges and universities to ban together to oppose the gun lobbies agenda to push

guns on to college campuses they do this by signing onto a resolution based that they are opposed to guns on campus. Today more than 260 colleges and universities in 36 states have signed the resolution this includes 187 four year colleges and universities and 74 community colleges. If you're interested you can check the list on our website www.keepgungsoffcampus.com. The 3 colleges and universities in Michigan have signed our resolution. Northern Michigan University, Gokan University in Wyoming state. I'm sorry probably.

What is the case against guns on campus? The collage age years is among the most volatile in a persons life as such these are peak years for abusing alcohol and drugs attempting suicide experiencing mental health problems. Students are under a lot of stress with the grades, relationships, possibly employment concerns so if guns are present there's more likely that these situations will result in serious injuries or death. Your Mr. Lott asked us name one place where gun bans make us safer I'll name one America's colleges and universities. Studies show that America's colleges and universities are among the safest environments for students. California department of justice study 93% of violent crime against students occurs on campus where guns are more readily available. According to US department of education homicide rate for college campuses is 1 per million compared to homicide rate of 60 per million per year for the general population. To put this number in perspective must be equivalent to the city of the size of Detroit having 4 gun homicides in there rather than 374 reported in 1974. Here's a table that compares violent crime rates on college campuses versus the general population shows that murder rate is by factor 50 - 60 times higher than the general population on campuses, forcible rape is 3 times higher in general population compared to campuses, robbery about 12 times higher than general public versus campuses, aggravated assaults are also about 12 times higher off of campus compared to on campus.

[1:05:41]

John Johnson

You know there's a saying if it ain't broke don't fix it right now colleges are not broke. So pointing the case on guns in campus. Number 2 is more guns means more gun deaths and injuries. Studies show and whenever guns are introduced into an environment the result is more gun deaths in industries. Environment that has been studied the most is the home. Oh by the way here's another place where people are safer where gun bans make people safer. Study after study have shown that the presence of a gun in the home increases the risk of homicide, suicide or non intentional shooting of a family member. One study found, there's been so many studies now I think researchers have stopped

studying coz they all know what the result is. One study found that a gun in a home for self protection was 22 times more likely used to a shoot family member than a criminal or intruder. And this study which carried on for 3 years and hundreds of shootings every time there was identified justifiable shooting there were 7 homicides or attempted homicides 11 suicides or attempted suicides and 4 unintentional shootings of a family member. Now here I'd like to see if I can get a little of audience participation being an engineer I like to try that out a bit of an engineering analogy here. Every one knows that if the engines on the airplane fail the plane will crash and everyone dies. Suppose an aeroplane manufacture comes up with a giant parachute system such that if the engines fail the parachute will deploy and everyone lives but there's one caveat that the parachute system deploys inadvertently and then causes the plane to crash and everyone dies. Now here's your part I'd like to take a poll how many in this audience believe that under these conditions and assuming cause is not a consideration to safety how many would say the manufacturer should install the parachute system? Through hands - I see a few hands. Now how many in this audience would say a, the manufacturer should not install this safety system? Kind of real fast we have about the same number. How many in this audience say I need more information? Right correct answer is 'C' I need more information specifically what is the probability of the parachute deploying inadvertently versus the probability of the engines failing. Now if I were to tell you that testing shows that the probability of the parachute system deploying inadvertently is 22 times higher than the engines failing and the answer is clear you do not install the safety system because for every time the parachute safety system will prevent a crash it will cause 22 other crashes. If you keep a gun in the home for self protection basically you're installing a parachute system on a jail plane.

Going on a study showed that work places that allow workers to carry weapons are more likely to have an on the job homicide than work places that prohibit workers to carry weapons. And finally research by the Harvard Institute of public health shows that fire arm death rates are higher in states with the highest rate of gun ownership when compared with states with the lowest rates of gun ownership. One would think if guns made it safer that there would be fewer gun deaths and injuries in the high gun ownership states.

[1:10:03]

John Johnson

It's just the opposite that's true. If these checks were coming up here's a table from the Harvard study looking at death rates for children about 5 - 14 over a 10 year period in 5 states with the lowest rates of gun

ownership compared to the 5 states with the highest rates of gun ownership. It turned out convenient in this study that both populations have about the same population 22 - 23 million. Looking at gun suicides there were 153 and this is over 10 years. 153 gun suicides in the high gun rate states compared to only 22 in the low gun rate states. Whereas non gun suicides were about the same 69 - 82. Looking at homicides there were 298 gun homicides in the high gun rate states compared to 86 in the low gun states. Again non gun homicides were comparable with 43 - 110. For unintentional shootings there are 253 deaths in unintentional shootings in the high gun rate states compared to only 15 in the low gun states overall 740 deaths in the high gun rate states to 123 in the low gun rate states a factor of about 6 deaths. Here's a follow up study by Harvard this time they just looked at suicides in the general public all age groups and in this study the researchers wanted to have New York to the low gun rates states so they then added as many high gun rate states as necessary to bring the two populations about the same at about 39 to 40 million for this 2 populations gun household ownership was 47% in high gun rate states and 15% on the low gun states. And to save a little time here I'll go through the males hiked by 14,365 in the high gun rate states down from 3,971 in low gun rate states. The important thing is the none gun suicides are roughly the same. For females they were more dramatic 2,212 with the high gun rate states with 286 on the low gun rate states. None gun suicides essentially the same with a total population 16,577 in the high gun rate states 4,257 in the low gun rate states. Overall again none gun suicides were the same. An overall figure of 4 times as many suicides in high gun rate states as low gun states. 3 on the case against guns on campus now the gun lobby claims that persons who attain permits to carry concealed weapons are honest law abiding citizens who were just exercising their rights to protect themselves. However, there's a growing body of evidence that concealed carry licensees are a threat to public safety. An ongoing study by the violence policy centre Washington DC is tracking homicides committed by CCW licensees across the country. They've been able to document that since May of 2007 CCW licensees have killed at least 9 law enforcement officers, 273 private citizens. You go to their website which I've listed here and I have little descriptions of each incident. In addition CCW licensees have committed 17 mass shootings consisting of 3 or more victims they've claimed a total of 73 lives. Now in an ideal world only the good guys would have guns but we all know we are not living in an ideal world. Background check systems which is the main determinant whether a person gets a permit to carry concealed weapons are simply inadequate to rid off all potentially dangerous individuals who are issued licences to carry concealed weapons. Arming the good guys unfortunately means arming the bad

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guys. I've gone through essentially every description in the **[1:14:50][Indiscernible]** data base of CCW homicide to see who are the victims but the gun lobby would have you believe that the victims are murderers, robbers, rapists, wrong **[1:15:06][Indiscernible]** wait till I tabulated all the victims found that 15% of the victims of CCW homicide were spouses, ex spouses, girlfriends, boyfriends, ex girlfriends, ex boyfriends.

[1:15:26]

John Johnson

Other family members account for 16% of all the victims, parents, children, brothers and sisters, friends or personal enemies, acquaintance as a shooter, neighbour, co-worker an associate from 6% strangers .9% and finally concealed carry licensees are not only a threat to the public but also to themselves as 10% of the victims consist of the shooter himself in a murder or suicide. Also looked at further circumstances for each of these CCW homicides? We see that relationship problems fill up 30% of the time relationships we are all in relationships. Confrontation arguments to steer off provocation shot up 40 times, road rage which is another confrontation 8%, unintentional shootings 10%, **[1:16:36][Indiscernible]** problems 4% and so on. Now murders and rape I found that in 3 or 4 cases you were the victim was actually engaged in a crime but not threatening the shooter one case example would be your trying to break into the persons car they run away and they got shot in the back.

Four, armed students would be unlikely to prevent blood shedding. In most states person must be at least 21 to get a permit to carry a concealed weapon that involves about 3 to 4 college maybe .5% or 30% college students would be eligible studies from Utah show that only probably a small percentage of students may apply for a permit to carry considering mass shootings are rare events it is highly unlikely than an armed student would be in a position to prevent a mass shooting. The data is available with CCW licensing are not trained in the use of deadly force how to respond in crisis situation very long **[1:17:40][Indiscernible]** So they may not even be effective even if they were in possession. So what's our basic chief concern? The chief concern is what we call unintended consequences. Gun lobby's version of a designated sheriff in every class room is a fantasy however, unintended consequences that would result that guns are made more available to students are real and would make college campuses more dangerous every day. Some time down here on unintentional shooting **[1:18:13][Indiscernible]** students attempted suicide. About 2 weeks ago there was an article in the papers internet the student went to an L Los Angeles High School with a loaded

handgun in his back pack the gun discharged in the back pack was either dropped or set down on the desk and injured 2 students one was nearly fatal. One was shot in the head and the other had serious injuries. Now week before that there was an incident at Florence state university where a student was shot and killed a young woman 20 years old was shot and killed by a fellow student who was showing off a rifle that he had purchased it went off inadvertently shot her in the head. These are the kinds of things we're talking about unintended consequences. In my view what I've studied about gun violence I think the greatest concern with more guns in college campuses would be the risk of suicide. Look at the facts here suicide is the 2nd leading cause of death for college age young adults. On average out of 1,000 college students commit suicide each year. And another 24,000 attempt suicide. Here's the key for suicide attempts by drugs were only fatal about 3% of the time, suicide attempts with firearms were fatal about 90% of the times. So this stands the reason if guns are more available to students more of those 24,000 attempted suicides would prove to be fatal.

Finally its not a safety issue another issue is the impact on schools competitive position. Colleges and universities compete for the best faculty staff and students. The best faculty and staff students have choices where they work and where they go to school. On guns on campus will make it more difficult for colleges and universities to attract the best faculty staff and students. And thank you very much for your attention and I think I made a clear [Clapping]

Prof. Wagner

The debate is framed isn't it folks? The debate is framed and we're going to take a break here in a second but what I've noticed is that we are hearing from both sides statistics to support positions now I might challenge the panellist to do later in our debate today is to challenge each others statistics because I was listening very carefully and both sides are very careful in how they choose the numbers they do and so if all the concealed carry permits in this room today if you were carrying guns and I'm not going to ask you if you are we are either in the safest room in this Law School or the most dangerous depending on who you are listening to.

[1:21:26]

Prof. Wagner

Now I grew up in the great state of Michigan and in Michigan we've consumed statistically a lot of ice cream in the summer time in the winter time like today not so much. In the summer times statistically a lot more people drown than they do in this great state in the winter time. I don't think a log of folks would say increased consumption of ice cream results

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in the increase of number of drowning. We have to be careful on how we use statistics and so I'm going to challenge both folks on both sides during the debate portion to challenge each others statistics to challenge the underlying premise to challenge the underlying rationale that the proceeds from the premise that is siding and so I look forward to that they will all finish opening statements after this first break then we'll have a full hour of debate and I'm looking forward to that part actually. Lets take a 10 minute break stretch, go to the bathroom

This ends the first part of to bear or not to bear guns in educational institutions.

[1:23:02] End of audio