

**In The  
Supreme Court of the United States**

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OTIS P. MCDONALD, et al.,  
*Petitioners,*

v.

CITY OF CHICAGO, et al.,  
*Respondents.*

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**On Writ Of Certiorari To The  
United States Court Of Appeals  
For The Seventh Circuit**

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**BRIEF OF THE INTERNATIONAL LAW  
ENFORCEMENT EDUCATORS AND TRAINERS  
ASSOCIATION (ILEETA), INTERNATIONAL  
ASSOCIATION OF LAW ENFORCEMENT  
FIREARMS INSTRUCTORS (IALEFI), SOUTHERN  
STATES POLICE BENEVOLENT ASSOCIATION,  
TEXAS POLICE CHIEFS ASSOCIATION,  
LAW ENFORCEMENT ALLIANCE OF AMERICA,  
CONGRESS OF RACIAL EQUALITY,  
THE CLAREMONT INSTITUTE, PROFESSORS  
CARLISLE E. MOODY, ROY T. WORTMAN,  
RAYMOND KESSLER, GARY MAUSER,  
DR. STERLING BURNETT, AND THE  
INDEPENDENCE INSTITUTE AS *AMICI CURIAE*  
IN SUPPORT OF PETITIONERS**

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## CORPORATE DISCLOSURE STATEMENT

Pursuant to Supreme Court Rule 29.6, International Association of Law Enforcement Firearms Instructors, Inc. (Massachusetts), Southern States Police Benevolent Association (Georgia), Texas Police Chiefs Association (Texas), Law Enforcement Alliance of America (Virginia), Congress of Racial Equality (New York), Claremont Institute (California), and Independence Institute (Colorado) each state that they are non-profit corporations, incorporated in the states listed after their respective names. The International Law Enforcement Educators and Trainers Association (Wisconsin) is a Subchapter S corporation.

The aforesaid *amici* have no parent corporations, nor is there any publicly held corporation that owns more than 10% of the stock of any of them.

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## INTERESTS OF THE *AMICI CURIAE*

*Amici* are law enforcement organizations, a civil rights organization, scholars, and public policy research institutions.<sup>1</sup>

### **International Law Enforcement Educators and Trainers Association**

The International Law Enforcement Educators and Trainers Association (ILEETA) is a professional association of 4,000 persons who provide training to law enforcement in the proper use of firearms, and many other subjects.

The interests of additional *amici* are detailed in Appendix C.



## SUMMARY OF ARGUMENT

Guns save lives. Criminological data, studies of criminals, and natural experiments show that American

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<sup>1</sup> The parties have consented to the filing of this brief. Counsel of record for all parties received written notice in October of intent to file this brief. No counsel for a party authored the brief in whole or in part. No counsel or party made a monetary contribution intended to fund the preparation or submission of the brief. The NRA Civil Rights Defense Fund, a legally separate entity from the NRA, has made contributions to the Independence Institute, which, although not specifically for this brief, have been used in part to fund the preparation of this brief.

citizens frequently use firearms, especially handguns, for lawful self-defense. Because defensive arms are common in American homes, occupied homes in the U.S. are burglarized at a much lower rate than in other nations.

Ending handgun prohibition does not lead to disaster. This is shown in the District of Columbia post-*Heller*, and in South Carolina in 1965 after the 1902 ban on handgun sales was lifted.

Chicago's 1982 handgun ban was immediately followed by a very sharp increase in crime relative to other large American cities. In Chicago, as in many other cities, 911 response is often too slow to save crime victims.

Police officers in Chicago are murdered at a rate 79% above the national average, and at a higher rate than in most other large cities. Chicago's handgun prohibition is so ineffective that it has not even reduced the percentage of murders perpetrated with handguns—a percentage that has risen notably since the ban was imposed.

Judicial protection of the right to keep and bear arms would not interfere with police anti-crime tactics such as New York City's aggressive frisks of suspected illegal gun carriers.

In eleven cases, this Court has overturned convictions because they violated the defendant's right of armed self-defense. The cases provide further evidence that the right is deeply rooted in our history

and traditions, and is fundamental to our scheme of justice.

Handguns are often the superior choice for home defense, and the liberty to choose the right arm for defending the family belongs to every individual family.



## ARGUMENT

Judicial protection of the right to keep and bear arms and the right of self-defense is legally sound, and salutary for public safety.

### I. Summary of research data

In *Heller*, most of the *amici* on the instant brief filed a brief containing extensive empirical information about the law enforcement benefits of the ownership of firearms, particularly handguns, by law-abiding citizens. Brief of the International Law Enforcement Educators and Trainers Association (ILEETA), et al. as *Amici Curiae* supporting Respondent, *District of Columbia v. Heller*, 128 S.Ct. 2783 (2008), 2008 WL 405576 (ILEETA *amicus*). Below is a concise summary of the information in that brief, which contains the full citations, details, and responses to critics:

- The burglary rate of occupied homes in the U.S. is far lower than in nations that

severely restrict defensive gun ownership or prohibit handguns.<sup>2</sup>

- Studies of burglars have found that the risk of confronting an armed victim is a major deterrent to occupied residence burglary.<sup>3</sup> Indeed, an American burglar's risk of being shot while invading an occupied home is greater than his risk of going to prison. Presuming that the risk of prison deters some potential burglars, the risk of armed defenders would deter even more.<sup>4</sup>
- The Centers for Disease Control found that in the United States guns are used defensively against burglaries (usually

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<sup>2</sup> ILEETA *Heller* brief, at 8-10 (only 13% of U.S. residential burglaries are attempted against occupied homes, compared to 59% in England and Wales, 48% in the Netherlands, and 44% in Toronto).

<sup>3</sup> ILEETA *Heller* brief, at 8-9, citing studies of burglars in Delaware County, Penn.; Greenwich, Conn.; Massachusetts; and St. Louis. The latter study summarized: "One of the most serious risks faced by residential burglars is the possibility of being injured or killed by occupants of a target. Many of the offenders we spoke to reported that this was far and away their greatest fear." Hence, most burglars tried to avoid entry when an occupant might be home.

<sup>4</sup> JAMES WRIGHT, PETER ROSSI, & KATHLEEN DALY, UNDER THE GUN: WEAPONS, CRIME AND VIOLENCE IN AMERICA 139-40 (1983) (Nat'l Inst. of Just. study); *see also* Gary Kleck, *Crime Control Through the Private Use of Armed Force*, 35 SOC. PROBS. 1, 12, 15-16 (1988).

without a shot being fired) half a million times per year.<sup>5</sup>

- Because some home-invasion burglaries turn into assaults or rapes, if the U.S. home-invasion burglary rate (around 13%) rose to a level similar to other nations' (around 45%), then the millions of additional home invasions would result in about 545,713 more assaults every year. This by itself would raise the American violent crime rate 9.4%.<sup>6</sup> Given that the average cost of an assault is \$12,784,<sup>7</sup> the annual cost savings from reduced assault is nearly seven billion dollars (\$6,976,394).
- Since burglars do not know *which* homes have a gun, people who do not own guns enjoy free-rider benefits because of the

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<sup>5</sup> There were 1,896,842 incidents in which a householder retrieved a firearm but did not see an intruder; 503,481 incidents in which the armed householder *did* see the burglar; 497,646 incidents in which the burglar was scared away by the firearm. Robert Ikeda et al., *Estimating Intruder-Related Firearms Retrievals in U.S. Households, 1994*, 12 VIOLENCE & VICTIMS 363 (1997).

<sup>6</sup> GARY KLECK, POINT BLANK: GUNS AND VIOLENCE IN AMERICA 140 (1991).

<sup>7</sup> ILEETA *Heller* brief, at 11-12 (the cited 1996 cost of crime figures were multiplied by 1.36, to account for 1996-2008 increases in the Consumer Price Index).

deterrent effect from the homes that do keep arms.<sup>8</sup>

- In a National Institute of Justice study, many criminals reported that they personally were deterred from committing a crime because of the risk that the victim might be armed. Large majorities of incarcerated felons agree that armed victims are a substantial crime deterrent.<sup>9</sup>

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<sup>8</sup> David Kopel, *Lawyers, Guns, and Burglars*, 43 ARIZ. L. REV. 345, 363-66 (2001).

<sup>9</sup> Interviews of felony prisoners in eleven prisons in ten states, found:

- 34% reported personally having been “scared off, shot at, wounded or captured by an armed victim.”
- 8% said the experience had occurred “many times.”
- 69% reported that the experience had happened to another criminal whom they knew personally.
- 39% had personally decided not to commit a crime because the victim might have a gun.
- 56% said a criminal would not attack a potential victim who was known to be armed.
- 74% agreed that “One reason burglars avoid houses where people are at home is that they fear being shot.”

JAMES WRIGHT & PETER ROSSI, *ARMED AND CONSIDERED DANGEROUS: A SURVEY OF FELONS AND THEIR FIREARMS* 146, 155 (expanded ed. 1994). Notably, “the highest concern about confronting an armed victim was registered by felons from states with the greatest relative number of privately owned firearms.” *Id.* at 151. Thus, “the major effects of partial or total handgun bans would fall more on the shoulders of the ordinary gun-owning public than on the felonious gun abuser. . . . [I]t is therefore also possible that one side consequence of such measures would be some loss

(Continued on following page)



- Natural experiments confirm that armed citizens deter crime. In Orlando, Florida, rapes and burglaries fell abruptly and dramatically after the police instituted a program to train women in handgun use. In Kennesaw, Georgia, home burglaries plunged after the city enacted a highly-publicized ordinance mandating home gun ownership.<sup>10</sup>
- Thirteen studies show that defensive gun use (DGU) is frequent in the United States. Studies range from 760,000 to 2.5 million DGUs annually, with the most thorough, highly-controlled research supporting the higher figures. In contrast, the National Crime Victimization Survey (NCVS), which does not directly ask about DGUs, indicates about 95,000 annually. The National Opinion Research Center's analysis of all the research results in an estimate of between 256,500 and 1,210,000 annually.<sup>11</sup>
- Data refute the notion that armed self-defense makes the victim worse off,<sup>12</sup> or frequently results in a criminal taking a

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of the crime-thwarting effects of civilian firearms ownership.”  
*Id.* at 237.

<sup>10</sup> *ILEETA Heller* brief, at 17-19.

<sup>11</sup> *Id.* at 14-17.

<sup>12</sup> *Id.* at 22.

victim's gun.<sup>13</sup> In an *amicus* brief below, the Chicago Board of Education (CBE) ignored this data, and wrote: “[E]ven among highly trained police officers, 16% of officer homicides occur with the officers’ own service weapons.” CBE, at 16. However, unlike home defenders, most police officers wear their handguns every working day on unconcealed belt holsters. Thus, guns are sometimes snatched from inattentive officers. For police officers and for civilians, guns are virtually never taken from a defender who is aware of a threat and is holding the gun in his or her hands.

- Armed law-abiding citizens help law enforcement by reducing the number of victimizations to which thinly-stretched police must respond. Police recruits with personal civilian experience with handguns can be trained more rapidly, and to higher standards. Civilian firearms experts who lawfully own handguns have provided the major innovations in police firearms training practices in the last half-century.<sup>14</sup>

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<sup>13</sup> KLECK, TARGETING GUNS, at 168-69 (NCVS data show that a victim’s weapon is taken away, at most, in one percent of cases when the victim uses a weapon).

<sup>14</sup> ILEETA *Heller* brief, at 22-24.

- Persons who commit homicide usually have extensive prior criminal records.<sup>15</sup> For example, of Illinois murderers in 2001, 43% had Illinois felony convictions and 72% had Illinois arrests within the previous 10 years.<sup>16</sup> In Chicago in 2007, 89.9% of murderers (and 72.6% of victims) had an arrest record known to the Chicago police.<sup>17</sup> In Milwaukee, 86% of persons arrested for homicide (and 75% of victims) had previous arrests.<sup>18</sup>

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<sup>15</sup> *Id.* at 27-29.

<sup>16</sup> Philip Cook, et al., *Criminal Records of Homicide Offenders*, 294 JAMA 538 (2005) (study did not examine criminal records from other states).

Below, some of Respondent's *amici* discussed the case of Laurie Dann, an insane women who murdered two people and wounded five others in Winnetka, Illinois. Previously, she had committed numerous crimes, for which could have been legally disarmed, but for various reasons charges were not pressed. She also could and should have been disarmed because her neighbors recognized that she was patently insane. Besides using firearms, Dann also used gasoline to set fire to the home of a woman and two children for whom she babysat. That a sociopath misused gasoline is no reason to ban all citizens from possessing gasoline for lawful purposes. The same point applies to handguns.

<sup>17</sup> Chicago Police Dept., *2006-2007 Murder Analysis in Chicago*, 35, 44.

<sup>18</sup> Milwaukee Homicide Rev. Comm'n, *Homicides and Non-Fatal Shootings: A Report on the First 6 Months of 2009*, [http://www.milwaukee.gov/ImageLibrary/Groups/mpdAuthors/Documents/Report\\_on\\_the\\_first\\_6\\_months\\_of\\_2009\\_713091.pdf](http://www.milwaukee.gov/ImageLibrary/Groups/mpdAuthors/Documents/Report_on_the_first_6_months_of_2009_713091.pdf).

- The same is true for homicides perpetrated by youths,<sup>19</sup> and for domestic homicide.<sup>20</sup> Gun ownership by domestic violence *perpetrators* greatly raises the danger that a victim will be killed. Gun ownership by domestic violence *victims* does not raise the victim's risk at all.<sup>21</sup> Many domestic shootings involve lawful self-defense by an abuse victim.<sup>22</sup> Federal and Illinois laws already ban firearms possession by persons subject to a domestic violence restraining order, or convicted of a felony or a domestic violence misdemeanor. 18 U.S.C. § 922(g); 430 ILL. COMP. STAT. 65/4.
- Trying to measure the anti-crime effectiveness of gun ownership by counting the number of criminals who are killed is a poor methodology for civilians and police alike.<sup>23</sup>
- Fatal gun accidents, including accidents involving children, have always been

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<sup>19</sup> ILEETA *Heller* brief, at 33-34.

<sup>20</sup> *Id.* at 29-33.

<sup>21</sup> An *abuser's* being armed creates a 7.59 odds ratio for increased risk of femicide. The *victim* living alone and having a gun yields an odds ratio of 0.22, far below the 2.0 level necessary for statistical significance. Jacquelyn Campbell et al., *Risk Factors for Femicide in Abusive Relationships*, 93 AM. J. PUB. HEALTH 1089, 1090-92 (2003).

<sup>22</sup> ILEETA *Heller* brief, at 31.

<sup>23</sup> *Id.* at 34-35.

rare, and have become much rarer over the last six decades. The per capita death rate from firearms accidents has declined by 86% since 1948, while the per capita firearms supply has risen by 158%. The gun accidental death rate for children has fallen even more sharply, by 91%.<sup>24</sup> The annual risk of a fatal gun accident is equal to the risk of taking two plane trips during a year.<sup>25</sup>

- Handguns are generally more difficult for a small child to accidentally discharge than are long guns. The trigger on a rifle or shotgun is easier to pull than the heavier trigger on a revolver or the slide on a self-loading pistol. Handguns can be hidden from inquisitive children more easily than long guns.

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<sup>24</sup> *Id.* at 35-37, App. 7-15.

<sup>25</sup> *Id.* at 36, App. 15.

Adults who cause gun accidents have high rates of “arrests, violence, alcohol abuse, highway crashes, and citations for moving traffic violations.” Julian Waller & Elbert Whorton, *Unintentional Shootings, Highway Crashes, and Acts of Violence*, 5 ACCIDENT ANALYSIS & PREVENTION 351, 353 (1973). Unlike in 1973, many such people are now prevented from buying a gun by the National Instant Check System.

It is true, and trivial, that homes with guns have more gun accidents, just as homes with lawnmowers have more lawnmower accidents.

## II. Ending handgun prohibition does not harm public safety

### A. District of Columbia

In *Heller*, D.C. and its *amici* offered a parade of horrors about the supposed results of ending the District's handgun ban. Yet in 2009, the District's homicide rate has fallen by 27%. District of Columbia Metropolitan Police Department, *Crime Statistics at a Glance*, [http://mpdc.dc.gov/mpdc/cwp/view,a,1239,q,561242,mpdcNav\\_GID,1523,mpdcNav,%7C.asp](http://mpdc.dc.gov/mpdc/cwp/view,a,1239,q,561242,mpdcNav_GID,1523,mpdcNav,%7C.asp). According to D.C. Attorney General Peter Nickles, "In the past year, robberies with guns have decreased 12 percent; assaults with guns have decreased 14 percent; and overall violent crime has decreased by 5 percent in the District." General Nickles attributes the decline in part to greater police and prosecutorial attention focused on criminal possession of illegal guns. Peter Nickles, *Our Strategies for a Safe City*, WASH. POST, Mar. 15, 2009.

Stated another way, once D.C. law enforcement stopped wasting resources on persecuting peaceful gun owners, focused prosecution of gun criminals made everyone safer.

We are not suggesting that the data currently available prove that the relegalization of handgun ownership and armed self-defense in the home have decisively reduced D.C. crime rates. It is clear that the enforcement of constitutional rights of citizens has had no deleterious effects. Indeed, we are not

aware of a single instance of firearms misuse by a licensed D.C. handgun owner post-*Heller*.

## **B. South Carolina**

In 1902, South Carolina banned handgun sales. No. 435, Regular Sess. (S.C. 1901), 748.<sup>26</sup> Because interstate handgun sales were legal until the federal Gun Control Act of 1968, a South Carolinian could legally travel to another state to buy a handgun. However, it is reasonable to infer that the ban on sales within South Carolina significantly depressed handgun ownership rates, particularly among citizens who were not highly determined to acquire a handgun.

In 1965, South Carolina repealed the ban. No. 330, Regular Sess. (S.C. 1965), 578.<sup>27</sup> As Figures 1-5 show, post-repeal, none of the crime rates (relative to the rest of the United States) after relegalization are statistically significantly different than the years before. (Underlying data are in Appendix B.)

Crime was soaring nationally in the late 1960s, but it rose somewhat less in South Carolina in the post-ban years. If handgun ownership by law-abiding citizens were criminogenic, then one would have

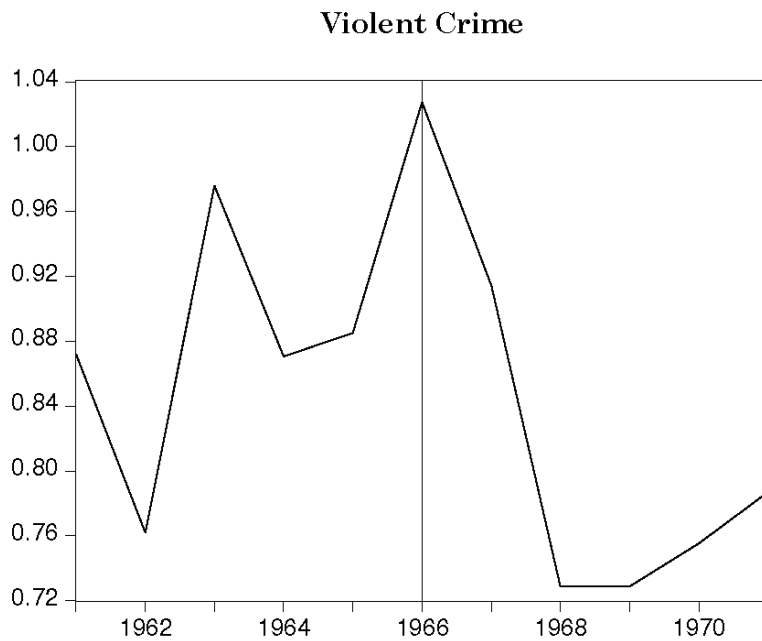
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<sup>26</sup> The bill, which took effect in 1902, exempted handguns over 20 inches long, which are very unusual.

<sup>27</sup> The bill was passed on May 27, 1965, and took effect upon approval by the Governor.

expected just the opposite result: after handgun sales were relegalized, South Carolina violent crime should have risen sharply, relative to the United States as a whole, since South Carolina was the only state in the period that enacted a law to greatly increase handgun availability.

**Figures 1-5. South Carolina violent crime rates, relative to U.S. rates, before and after repeal of S.C. ban on handgun sales.**





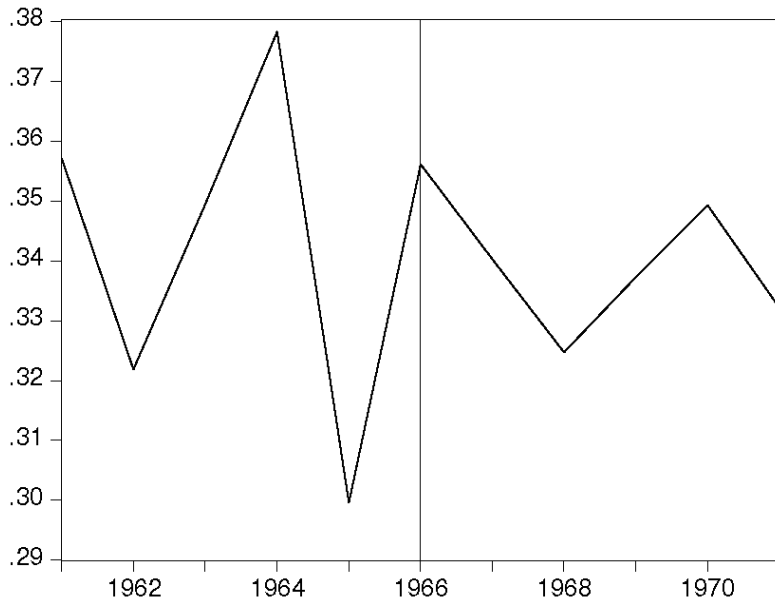
**Murder**



**Rape**



**Robbery**



**Assault**



There was no statistically significant increase in any of the crime series in the six years after repeal compared to the five years before. Data from South Carolina and D.C. show that relegalization of handguns does not lead to the disasters forecast by gun prohibitionists.

### **III. Chicago's failed handgun ban**

#### **A. After the ban, Chicago crime rates rose sharply relative to other large cities**

Figure 6 shows the ratio of Chicago's violent crime rate (per 100,000 population) compared to the mean of the 24 other largest cities in the U.S. for the years 1977-2008.<sup>28</sup> We use FBI Uniform Crime Rate (UCR) data for all years.

There are two problems with these data. First, the data collection methodology for forcible rape used by the Illinois Uniform Crime Rate data program, including Chicago, does not comply with the FBI's national UCR guidelines. Consequently, the Illinois figures for forcible rape are not published by the FBI. Hence, our violent crime total includes murder, robbery, and assault, but not rape.

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<sup>28</sup> D.C. is not included, since its population is not in the top 25. In D.C., crime rates relative to other large cities (and relative to Maryland and Virginia) rose substantially after the ban. See *amicus* briefs of the Claremont Institute, 2008 WL 383535, and of the Academic Economists, 2008 WL 383520, in *Heller*.

The second problem is that before 1983, Chicago underreported crime by classifying many crimes as “unfounded.” These supposedly unfounded crimes were not included in the UCR. The practice ended in 1983. According to a contemporary news article, the official crime rate rose 25% in the first four months of 1983.<sup>29</sup> Assuming that the 25% discrepancy was typical of the preceding years, we increased the number of robberies, assaults, and burglaries by 25% for all years prior to 1983.<sup>30</sup> Both the original data and our corrected data are shown in Figure 6.

The graph displays the ratio of Chicago’s violent crime rate, excluding rape, to the corresponding mean crime rate of the 24 other largest cities for each year from 1977 to 2008. If Chicago’s crime rate is below the average of other large cities, the ratio will be less than one. If Chicago’s crime rate is above the average of the other large cities, the ratio will be greater than one. We drew a vertical line at 1983, the first year of the handgun ban. (The law banned handguns purchased after April 9, 1982, but first-time registration of a handgun, such as one previously legally owned outside the city, was allowed until Dec. 30, 1982.) As the graphs show, Chicago crime was a low point in 1982, and began a sharp, sustained rise in 1983.

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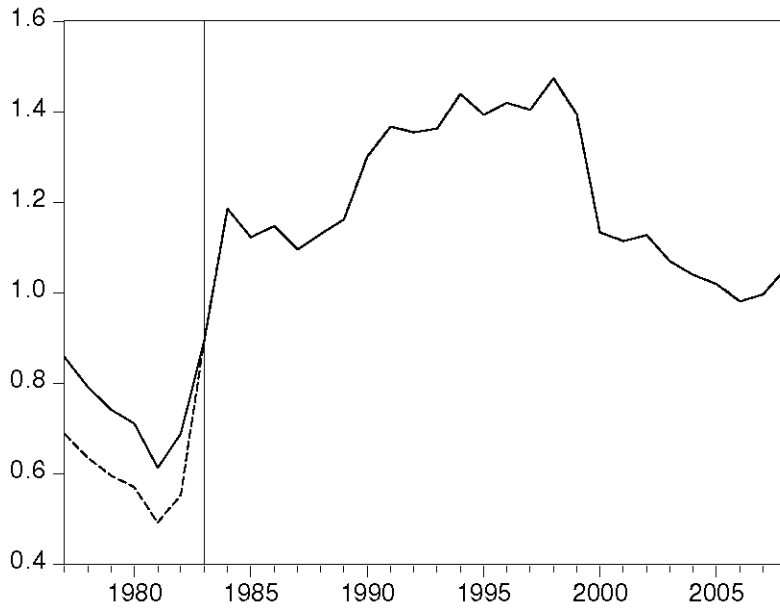
<sup>29</sup> *Burying Crime in Chicago*, NEWSWEEK, May 16, 1983, at 63.

<sup>30</sup> We assume that no murders were treated as “unfounded” and not reported to the FBI.

**Figure 6****Chicago's violent crime rate relative to the other 24 largest cities**

Note: the dotted line shows the original, uncorrected data.

In Figure 7 we add burglary to the violent crime index and call the total “major crime.” These are the crimes citizens fear most (excluding rape): murder, robbery, assault, and burglary.

**Figure 7****Ratio of Chicago's major crime rate to the other 24 largest cities**

Note: the dotted line is the original, uncorrected data.

With respect to the major crime series, note that even with the 25% correction, Chicago's crime rate was well below those of other large cities before the ban, but increased immediately after the ban and never returned to its pre-ban levels.

The pre- and post-ban relative crime rates are statistically highly significantly different from each other. Using the corrected data, the pre-ban mean for Chicago's violent crime rate was 1.12, whereas the post-ban mean is 1.67, a difference of .55, which has

the highly significant t-ratio for the difference between the two means of 4.95. (A t-ratio of greater than 2.0 is usually statistically significant at the 95% confidence level.)

The situation is very similar for the major crime index. For major crimes (including burglary), Chicago's mean relative pre-ban crime rate was .73, well below the mean for the other large cities; the post-ban average is 1.20, well above the mean for other large cities. This is a difference of .47, which has the even higher t-ratio of 6.53.

The t-ratios indicate that the possibility that the pre-ban and post-ban differences in the Chicago crime rate are due to random statistical fluctuation is less than 1/1000th of 1% for violent crime (1 in less than 100,000) and even less than that (1 in less than 1,000,000) for the major crime series.

There are many potential explanations for the rise and fall of Chicago's crime rates, including poverty, unemployment, and gangs. However, these are problems faced by nearly all the 25 largest cities. The only factor that might affect crime in Chicago and not in the other cities that has persisted over the years 1983-2008 is the handgun ban.

Chicago after the handgun ban is much more dangerous, relative to other large American cities, than was Chicago before the ban.

We are not claiming that the handgun ban must be the sole reason why Chicago in 1983 deteriorated

so drastically compared to other large cities. But the Kennesaw, Georgia data (discussed in Part I of this brief) show that there can be an “announcement effect.” When Kennesaw enacted its mandatory gun ownership ordinance, gun ownership in the already well-armed town did not change much. Yet when media coverage of the new ordinance informed burglars that Kennesaw was a very well-armed community, home-invasion burglaries dropped precipitously.

The handgun ban continues to advertise Chicago as the lone major city in America where a home-invasion burglar enjoys the security of knowing that when he confronts law-abiding victims in their homes, they will have no handgun with which to defend themselves.

### **B. Chicagoans cannot rely on 911**

America’s police work hard to rescue crime victims. But the police often cannot arrive in time to protect the victims and interrupt the crimes. The problem is acute in Chicago, where some Chicago neighborhoods have long periods when no police are available for 911 emergencies. For example, “Gussie Townsend, a 75-year-old schoolteacher . . . arrived home during a burglary in progress. Townsend said



she did not see a police car for two hours, six minutes.”<sup>31</sup>

When seconds count, Chicago rescuers are minutes away. The mean time for ambulance arrival for Chicago 911 calls for cardiac arrest is 6 minutes. The range was 1 to 22 minutes. Lance Becker et al., *Differences in the Incidence of Cardiac Arrest and Subsequent Survival*, 329 NEW ENG. J. MED. 600 (1993).

The situation is little different in many other American jurisdictions.<sup>32</sup>

Even if 911 responses were instant, a criminal in control of a crime scene will not permit his victim to call the police; meanwhile, neighbors may be unaware of the crime in progress. In contrast, when the victim of a home invasion has a handgun, she can prevent the criminal from gaining control, and use her free hand to dial 911.

### C. Police safety

*Amici* police have no fears that upholding the rights of law-abiding citizens to possess handguns will endanger law enforcement officers.<sup>33</sup> According to

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<sup>31</sup> *Does where you live affect police response time?* NBC 5 WMAQ, Nov. 29, 2006, <http://web.archive.org/web/20061210093454/http://www.nbc5.com/unit5investigates/10417034/detail.html>.

<sup>32</sup> See *ILEETA Heller* brief, at 19-21.

<sup>33</sup> Cf. David Mustard, *The Impact of Gun Laws on Police Deaths*, 44 J. L. & ECON. 635 (2001) (allowing licensed, trained  
(Continued on following page)

FBI data from 1996 to 2008, police in the Chicago area are killed at a rate 79% higher than the national rate, a statistic that hardly suggests that disarming law-abiding citizens protects the police. *See* App. C.

Chicago's high rate of police homicides is not typical of other large cities. Of the 25 largest cities, Chicago's per capita police officer murder rate is the sixth-worst. *Id.* Chicago's sad record provides no support for the theory that handgun prohibition saves police lives. (The District of Columbia, which had a handgun ban for all but the last six months of 1996-2008, was even worse than Chicago.)

#### **D. Chicago's ban has not affected criminals**

Notably, the percentage of Chicago murders perpetrated with handguns did not decrease after the ban. From 1965-1981, the percent of Chicago murders with handguns ranged from 40% to 55.98%; the rate fell steadily from 53.88% in 1978 to 38.02% in 1982. In 1983-87, the rate remained in the 37-39% range, soared to 56.21% in 1988, and is now over 70%. Chicago Police Dept., *Murder Analysis 1992*, 14 (1965-1992); *2003 Murder Analysis*, 27-28 (73%); *2004 Murder Analysis*, 27-28 (70%); *2005 Murder Analysis*, 26 (71%); *2006-2007 Murder Analysis*, 24-25 (79% in 2006; 71% in 2007).

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citizens to carry concealed handguns in public places does not increase police officer deaths, and may reduce police deaths).

In a study of the illegal underground gun market in Chicago, scholarly gun control advocates Jens Ludwig and Philip Cook found that obtaining illegal guns was easy for gang members, but somewhat more troublesome and time-consuming for criminals who did not belong to a gang. They concluded that “the apparently high transaction costs in Chicago’s gun market are due to the city’s low overall rate of household gun ownership and relatively intensive anti-gun policing emphasis.”

They specifically rejected the notion that the handgun ban in Chicago (or the then-existing ban in D.C.) deserved even indirect credit for reducing gun ownership: “The fact that Chicago and DC have low gun ownership rates, now and in the past, may be more the cause than the consequence of restrictive gun laws.” Indeed, the Chicago ban had not even changed the fraction of suicides committed with firearms (FSS): “the available evidence does not support a conclusion that the imposition of handgun bans has reduced FSS.” Philip Cook, et al., *Underground Gun Markets*, 117 *ECON. J.* F588 (2007).

### **E. Population density**

Some supporters of Chicago prohibition point to the city’s population density as a unique justification. The density certainly supports the legitimacy of strict rules about firearms *discharge*; for example, target shooting in one’s backyard might justifiably be banned in Chicago, even though such a ban would

make no sense in a rural county in Wyoming. However, the issue at bar is a ban on possession in the home. As of 2000, Chicago's population density was 12,750 persons per square mile. This is not radically different from the District of Columbia, where the density was 9,378. The Chicago figure is far less than New York City's 26,403.<sup>34</sup> New York City regulates handguns, but does not ban them.

#### **IV. New York City, and stop and frisk**

In the Seventh Circuit, *amicus* Chicago Board of Education (CBE) pointed to two cases involving New York's pistol licensing law. CBE, at 10. CBE forgot that the majority in *Darling v. Warden of City Prison*, 154 A.D. 413 (N.Y. App. Div. 1913), while upholding a licensing law, stated that New York's Civil Rights Law § 4 (a verbatim copy of the Second Amendment) meant that "If the Legislature had prohibited the keeping of arms, it would have been clearly beyond its power." *Id.*, at 421-22. *Darling* supports the validity of Illinois's licensing law for guns, and is contrary to Chicago's handgun prohibition.

CBE also cited the trial court opinion in *Guida v. Dier*, 375 N.Y.S.2d 826 (N.Y. Sup. Ct. 1975), *modified*, 54 A.D.2d 86, 387 N.Y.S.2d 720 (N.Y. App. Div. 1976). That opinion misunderstood the Second Amendment

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<sup>34</sup> Census Bureau, [http://factfinder.census.gov/servlet/GCTTable?\\_bm=y&-geo\\_id=&-ds\\_name=DEC\\_2000\\_SF1\\_U&-lang=en&-mt\\_name=DEC\\_2000\\_SF1\\_U\\_GCTPH1R\\_US13S&-format=US-13](http://factfinder.census.gov/servlet/GCTTable?_bm=y&-geo_id=&-ds_name=DEC_2000_SF1_U&-lang=en&-mt_name=DEC_2000_SF1_U_GCTPH1R_US13S&-format=US-13).

and its New York twin as applying only to the militia. Regardless, the case enforced the procedural due process rights of the pistol applicant.<sup>35</sup> Both New York cases uphold fair administration of licensing laws, not prohibition.

In the Seventh Circuit, the United States Conference of Mayors (USCM) brief argued that the New York City Police Department's aggressive stop and frisk tactics caused a decline in violent crime. USCM, at 5-17. We take no position on this issue, which is subject to intense dispute among criminologists. We do dispute USCM's assertion that a decision for Petitioners in the instant case would interfere with effective police tactics against gangsters carrying guns in public.

First, this case involves possession of a handgun in the home by persons who have passed a background check and who are already authorized by Illinois law to own guns in the home. The only issue is whether these law-abiding citizens can possess handguns. Police stop and frisk is irrelevant to home possession by licensed citizens.

Second, New York City *currently* issues licenses to carry concealed handguns for lawful protection.

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<sup>35</sup> *Cf. Shapiro v. Cawley*, 46 A.D.2d 633, 360 N.Y.S.2d 7 (N.Y. App. Div. 1974) (upholding applicant's statutory right to a pistol permit without a showing of "need").

There are over 18,000 licenses extant in the city.<sup>36</sup> The existence of a system for licensed carry has not prevented New York police from stopping and frisking persons suspected of illegally carrying guns. In most states, a person who is carrying a licensed concealed handgun must carry the license with him, and produce it to a police officer upon request. If a person has no such permit, then a frisk would be legitimate if the officer had observed evidence that the person might be carrying a gun.

New York City's success (according to USCM) shows beyond any doubt that Chicago's ban is not the least restrictive alternative.

USCM misconstrued *Heller's* citation of nineteenth century state court cases which "had understood the Second Amendment to secure a right to carry firearms openly in public . . . this right would grant effective immunity for gangs from stop-and-frisk tactics, at least as long as they carry firearms openly . . ." USCM, at 21-22, discussing *Heller*, at 2809.

The argument is incorrect. The cited cases from Georgia, Louisiana, and Tennessee, affirm, properly, that carrying a firearm for lawful protection is part of the right to keep and bear arms. These do not forbid a

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<sup>36</sup> Chan, *Annie Hall, Get Your Gun*, N.Y. TIMES, CITY ROOM BLOG, Dec. 2, 2008, <http://cityroom.blogs.nytimes.com/2008/12/02/a-guide-to-city-gun-licenses/> (18,387, including retired police but not including security guards).

fairly-administered licensing system for carry permits, which can include a fingerprint-based background check and mandatory safety training. The three cited states currently have such a system, as do 37 other states.<sup>37</sup> Of course a carry permit may be denied to persons who may be constitutionally forbidden to own guns—such as drug-dealing gangsters.

## **V. The Supreme Court’s many affirmations of the right of self-defense**

*Heller* affirmed that self-defense is an “inherent,” “natural,” and “fundamental” “right.” *Heller*, at 2793, 2797-99, 2801, 2809, 2817, 2820. There are eleven cases in which this Court has overturned a conviction because of a violation of the defendant’s right of armed self-defense. These cases provide further evidence that the right is “deeply rooted in our history and traditions,” is “fundamental to the American scheme of justice,” and is “necessary to an Anglo-American regime of ordered liberty.” See *Moore v. East Cleveland*, 431 U.S. 494, 503 (1977) (plurality op.); *Washington v. Glucksberg*, 521 U.S. 702, 727 (1997); *Duncan v. Louisiana*, 391 U.S. 145, 149 (1968).<sup>38</sup>

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<sup>37</sup> For state laws, see STEPHEN HALBROOK, FIREARMS LAW DESKBOOK, 2008-2009 EDITION, App. A (2008).

<sup>38</sup> The cases are discussed in detail in David Kopel, *The Self-Defense Cases: How the United States Supreme Court Confronted a Hanging Judge in the Nineteenth Century and*  
(Continued on following page)

In *Brown v. United States*, at a federal naval yard in Texas a man named Hermes had twice assaulted Brown with a knife, and warned that the next time, either Hermes or Brown “would go off in a black box.” 256 U.S. 335, 342 (1921). One day Hermes again attacked Brown with a knife; Brown ran to get his coat, which contained a pistol. Hermes pursued, and Brown shot him four times, killing him. The trial judge instructed the jury that Brown had a duty to retreat if he could do so safely, and Brown was convicted.

Overtaking the conviction, Justice Holmes traced the duty to retreat rule to a much earlier period in English history, when the law did not even recognize the right of self-defense. “The law has grown,” Holmes wrote, “in the direction of rules consistent with human nature.” As a practical matter, “Detached reflection cannot be demanded in the presence of an uplifted knife.” *Id.*, at 343. So, declared Holmes, there is no duty to retreat from anywhere that the victim has a right to be.

Richard Maxwell Brown, a leading historian of American violence, explains that “to Holmes—as to so many other Americans—the right to stand one’s

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*Taught Some Lessons for Jurisprudence in the Twenty-first*, 27 AM. J. CRIM. L. 293 (2000).



ground and kill in self-defense was as great a civil liberty as, for example, freedom of speech.”<sup>39</sup>

Justice Holmes’ opinion in *Brown* provides a link between two great civil libertarians. Joining the Holmes opinion in *Brown* was new Justice Louis Brandeis, who later wrote “We shall have lost something vital and beyond price on the day when the state denies us the right to resort to force . . .”<sup>40</sup>

Holmes’ opinion quoted Justice Harlan’s opinion from *Beard v. United States*, 158 U.S. 550 (1895); in private correspondence, Holmes wrote approvingly of the anti-retreat view of “old Harlan.”<sup>41</sup>

In *Beard v. United States*, three brothers—Will, John, and Edward Jones—went to the farm of their uncle, Mr. Beard, to take a cow that he owned. One of the Jones brothers carried a shotgun. Beard drove them away from his farm, and told the Jones brothers that they could have the cow (which used to belong to the Jones’ long-dead mother) if a court said that the cow belonged to them.

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<sup>39</sup> RICHARD MAXWELL BROWN, *NO DUTY TO RETREAT: VIOLENCE AND VALUES IN AMERICAN HISTORY AND SOCIETY* 36-37 (1991).

<sup>40</sup> ALFRED LIEF, *THE BRANDEIS GUIDE TO THE MODERN WORLD* 212 (1941).

<sup>41</sup> 1 *HOLMES-LASKI LETTERS: THE CORRESPONDENCE OF MR. JUSTICE HOLMES AND HAROLD J. LASKI* 335 (Mark DeWolfe Howe ed., 1953) (“[L]aw must consider human nature and make some allowances for the fighting instinct at critical moments,” for “a man is not born to run away.”).

Will Jones made public statements that he would get the cow or he would kill Beard. Beard was informed of the threat. The Jones brothers returned to the Beard farm, armed with pistols. About the same time, Beard returned from town to his farm, bearing the shotgun he always carried when away from his farm. The three brothers attacked Beard, but in a struggle, he disarmed them all without firing a shot. In the tussle, he hit Will Jones on the head with the shotgun, inflicting a wound from which Jones later died.

When Beard was tried for murder, trial judge Isaac Parker correctly instructed the jury that Beard could not lawfully kill someone just to prevent the theft of a cow. But the judge offered several instructions that Justice Harlan, writing for a unanimous Court, found incorrect. Parker told the jury that a person cannot claim self-defense if he goes out looking for trouble. The Supreme Court agreed with the general statement, but found the instruction improper in the case at hand. Beard had merely confronted thieves who had illegally entered his property, to tell them to leave. The Court found that Beard's conduct could not possibly be considered provocative.

But the trial court made an even worse error. Judge Parker told the jury that even if Beard had the right to use self-defense against attack by the Jones brothers, Beard could not defend himself if Beard had the ability to retreat safely. The law was clear that people did not have to retreat from their own homes

when attacked. Beard, though, was on his farmland, not in his home. The Supreme Court rejected the trial court's distinction between the home and the rest of a person's land.

The Court reviewed various decisions from state courts and from British and American legal commentators, all of which said that victims have no duty to retreat. Thus, Beard "was not obliged to retreat, nor to consider whether he could safely retreat, but was entitled to stand his ground, and meet any attack upon him with a deadly weapon, in such a way and with such force as, under all the circumstances, he, at the moment, honestly believed, and had reasonable grounds to believe, were necessary to save his own life, or to protect himself from great bodily injury." Quoting from leading state supreme court cases, Justice Harlan explained that the "true man" is "not obliged to fly" from an assailant.<sup>42</sup> Indeed, "The tendency of the American mind seems to be very strongly against the enforcement of any rule which requires a person to flee when assailed."<sup>43</sup> *Beard*, at 559-64.

*Beard* was cited in Justice White's dissent from denial of certiorari in *Christy v. Lujan*, 490 U.S. 1114, 1115 (1989):

The right to defend one's property has long been recognized at common law, see W. Blackstone, Commentaries \*138-140, and is

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<sup>42</sup> *Erwin v. State*, 29 Ohio St. 186 (1876).

<sup>43</sup> *Runyan v. State*, 57 Ind. 80 (1877).

deeply rooted in the legal traditions of this country, *see, e.g., Beard v. United States* [citation omitted]. Having the freedom to take actions necessary to protect one's property may well be a liberty 'deeply rooted in this Nation's history and tradition,' *Moore v. East Cleveland* [citation omitted], and, therefore, entitled to the substantive protection of the Due Process Clause.

*Beard* was one of several self-defense cases arising from the Western District of Arkansas, wherein the infamous hanging judge Isaac Parker gave jury instructions that denigrated or negated the right of self-defense.

In *Gourko v. United States*, Justice Harlan's opinion for the unanimous Court held that carrying a handgun for lawful self-defense could not be considered evidence of premeditated intent to murder: "the jury were not authorized to find him guilty of murder because of his having deliberately armed himself, provided he rightfully so armed himself for purposes simply of self-defence. . . ." 153 U.S. 183, 191 (1894).

A unanimous opinion by Chief Justice Fuller in *Starr v. United States* held that a person is "entitled to protect his life" and use his "right of self-defence" to resist an assault by a temporary peace officer who has not announced that he is a peace officer. 153 U.S. 614, 623 (1894).

*Thompson v. United States* involved a 17-year-old who was carrying a rifle for protection while riding a horse to his farm on the only road available, which passed by the property of a man who had previously threatened him. The unanimous opinion by Justice Shiras corrected the trial court's error "in the assumption that the act of the defendant in arming himself showed a purpose to kill formed before the actual affray. This was the same error that we found in the instructions regarding the right of self-defense, and brings the case within the case of *Gourko v. U.S.* . . ." 155 U.S. 271, 283 (1894).

In *Allison v. United States*, William Allison, a divorced and viciously abusive father, had repeatedly threatened to kill his ex-wife and her children. 160 U.S. 203 (1895). He had just been released from prison after serving a one-year sentence for attempting to shoot one of his sons.<sup>44</sup> Allison was known to carry a pistol and threaten others with it.

A few days after William Allison had come by his former family's home, brandishing a pistol and threatening to murder them all, he encountered his 20-year-old son, John Allison, at a barn. Returning from a hunting expedition, John Allison was carrying a rifle. John Allison stepped aside to let his father pass by, but the father walked straight at his son; only a few steps away, William Allison reached into

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<sup>44</sup> SAMUEL HARMAN, HELL ON THE BORDER; HE HANGED EIGHTY-EIGHT MEN 360-63 (1898).

his pocket as if to draw a pistol. The son promptly drew his Winchester, and killed William Allison with three shots.

Like many domestic violence homicides, this was a case of lawful self-defense. A unanimous opinion by Chief Justice Fuller reversed the trial judge's preclusion of jury consideration of self-defense, and personally criticized Judge Parker for his overbearing jury instructions.

*Wallace v. United States* did not originate in the Western District of Arkansas. 162 U.S. 466 (1896). The trial court erred in refusing to allow evidence about the previous threats that Zane (an aggressive trespasser on Wallace's farm) had been made against Wallace, so that the jury could assess whether Wallace really felt threatened by Zane when he shot Zane. "[N]or was the mere fact that Wallace procured the gun," wrote Chief Justice Fuller for a unanimous Court, any reason for a trial judge to conclude that Wallace was not acting within his "right" of self-defense. *Id.* at 473-74.

*Alberty v. United States* again affirmed that a crime victim is "not bound to retreat but may use such force as necessary to repeal the assault," in a unanimous opinion by Justice Brown. 162 U.S. 499, 508 (1896).

*Allen v. United States* first came before the Court in 1893. An opinion by Chief Justice Fuller reversed the conviction because of Judge Parker's assertion that someone defending his life against immediate

peril “must be regarded as exercising the deliberation of a judge in passing upon the law and of a jury in passing upon the facts in arriving at a determination as to the existence of the danger.” The Supreme Court ruled that a person who has to make an instant decision should not be held to the same standard as a judge or jury, who have limitless time to consider the facts. 150 U.S. 551, 560-61 (1893).

At the second trial, Judge Parker told the jurors that even if they believed Allen’s version of the facts (that three white boys had attacked him with willow sticks, intending to kill him), Allen, a black youth, could not claim self-defense, because sticks were not “deadly weapons.”

The Supreme Court, in an opinion by Justice Shiras, reversed, because “when a fight is actually going on, sticks and clubs may become weapons of a very deadly character.” The jury should have been allowed to consider whether, in the particular case, the attack with sticks was a deadly attack, which would mean that Allen had a “right” to use deadly force to defend himself. 157 U.S. 675, 676-77 (1895).

In addition, wrote the Court, Judge Parker had made the same error for which he had been reversed in *Gourko* and *Thompson*: telling the jury that Allen’s decision to carry a gun for protection was evidence of premeditated intent to murder. *Id.* at 680-81.

*Rowe v. United States*, 164 U.S. 546 (1896), also reversed Judge Parker for erroneous jury instructions, which, as Justice Harlan wrote for the Court,

violated Rowe's "right of self-defense." Having been attacked by a man with a knife, Rowe was entitled

so far as his right to resist the attack was concerned, to remain where he was, and to do whatever was necessary, or what he had reasonable grounds to believe at the time was necessary, to save his life, or to protect himself from great bodily harm. And, under the circumstances, it was error to make the case depend, in whole or in part, upon the inquiry whether the accused could, by stepping aside, have avoided the attack, or could have so carefully aimed his pistol as to paralyze the arm of his assailant, without more seriously wounding him.

*Id.*, at 557-58.

*McDonald v. Chicago* does not test the precise parameters of the right of self-defense. This case does test the Seventh Circuit's nihilistic assertion—which is contrary to this Court's precedent—that self-defense is not a right, but a mere "gloss" which may be abolished by a government. *McDonald v. Chicago*, 567 F.3d 856, 859-60 (7th Cir. 2009).

To the contrary, self-defense is an explicit *right* in 37 state constitutions. David Kopel, Paul Gallant & Joanne Eisen, *The Human Right of Self-Defense*, 22 *BYU J. PUB. L.* 43, 128-29 (2008) (quoting provisions). The natural right of self-defense was the foundation of international law. *Id.* at 58-98 (discussing "classical period" founders of international law, including Francisco de Victoria, Francisco Suárez, Hugo Grotius,



Samuel von Pufendorf, Emmerich de Vattel, and others). The right was recognized by the ancient legal and religious systems of Israel, Rome, and China, and by every civilized system that followed, especially by the ones that provided the intellectual foundation for Anglo-American liberty. *Id.* at 104-29; David Kopel, *Self-defense in Asian Religions*, 2 LIBERTY L. REV. 79 (2007); David Kopel, *The Catholic Second Amendment*, 29 HAMLINE L. REV. 519 (2006).

## **VI. Handguns and right of choice in self-defense**

Below, Respondents' *amici* the Chicago Board of Education (CBE) and various anti-gun organizations argued that *Heller* was wrong in recognizing that handguns are appropriate arms for self-defense in the home. The argument consists of scattered citations to firearms writers who recommend a shotgun for home defense.<sup>45</sup> A ubiquitous topic of gun magazines, books, and websites is the author's opinion on the utility of particular guns or gun types for self-defense—and for all the other many legitimate purposes for which the Second Amendment protects the right to arms. For example, the “revolvers versus semi-automatics” debate has been going on for over a century; likewise, readers enjoy disputes about the merits of handguns versus shotguns versus rifles, and of the various types of these guns. The truth is that every type of

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<sup>45</sup> CBE, at 15-16.

gun has advantages and disadvantages, and there is no perfect gun for everyone in all situations.

Homes and families vary, and families have the right to make highly personal decisions about safety based on their particular circumstances, not on what some lawyer dredged from the archives of a gun website.

*Amici* on the instant brief include the two major professional organizations of police trainers: the International Law Enforcement Educators and Trainers Association (ILEETA), and the International Association of Law Enforcement Firearms Instructors (IALEFI). We respectfully suggest that these two *amici* have considerable expertise in firearms self-defense.

Based on our expertise, we utterly reject the notion that long guns are always as good as handguns for home defense. For some people they are, and for many people they are not. That is one reason why so many police officers use handguns for defense of their homes and families when off-duty. That is one reason why 80% of defensive uses of firearms are with handguns. Gary Kleck & Marc Gertz, *Armed Resistance to Crime: The Prevalence and Nature of Self-Defense with a Gun*, 86 J. CRIM. L. & CRIMINOLOGY 150, 175 (1995).

*Heller* noted that a handgun “can be pointed at a burglar with one hand while the other hand dials the police.” *Heller*, at 2818. But CBE asserts, “Much more effective is directing the intruder to dial the police,

which can be accomplished persuasively with either a shotgun or a handgun.” CBE, at 16. Citing one example in which this occurred, as CBE does, is not the same as proving that it is always “much more effective.”

Relying on the criminal to dial the phone properly is dangerous and ill-advised. Criminals do not always cooperate with what an armed victim tells them. Some criminals do not speak English well enough to speak with a 911 operator, or may have difficulty communicating due to mental illness or substance abuse. The victim wants to provide accurate information so the police will come to the right place as soon as possible; the criminal’s interest is just the opposite. Accurate information is more likely to be conveyed if the victim is personally talking with the operator, and can truthfully answer any question the operator asks. The Constitution guarantees a right of self-defense, and it is not up to aldermen to micromanage the crime victim’s tactical choice about how to contact the police.

Besides, having a free hand makes it much easier for the victim to hold a flashlight, open or lock doors, manipulate light switches, and so on.

The ILEETA brief in *Heller* pointed out that, especially in a home, a long gun is harder to maneuver (e.g., around corners or doorways). The vast majority of defensive shootings take place at extremely close range—about 6.5 to 7 feet on average. At such short distances, a shoulder weapon can be

difficult for some people to manage, and may be easier for a criminal to grab. Thus, handguns are often chosen as defensive arms in small urban spaces such as apartments.<sup>46</sup>

There is certainly a trade-off, in that handguns are generally less powerful than long guns, so the defender is less sure that the first shot with a handgun will deliver a fight-stopping hit. Individual American citizens know their own personal circumstances and have the right to decide which gun is best for their own lawful self-defense.

*Heller* recognized that a handgun “is easier to use for those without the upper-body strength to lift and aim a long gun.” *Heller*, at 2818.

CBE argues: “no data shows that women and the elderly are any less able to use, for example, a light-weight 20-gauge shotgun with low recoil ammunition than a handgun.” CBE, at 16. *Amici* in the instant brief teach the police how to use guns. Based on our collective experience, we know that there are many, many people who would find, and have found, a handgun to be far easier to handle than a long gun, including a 20-gauge shotgun.

As a practical matter, all indoor shooting ranges in urban areas allow handguns, but many cannot accommodate shotguns or centerfire rifles (i.e., anything above the tiny .22 caliber). So finding a place to

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<sup>46</sup> ILEETA *Heller* brief, at 38.

practice safe firearm use is easier for the urban handgun owner.

*Heller* acknowledged that a handgun “is easier to store in a location that is readily accessible in an emergency.” *Heller*, at 2818. CBE contends that an accessible gun might be misused by a juvenile. CBE, at 13. However, this is more true for long guns (which Chicago allows) than for handguns. Even the smallest apartment can accommodate a quick-access box to securely lock a handgun. Finding a suitable location for a long gun safe is more difficult; and fewer long gun safes are built for relatively quick opening.

Moreover, a constitutionally-protected item cannot be banned “simply because it may fall into the hands of children.” *Ashcroft v. Free Speech Coalition*, 535 U.S. 234, 252 (2002). The right approach is to store all guns properly when not in use.

According to CBE, *Heller*

assumes that intruders will be accommodating by breaking in only at times when occupants have sufficient proximity to their guns. For the “accessibility” argument to work, even as a matter of logic, it would appear that a gun would have to be stored in every room. Otherwise, an unprepared homeowner might find himself in the bathroom at the time of the intrusion.

CBE, at 15.

Nonsense. As noted in Part I, *supra*, the Centers for Disease Control reports half a million defensive gun uses annually against home-invasion burglars. We doubt that most home defenders kept a gun in the bathroom. In a much more typical home invasion, a burglar might enter an unoccupied room, and the noise of the entry (or an alarm, or a barking dog) would alert the victim in her bedroom to pick up the gun there.

In a few situations, a victim might realistically fear imminent attack at any moment, in any room; for example, a woman might be the object of frequent violent threats from a stalker. CBE's apparent solution is for the woman in an eight-room house to buy semi-automatic shotguns for every room. More practical would be for the woman to own one handgun, and wear it in a holster, or in one of the gun purses or fanny packs specifically made to carry a handgun safely. The handgun is easy to carry from room to room; the shotgun is not.

“At the heart of the First Amendment lies the principle that each person should decide for him or herself the ideas and beliefs” to express or support. *Turner Broadcasting System v. FCC*, 512 U.S. 622, 641 (1994).<sup>47</sup> At the heart of the Second Amendment

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<sup>47</sup> *Cf. Hill v. Colorado*, 530 U.S. 703, 781 (2000) (Kennedy, J., dissenting) (“It is for the speaker, not the government, to choose the best means of expressing a message.”).

lies the principle that each person should decide for herself how to protect her own life and body.

*Meyer v. Nebraska*, 262 U.S. 390 (1923), would still have been rightly decided even if some Nebraska *amici*—hostile to education in general and foreign languages in particular—had scoured teaching magazines to find articles contending that people learn foreign languages better if they wait until high school to begin. Even if foreign language experts had many different opinions about the best time to start a new language, *Meyer's* principle is that parents have the inherent, fundamental, natural right to guide their children's education. A fortiori, the decision of parents, and other law-abiding individuals, to choose the best tool to defend their lives and their families is an inherent, fundamental, and natural liberty.



**CONCLUSION**

The decision below should be reversed.

Respectfully submitted,

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## **APPENDIX**

**APPENDIX A. Chicago crime data**

All the calculations in Appendices A and B were performed by Professor Carl Moody of William & Mary. He is available to answer any questions about the data.

**Table 1**

**Chicago's violent and major crime rates relative to the 24 other largest cities, 1977-2008**

<b>Year</b>	<b>Violent Original</b>	<b>Major Original</b>	<b>Violent Corrected</b>	<b>Major Corrected</b>
1977	1.11	0.69	1.37	0.86
1978	1.01	0.64	1.26	0.79
1979	0.91	0.59	1.13	0.74
1980	0.86	0.57	1.07	0.71
1981	0.74	0.49	0.91	0.61
1982	0.80	0.55	0.99	0.69
1983	1.22	0.90	1.22	0.90
1984	1.83	1.19	1.83	1.19
1985	1.71	1.12	1.71	1.12
1986	1.75	1.15	1.75	1.15
1987	1.75	1.10	1.75	1.10
1988	1.75	1.13	1.75	1.13
1989	1.80	1.16	1.80	1.16
1990	1.92	1.30	1.92	1.30
1991	2.03	1.37	2.03	1.37
1992	1.89	1.35	1.89	1.35

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<b>Year</b>	<b>Violent Original</b>	<b>Major Original</b>	<b>Violent Corrected</b>	<b>Major Corrected</b>
1993	1.83	1.36	1.83	1.36
1994	1.93	1.44	1.93	1.44
1995	1.87	1.39	1.87	1.39
1996	1.84	1.42	1.84	1.42
1997	1.84	1.40	1.84	1.40
1998	2.01	1.47	2.01	1.47
1999	1.93	1.39	1.93	1.39
2000	1.48	1.13	1.48	1.13
2001	1.50	1.11	1.50	1.11
2002	1.54	1.13	1.54	1.13
2003	1.43	1.07	1.43	1.07
2004	1.38	1.04	1.38	1.04
2005	1.30	1.02	1.30	1.02
2006	1.27	0.98	1.27	0.98
2007	1.28	1.00	1.28	1.00
2008	1.36	1.05	1.36	1.05

The 25 largest cities (Chicago and the other 24) used in this Table are the same cities as those listed in Appendix C. These are the 25 largest cities, not the 25 largest metropolitan areas.

The “Original” columns are based on data as it was actually reported by the Chicago Police Department. In the “Corrected” columns, Chicago crime rates for 1977-82 are increased by 25%, to correct for

the crime under-reporting of the Chicago Police Department in those years. *See Burying Crime in Chicago*, NEWSWEEK, May 16, 1983, at 63 (Until 1983, the Chicago Police had undercounted reported crimes by labeling many reports of crime “unfounded.” In 1983, Chicago stopped undercounting, and so the nominal crime rate “rose” by 25%.).

Table 1 does not include data for forcible rape. After 1985, the FBI Uniform Crime Reports (UCR) stopped including forcible rape data from Chicago because Chicago’s data did not meet UCR standards. The raw data from which these figures are derived are available from 1985 onward at <http://bjsdata.ojp.usdoj.gov/dataonline/Search/Crime/Local/LocalCrimeLarge.cfm>. Before that, they are available in the annual printed editions of the FBI’s Uniform Crime Reports.

“Violent crime” is murder, robbery, and assault. “Major crime” is murder, robbery, assault, and burglary. Table 2 presents the data from which Table 1 was derived.

**Table 2****Detailed data on Chicago crime vs. other 24 largest cities**

Year	Assault	Burglary	Murder	Robbery	Robberyx	Assaultx	Burglaryx
1977	0.990564	0.537228	1.5323	1.175818	1.469773	1.238204	0.671534
1978	0.946466	0.492852	1.458075	1.049373	1.311717	1.183083	0.616064
1979	0.894158	0.467769	1.395564	0.902738	1.128422	1.117697	0.584711
1980	0.797841	0.448819	1.326709	0.888519	1.110648	0.997301	0.561024
1981	0.567425	0.387352	1.403149	0.825775	1.032218	0.709281	0.48419
1982	0.646317	0.444583	1.155634	0.891739	1.114673	0.807896	0.555729
1983	1.026644	0.744883	1.329713	1.357406	1.357406	1.026644	0.744883
1984	1.979269	0.868375	1.400974	1.70625	1.70625	1.979269	0.868375
1985	1.896224	0.819123	1.233203	1.562819	1.562819	1.896224	0.819123
1986	1.866495	0.820423	1.212882	1.655009	1.655009	1.866495	0.820423
1987	1.804343	0.743783	1.234254	1.698507	1.698507	1.804343	0.743783
1988	1.819444	0.781934	1.170595	1.679079	1.679079	1.819443	0.781934
1989	1.843993	0.784794	1.252467	1.771185	1.771185	1.843993	0.784794
1990	1.926122	0.86283	1.321877	1.928858	1.928857	1.926123	0.86283
1991	1.954477	0.886486	1.350756	2.129811	2.12981	1.954477	0.886486
1992	1.866161	0.92551	1.493656	1.923406	1.923407	1.866161	0.92551
1993	1.855418	0.957056	1.362509	1.817302	1.817302	1.855418	0.957056
1994	1.953067	0.999847	1.609577	1.92035	1.920349	1.953068	0.999847
1995	1.920107	0.96573	1.53401	1.814881	1.81488	1.920108	0.965729
1996	1.962015	1.039652	1.647434	1.700135	1.700135	1.962015	1.039651
1997	1.854124	1.02727	1.673236	1.833473	1.833473	1.854124	1.02727
1998	2.083735	1.020968	1.762801	1.907512	1.907511	2.083734	1.020968
1999	1.97256	0.935353	1.784748	1.860586	1.860586	1.972561	0.935353
2000	1.454134	0.819553	1.485019	1.50945	1.50945	1.454134	0.819553
2001	1.449334	0.773139	1.485114	1.572801	1.572801	1.449334	0.773139
2002	1.475027	0.770872	1.660372	1.632798	1.632798	1.475027	0.770872
2003	1.312436	0.774788	1.548526	1.591541	1.591541	1.312436	0.774788
2004	1.272783	0.766691	1.173715	1.544335	1.544335	1.272783	0.766691
2005	1.188311	0.787082	1.152765	1.464358	1.464358	1.188311	0.787082
2006	1.185117	0.743799	1.1422	1.386268	1.386268	1.185117	0.743799
2007	1.214076	0.767145	1.132373	1.370816	1.370816	1.214076	0.767145
2008	1.224825	0.812853	1.440279	1.541933	1.541933	1.224825	0.812853

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**Notes:** All series are the ratio of Chicago's per capita crime rate to the mean of the corresponding per capita crime rate of the other 24 largest cities. Series with "x" have been adjusted to reflect the underreporting of crime up to 1983. Murder is assumed not to have been underreported.

In Table 1, these rates for particular crimes are consolidated into “violent crime,” which is murder, robbery, and assault. The rates are also consolidated into “major crime,” which is murder, robbery, assault, and burglary.

### Tables 3-6

#### Estimated equations for statistical significance of data on Chicago crime rates vs. 24 largest cities

#### Table 3

#### Violent crime, adjusted

Dependent Variable: XRVNORAPPC

Method: Least Squares

Sample: 1977-2008

Included observations: 32

Variable	Coefficient	Std. Error	t-Statistic	Prob.
C	1.123022	0.099635	11.27137	0.0000
DUM83	0.547261	0.110535	4.951027	0.0000
R-squared	0.449669	Mean dependent var	1.567672	
Adjusted R-squared	0.431325	S.D. dependent var	0.323634	
S.E. of regression	0.244055	Akaike info criterion	0.077611	
Sum squared resid	1.786879	Schwarz criterion	0.169220	
Log likelihood	0.758217	Hannan-Quinn criter.	0.107977	

F-statistic	24.51266	Durbin-Watson stat	0.495504
Prob(F-statistic)	0.000027		

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**Table 4****Violent crime, before and after the gun ban**

Dependent Variable: XRVNORAPPC

Method: Least Squares

Sample: 1977-2008

Included observations: 32

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Variable	Coefficient	Std. Error	t-Statistic	Prob.
DUM7782	1.123022	0.099635	11.27137	0.0000
DUM83	1.670283	0.047863	34.89714	0.0000

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R-squared	0.449669	Mean dependent var	1.567672
Adjusted R-squared	0.431325	S.D. dependent var	0.323634
S.E. of regression	0.244055	Akaike info criterion	0.077611
Sum squared resid	1.786879	Schwarz criterion	0.169220
Log likelihood	0.758217	Hannan-Quinn criter.	0.107977
Durbin-Watson stat	0.495504		

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**Table 5****Major crime, adjusted**

Dependent Variable: XRMAJPC

Method: Least Squares

Sample: 1977-2008

Included observations: 32

Variable	Coefficient	Std. Error	t-Statistic	Prob.
C	0.733359	0.064289	11.40721	0.0000
DUM83	0.466040	0.071322	6.534279	0.0000
R-squared	0.587327	Mean dependent var	1.112016	
Adjusted R-squared	0.573571	S.D. dependent var	0.241151	
S.E. of regression	0.157475	Akaike info criterion	-0.798634	
Sum squared resid	0.743955	Schwarz criterion	-0.707025	
Log likelihood	14.77814	Hannan-Quinn criter.	-0.768268	
F-statistic	42.69680	Durbin-Watson stat	0.411584	
Prob(F-statistic)	0.000000			



**Table 6****Major crime, before and after gun ban**

Dependent Variable: XRMAJPC

Method: Least Squares

Sample: 1977-2008

Included observations: 32

Variable	Coefficient	Std. Error	t-Statistic	Prob.
DUM7782	0.733359	0.064289	11.40721	0.0000
DUM83	1.199399	0.030883	38.83628	0.0000
R-squared	0.587327	Mean dependent var	1.112016	
Adjusted R-squared	0.573571	S.D. dependent var	0.241151	
S.E. of regression	0.157475	Akaike info criterion	-0.798634	
Sum squared resid	0.743955	Schwarz criterion	-0.707025	
Log likelihood	14.77814	Hannan-Quinn criter.	-0.768268	
Durbin-Watson stat	0.411584			

**APPENDIX B. South Carolina crime data**

**Table 7**

**Reported crime in South Carolina, raw numbers**

<b>Year</b>	<b>Population</b>	<b>Violent crime total</b>	<b>Murder &amp; non-negligent manslaughter</b>	<b>Forcible rape</b>	<b>Robbery</b>	<b>Aggravated assault</b>
1961	2,407,000	3,318	280	224	501	2,313
1962	2,436,000	3,012	247	172	468	2,125
1963	2,483,000	4,075	249	150	536	3,140
1964	2,555,000	4,240	206	271	659	3,104
1965	2,542,000	4,504	245	285	546	3,428
1966	2,586,000	5,844	301	352	744	4,447
1967	2,599,000	6,015	291	379	909	4,436
1968	2,692,000	5,853	366	404	1,152	3,931
1969	2,692,000	6,449	336	378	1,347	4,388
1970	2,590,516	7,412	377	467	1,557	5,011
1971	2,627,000	8,188	436	478	1,640	5,634

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**Sources for data in Appendix B:** FBI, Uniform Crime Reports as prepared by the National Archive of Criminal Justice Data. South Carolina state offense totals are based on data from all reporting agencies and official estimates for unreported areas.

**Table 8**

**Reported crime rates in South Carolina, per 100,000 population**

<b>Year</b>	<b>Violent Crime Total</b>	<b>Murder &amp; Nonneg. Mnslghtr</b>	<b>Forcible Rape</b>	<b>Robbery</b>	<b>Aggravated Assault</b>
1961	137.85	11.63	9.31	20.81	96.09
1962	123.65	10.14	7.06	19.21	87.23
1963	164.12	10.03	6.04	21.59	126.46
1964	165.95	8.06	10.61	25.79	121.49
1965	177.18	9.64	11.21	21.48	134.85
1966	225.99	11.64	13.61	28.77	171.96
1967	231.44	11.20	14.58	34.97	170.68
1968	217.42	13.60	15.01	42.79	146.03
1969	239.56	12.48	14.04	50.04	163.00
1970	274.54	14.55	18.03	60.10	193.44
1971	311.69	16.60	18.20	62.43	214.47

**Table 9****Reported crime in United States, per 100,000 population**

<b>Year</b>	<b>Violent Crime</b>	<b>Murder &amp; nonneg. manslaughter</b>	<b>Forcible rape</b>	<b>Robbery</b>	<b>Aggravated assault</b>
1961	158.1	4.8	9.4	58.3	85.7
1962	162.3	4.6	9.4	59.7	88.6
1963	168.2	4.6	9.4	61.8	92.4
1964	190.6	4.9	11.2	68.2	106.2
1965	200.2	5.1	12.1	71.7	111.3
1966	220.0	5.6	13.2	80.8	120.3
1967	253.2	6.2	14.0	102.8	130.2
1968	298.4	6.9	15.9	131.8	143.8
1969	328.7	7.3	18.5	148.4	154.5
1970	363.5	7.9	18.7	172.1	164.8
1971	396.0	8.6	20.5	188	178.8

**Table 10****South Carolina crime rates vs. U.S. rates**

<b>Year</b>	<b>Assault</b>	<b>Murder</b>	<b>Rape</b>	<b>Robbery</b>	<b>Violent</b>
1961	1.121237	2.422917	0.990426	0.356947	0.871917
1962	0.984537	2.204348	0.751064	0.321776	0.761861
1963	1.368615	2.180435	0.642553	0.349353	0.975743
1964	1.143974	1.644898	0.947321	0.378152	0.870672
1965	1.21159	1.890196	0.926446	0.299582	0.885015
1966	1.429426	2.078571	1.031061	0.356064	1.027227
1967	1.310906	1.806452	1.041429	0.340175	0.91406
1968	1.015508	1.971014	0.944025	0.324659	0.728619
1969	1.055016	1.709589	0.758919	0.337197	0.72881
1970	1.173786	1.841772	0.964171	0.349216	0.755268
1971	1.199497	1.930233	0.887805	0.332074	0.787096

**Note:** All series are the ratio of South Carolina's per capita crime rate to the corresponding US average. "Violent crime" is the sum of murder, rape, robbery and assault.

**Tables 11-14****South Carolina regressions**

The following regressions test the hypothesis that South Carolina's mean per capita crime rate after relegalization was the same as before. DUM is a dummy variable that takes the value zero for all years before relegalization and the value one for all years after, beginning with the first full year after relegalization (1966). Its coefficient is the difference in the before and after means. The t-statistic tests the null hypothesis. In order to reject the null hypothesis

of no difference, the prob value should be less than .05. Since none of the prob values are less than .05, we cannot reject the null hypothesis of no change in the crime rates. In other words, there was no statistically significant change in South Carolina's violent crime rates, relative to the U.S. as a whole, following the relegalization of handgun sales.

**Table 11****Violent Crime**

Dependent Variable: RVIOPC

Method: Least Squares

Sample: 1961-1971

Included observations: 11

Variable	Coefficient	Std. Error	t-Statistic	Prob.
C	0.873041	0.046360	18.83198	0.0000
DUM	-0.049528	0.062771	-0.789023	0.4504
R-squared	0.064698	Mean dependent var		0.846026
Adjusted R-squared	-0.039225	S.D. dependent var		0.101688
S.E. of regression	0.103663	Akaike info criterion		-1.532376
Sum squared resid	0.096714	Schwarz criterion		-1.460032
Log likelihood	10.42807	Hannan-Quinn criter.		-1.577980
F-statistic	0.622558	Durbin-Watson stat		1.600345
Prob(F-statistic)	0.450383			

**Table 12****Murder**

Dependent Variable: RMURPC

Method: Least Squares

Sample: 1961-1971

Included observations: 11

Variable	Coefficient	Std. Error	t-Statistic	Prob.
C	2.068559	0.100379	20.60741	0.0000
DUM	-0.178953	0.135914	-1.316664	0.2205
R-squared	0.161512	Mean dependent var	1.970948	
Adjusted R-squared	0.068346	S.D. dependent var	0.232542	
S.E. of regression	0.224455	Akaike info criterion	0.012683	
Sum squared resid	0.453421	Schwarz criterion	0.085028	
Log likelihood	1.930241	Hannan-Quinn criter.	-0.032920	
F-statistic	1.733604	Durbin-Watson stat	1.598993	
Prob(F-statistic)	0.220491			

**Table 13****Rape**

Dependent Variable: RRAPPC

Method: Least Squares

Sample: 1961-1971

Included observations: 11

Variable	Coefficient	Std. Error	t-Statistic	Prob.
C	0.851562	0.056276	15.13193	0.0000
DUM	0.086339	0.076198	1.133096	0.2865
R-squared	0.124846	Mean dependent var		0.898656
Adjusted R-squared	0.027607	S.D. dependent var		0.127610
S.E. of regression	0.125837	Akaike info criterion		-1.144699
Sum squared resid	0.142514	Schwarz criterion		-1.072355
Log likelihood	8.295846	Hannan-Quinn criter.		-1.190302
F-statistic	1.283907	Durbin-Watson stat		1.786085
Prob(F-statistic)	0.286456			



**Table 14****Robbery**

Dependent Variable: RROBPC

Method: Least Squares

Sample: 1961-1971

Included observations: 11

Variable	Coefficient	Std. Error	t-Statistic	Prob.
C	0.341162	0.009931	34.35250	0.0000
DUM	-0.001264	0.013447	-0.094027	0.9271
R-squared	0.000981	Mean dependent var	0.340472	
Adjusted R-squared	-0.110021	S.D. dependent var	0.021078	
S.E. of regression	0.022207	Akaike info criterion	-4.613866	
Sum squared resid	0.004438	Schwarz criterion	-4.541521	
Log likelihood	27.37626	Hannan-Quinn criter.	-4.659469	
F-statistic	0.008841	Durbin-Watson stat	3.024530	
Prob(F-statistic)	0.927148			

**APPENDIX C. Law enforcement officers feloniously killed**

<b>1. City</b>	<b>2. Popul.</b>	<b>3. # of LEO feloniously killed 1996-2008</b>	<b>4. City popul. as % of total US popul.</b>	<b>5. City % of total US LEO feloniously killed</b>	<b>Col. 5 divided by Col. 4</b>
New York	8,345,075	14	2.745%	1.939%	0.7065
L.A.	3,850,920	9	1.267%	1.247%	0.9842
Chicago	2,829,304	12	0.931%	1.662%	1.7862
Houston	2,238,895	11	0.736%	1.524%	2.0691
Phoenix	1,585,838	6	0.522%	0.831%	1.5943
Phil.	1,441,117	9	0.474%	1.247%	2.6031
Las Vegas	1,353,175	1	0.445%	0.139%	0.3112
San Ant.	1,351,244	5	0.444%	0.693%	1.5583
Dallas	1,276,214	3	0.420%	0.416%	0.9900
San Diego	1,271,655	1	0.418%	0.139%	0.3312
San Jose	945,197	1	0.311%	0.139%	0.4456
Honolulu	906,349	2	0.298%	0.277%	0.9293
Detroit	905,783	9	0.298%	1.247%	4.1845
Indnpls.	808,329	3	0.266%	0.416%	1.5630
Jacksnvl.	806,080	0	0.265%	0.000%	0.0000
San Fran.	798,144	2	0.262%	0.277%	1.0553
Charlotte	758,769	2	0.250%	0.277%	1.1100
Austin	753,535	2	0.248%	0.277%	1.1178
Columbus	751,887	2	0.247%	0.277%	1.1202
Ft. Worth	701,345	1	0.231%	0.139%	0.6005
Memphis	672,046	5	0.221%	0.693%	3.1332
Baltimore	634,549	6	0.209%	0.831%	3.9821
Louisville	629,679	2	0.207%	0.277%	1.3376
El Paso	612,374	1	0.201%	0.139%	0.6877
Boston	604,465	0	0.199%	0.000%	0.0000
D.C.	581,530	8	0.195%	1.108%	5.6926

App. 17

US Population 2008 = 304,059,724

LEOs Killed 1996-2008 = 722

The District of Columbia is not among the 25 largest U.S. cities, but since D.C. was the only other large city with a handgun ban in the relevant period, we have provided data about D.C.

**Sources:** City population data from FBI, OFFENSES KNOWN TO LAW ENFORCEMENT BY STATE BY CITY, 2008, [http://www.fbi.gov/ucr/cius2008/data/table\\_08.html](http://www.fbi.gov/ucr/cius2008/data/table_08.html). Total U.S. population data from FBI, CRIME IN THE UNITED STATES BY VOLUME AND RATE PER 100,000 INHABITANTS, 1989-2008, [http://www.fbi.gov/ucr/cius2008/data/table\\_01.html](http://www.fbi.gov/ucr/cius2008/data/table_01.html). Police officers killed data from FBI, LAW ENFORCEMENT OFFICERS KILLED AND ASSAULTED, 2006, table 1, <http://www.fbi.gov/ucr/killed/2006/table1.html> (cumulative data for 1997-2006)(murders of police officers, including the city where each murder took place, are described in the “Summary” narratives for individual years 1997-2006, available via links from the LEOKA website); FBI, LAW ENFORCEMENT OFFICERS KILLED AND ASSAULTED, 1996; FBI, LAW ENFORCEMENT OFFICERS KILLED AND ASSAULTED, 2007; FBI, LAW ENFORCEMENT OFFICERS KILLED AND ASSAULTED, 2008, *available at* <http://www.fbi.gov/ucr/ucr.htm#leoka>

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**APPENDIX D. Statement of interest  
of additional amici**

**International Association of Law Enforcement  
Firearms Instructors**

The International Association of Law Enforcement Firearms Instructors (IALEFI) is the world's largest association of police firearms instructors. Founded in 1981, IALEFI conducts national and regional training conferences for instructors. IALEFI comprises over 10,000 members, approximately ninety percent of whom are active, non-retired instructors.

IALEFI instructors include members of every federal law enforcement agency, and every branch of the U.S. military. Most IALEFI members are Americans, with Canadians comprising the largest group from the 15 other nations also having members. IALEFI publishes a quarterly magazine, *The Firearms Instructor*, and also publishes various manuals, including *Firearms Training Standards for Law Enforcement Personnel* and the *Standards & Practices Reference Guide for Law Enforcement Firearms Instructors*.

**Southern States Police Benevolent Association**

The Southern States Police Benevolent Association (SSPBA) consists of more than 21,000 law enforcement employees in 12 southeastern states. Members include local, state, and federal employees.

### **Texas Police Chiefs Association**

The Texas Police Chiefs Association was founded in 1958 to promote, encourage and advance the professional development of Chiefs of Police and senior police management personnel throughout the State of Texas. TCPA represents over 600 law enforcement executives in Texas.

### **Law Enforcement Alliance of America**

Founded in 1991, the Law Enforcement Alliance of America's 75,000 members and supporters are comprised of law enforcements officers, crime victims, and concerned citizens.

### **Congress of Racial Equality**

The Congress of Racial Equality, Inc. (CORE) is a New York not-for-profit corporation founded in 1942, with national headquarters in Harlem, New York City. CORE is a nationwide civil rights organization, with consultative status at the United Nations. CORE's primary interests are the welfare of the black community and the protection of the civil rights of all citizens.

CORE brings a unique perspective to the subject matter of this most important constitutional litigation. Gun control laws were first enacted in this country for the express purpose of subjugating, dominating and oppressing blacks and other minorities. Even after the Civil War, Southern states used

oppressive gun control laws to keep the newly-freed slaves in a servile condition, to render them defenseless and to deprive them of other rights. The intent of the drafters of the Fourteenth Amendment was to ensure the protection of the freedmen and unionists in the South by making the Bill of Rights, particularly the Second Amendment, effective against state and local government action.

### **Claremont Institute**

The Claremont Institute is a nonpartisan organization, recognized as tax-exempt under Section 501(c)(3) of the Internal Revenue Code. The mission of the Claremont Institute is to restore the principles of the American founding to their rightful preeminent authority in our national life.

### **Professor Carlisle E. Moody**

Carlisle E. Moody is Professor of Economics at the College of William and Mary. He has published extensively in criminology, with special emphasis on the relationship between crime and firearms. His articles on that topic have appeared in, inter alia, the *Journal of Law and Economics*, *Econ Journal Watch*, *Southern Economic Journal*, and *Homicide Studies*.

### **Professor Gary Mauser**

Gary Mauser is Professor Emeritus at the Institute for Canadian Urban Research Studies, Faculty of

Business Administration, Simon Fraser University. He has written extensively on gun control policy in Canada, the United States, and the world, for journals including the *Harvard Journal of Law & Policy*, *Applied Economics*, *Chance: A Magazine of the American Statistical Association*, *Journal of Criminal Justice*, *Evaluation Review*, *Government and Policy*, *Political Communication*, and *Criminology*, as well as in monographs from the Fraser Institute and the Mackenzie Institute.

**Professor Roy T. Wortman**

Roy T. Wortman is Distinguished Professor of History Emeritus, at Kenyon College. He is a social, political and Native American historian with a lifelong interest in individual rights and civil liberties.

**Professor Raymond Kessler**

Raymond Kessler is Professor of Criminal Justice at Sul Ross State University, in Alpine, Texas. He has authored, among other works, *Enforcement Problems of Gun Control: A Victimless Crimes Analysis*, 16 CRIM. L. BULL. 131 (1980); *Gun Control and Political Power*, 5 L. & POL'Y Q 381 (1983); and *The Ideology of Gun Control*, 12 Q. J. IDEOLOGY 381 (1988).

**Dr. Sterling Burnett**

Doctor Burnett is a Senior Fellow at the National Center for Policy Analysis, in Dallas, Texas. He has written several monographs on firearms policy.

## **Independence Institute**

Founded in 1985, the Independence Institute is a nonpartisan, nonprofit public policy research organization dedicated to providing information to concerned citizens, government officials, and public opinion leaders.

Independence Institute staff have written or co-authored scores of law review and other scholarly articles on the gun issue, and several books, including the only law school textbook on the subject: ANDREW MCCLURG, DAVID B. KOPEL & BRANNON P. DENNING, GUN CONTROL AND GUN RIGHTS (NYU Press, 2002).

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