

**Brady Campaign
& Brady Center**

To Prevent Gun Violence

June 30, 2008

Division of Policy and Directives Management
U.S. Fish and Wildlife Services
4401 N. Fairfax Drive, Suite 222
Arlington, VA 22203
Attn: 1024-AD70

Re: Comments Opposing Proposed Rule to Allow the Carrying of Loaded, Hidden Firearms
in National Park Areas and National Wildlife Refuges

To Whom It May Concern:

The Brady Center to Prevent Gun Violence and Brady Campaign to Prevent Gun Violence, with its network of Million Mom March Chapters, are the nation's largest, non-partisan, grassroots organizations dedicated to creating an America free from gun violence. On behalf of our members and chapters around the nation, we strongly oppose the proposed rule to remove longstanding restrictions on the carrying of loaded, concealed firearms in National Park Areas and National Wildlife Refuges.

Current regulations, promulgated by the Reagan Administration, generally allow visitors to transport firearms in parks and refuges only if they are unloaded and stored or dismantled, with some limited exceptions for purposes such as hunting and target practice.¹ Under these regulations, National Parks and Wildlife Refuges have remained some of the safest places to visit in the country.

The Department of the Interior's proposed rule would dismantle these longstanding regulations, allowing visitors to federal parks and refuges to carry loaded, concealed firearms based on the patchwork of state laws that currently regulate concealed carrying in each state's parks and refuges.² The Department claims that its justification for dismantling rules in place for

¹ 36 C.F.R. Part 2; 50 C.F.R. Part 27.

² 73 Fed.Reg. 23388-90, Apr. 30, 2008.

over two decades is to “give greater effect to principles of Federalism” and “respect[] ‘state prerogatives and authority’” by applying state laws in federal parks and refuges.³

Principles of federalism do not require the federal government to apply foolhardy and dangerous provisions of state law on federal lands. **Park and refuge visitors armed with loaded, hidden semiautomatic weapons and other firearms will endanger park and refuge visitors and lead to an increased risk of gun crime and shooting injuries and death.** In states that broadly allow concealed carrying of firearms, “the weight of the evidence is now firmly behind those who have found that right-to-carry laws do not reduce, and may even increase, the overall level of crime.”⁴ Additionally, studies have consistently shown that greater availability of guns leads to more gun deaths.⁵

The current general prohibition on concealed carrying of firearms in national parks and refuges has insulated these federal areas from the problems associated with state concealed carry laws. Adopting failed state policies on federal lands will unnecessarily endanger park and refuge visitors in violation of the Department’s responsibility to safeguard lands for “the enjoyment, education, and inspiration of this and future generations.”⁶

Our members and supporters use and enjoy the national parks and wildlife refuges along with millions of other Americans and foreign visitors. The proposed rule would endanger our members and others who visit parks and refuges by increasing their risk of crime, injury and death. This increased risk of crime, injury, and death will harm park and refuge visitors and prevent them from visiting and enjoying the peace and tranquility of the parks and refuges. Indeed, keeping guns out of public places is supported by a majority of the American public,

³ *Id.* at 23388.

⁴ John J. Donohue, *The Final Bullet in the Body of the More Guns, Less Crime Hypothesis*, 2 CRIMINOLOGY & PUB. POL’Y 397, 399 (July 2003).

⁵ See, e.g., Matthew Miller, David Hemenway, Deborah Azrael, *State-level homicide victimization rates in the US in relation to survey measures of household firearm ownership, 2001-2003*, SOCIAL SCIENCE AND MEDICINE (2006) (“States with higher rates of firearm ownership had significantly higher homicide victimization rates”); Lisa M. Hepburn, David Hemenway, *Firearm availability and homicide: A review of the literature*, 9 AGGRESSION AND VIOLENT BEHAVIOR 417 (2004) (“households with firearms are at higher risk for homicide, and there is no net beneficial effect of firearm ownership”); Matthew Miller, et al., *Rates of Household Firearm Ownership and Homicide Across US Regions and States, 1988–1997*, 92 AM J. PUBLIC HEALTH 1988 (Dec 2002) (“in areas where household firearm ownership rates were higher, a disproportionately large number of people died from homicide”); Mark Duggan, *More Guns, More Crime*, 109 J. POL’Y. ECON. 1086 (2001); Matthew Miller, et al., *Firearm availability and unintentional firearm deaths*, 33 ACCIDENT ANALYSIS AND PREVENTION 477 (Jul. 2000) (“A statistically significant and robust association exists between gun availability and unintentional firearm deaths.”).

⁶ National Park Service Mission, available at <http://www.nps.gov/aboutus/mission.htm>. See also National Wildlife Refuge System Mission, available at <http://www.fws.gov/refuges/welcome.html> (to administer lands “for the benefit of present and future generations of Americans.”). Because the proposed rule would increase the risk of gun crime, injury and death in the parks and refuges, in violation of the National Park Service Organic Act and the National Wildlife Refuge System Administration Act, an Environmental Impact Statement (EIS) is also required. 16 U.S.C. §§ 1, 668dd. The proposed rule will directly harm “the enjoyment of [the national parks]” and impair their use for future generations, and threaten “opportunities for parents and their children to safely engage in traditional outdoor activities” in wildlife refuges. 16 U.S.C. §§ 1, 668dd(a)(4)(K). At the very least, an Environmental Assessment must be completed. Also, an additional comment period should be allowed once a decision is made concerning the National Environmental Policy Act review that will be conducted before promulgating this proposed rule.

who believe that the carrying of concealed firearms should be limited only to “people with a special need to carry a concealed gun, such as private detectives.”⁷

Our comments are summarized here and explained in detail below:

- **Laws allowing the carrying of concealed firearms have not reduced crime and, if anything, have increased violent crime, including murder and robbery.** Indeed, leading criminologists, economists and other researchers have rejected studies purporting to show that concealed carry laws decrease crime, determining that the methodology and conclusions of these studies are fundamentally flawed and not credible. National parks and wildlife refuges are currently some of the safest areas in the nation. Principles of federalism do not require the application of failed state concealed carry laws on federal lands that would increase park and refuge visitors’ risk of gun crime and shooting injuries and death.
- **State concealed carry licensing systems have endangered public safety by providing licenses to dangerous people who commit violent acts with their firearms.** Surveys of concealed carry licensees have found that many have been arrested for crimes after they were granted a license. In addition, license holders have received licenses without proper background checks or training. For example, Utah granted licenses to thousands of non-residents, including citizens of foreign countries, and many received licenses without any background checks or proof of adequate firearms training. The Department should not rely on the states’ faulty concealed carry licensing systems and allow dangerous, armed persons in our parks and refuges.
- **The proposed rule would undermine principles of federalism by increasing the likelihood that armed visitors will violate state laws that restrict the carrying of concealed weapons.** National parks and wildlife refuges cross state boundaries with little or no notice to visitors that a person has left one state and entered another. The lack of a uniform policy among national parks and refuges will increase the likelihood that visitors carrying firearms will cross back and forth across state lines, leading to an increased risk of armed visitors violating the laws of states that protect their citizens and visitors from the dangers of loaded, hidden firearms.⁸

⁷ Tom W. Smith, Public Opinion on Gun Control, National Opinion Research Center, University of Chicago, Dec. 2003, at 5. Likewise, 71% of the public would “feel less safe” and only 19% would “feel more safe” if “others in the community acquire firearms.” David Hemenway, et. al., *Firearms and Community Feelings of Safety*, 86 J. CRIM. L. & CRIMINOLOGY 121, 124 (1995).

⁸ Additionally, an Environmental Impact Statement (EIS) is required because the proposed rule would increase the risk of gun crime, injury and death in the parks and wildlife refuges, in violation of the National Park Service Organic Act and the National Wildlife Refuge System Administration Act. 16 U.S.C. §§ 1, 668dd. It will directly harm “the enjoyment of [the national parks]” and impair their use for future generations, 16 U.S.C. § 1, and threaten “opportunities for parents and their children to safely engage in traditional outdoor activities” in wildlife refuges. 16 U.S.C. § 668dd(a)(4)(K). Because the proposed rule will have a substantial negative impact on the parks and refuges in violation of these acts, an EIS is required. At the very least, an Environmental Assessment must be

Laws Allowing the Carrying of Concealed Firearms Have Not Reduced Crime and, If Anything, Have Increased Violent Crime, Including Murder and Robbery

Laws that allow the carrying of loaded, concealed weapons do not reduce crime and, if anything, lead to an increase in violent crime, including robbery and homicide. Moreover, as described below, leading criminologists, economists and other researchers have rejected studies relied on by concealed carry proponents purporting to show that concealed carry laws decrease crime. They have determined that the methodology and conclusions of these studies are fundamentally flawed and not credible.

The proposed rule states that the justification for dismantling current rules that keep parks and refuges safe from gun crime and violence is to “give greater effect to principles of Federalism” and “respect[] ‘state prerogatives and authority’” by applying state laws in federal parks and refuges.⁹ Principles of federalism do not require the federal government to apply dangerous state laws on federal lands, particularly when doing so would threaten the safety of park and refuge visitors. Our national parks and wildlife refuges are some of the safest places to visit in this country. Keeping guns out of public places is supported by a majority of the American public, who believe that the carrying of concealed firearms should be limited only to “people with a special need to carry a concealed gun, such as private detectives.”¹⁰ The Interior Department should maintain the current rules that protect the parks and wildlife refuges, rather than incorporating failed state concealed carry laws on federal lands that would increase park and refuge visitors’ risk of gun crime and shooting injuries and death.

Researchers have examined the impact of “shall issue” concealed carry laws that require law enforcement to issue concealed carry licenses to anyone without a criminal record. Shall issue concealed carry laws pose the greatest danger to the public, because they do not allow law enforcement any discretion to deny licenses to persons who are likely to pose a danger to the community if armed in public, but who may not yet have committed a dangerous offense. A majority of states have shall issue laws, and two states do not require a license at all to carry a concealed firearm.¹¹

Most states appear to “experience increases in violent crime, murder, and robbery when shall-issue laws are adopted.”¹² Researcher Jens Ludwig analyzed shall issue concealed carry

completed. The Department should also allow for comments once a decision is made concerning the level of National Environmental Policy Act review that will be conducted before promulgation of this proposed rule.

⁹ 73 Fed.Reg. 23388, Apr. 30, 2008.

¹⁰ Tom W. Smith, *Public Opinion on Gun Control*, National Opinion Research Center, University of Chicago, Dec. 2003, at 5. Likewise, 71% of the public would “feel less safe” and only 19% would “feel more safe” if “others in the community acquire firearms.” David Hemenway, et. al., *Firearms and Community Feelings of Safety*, 86 J. CRIM. L. & CRIMINOLOGY 121, 124 (1995).

¹¹ Legal Community Against Violence, *Regulating Guns in America* (Feb. 2008), at 206-07, available at http://lcav.org/library/reports_analyses/regulating_guns.asp. Alaska and Vermont do not require licenses to carry concealed weapons. *Id.*

¹² John J. Donohue, *The Impact of Concealed-Carry Laws*, in *EVALUATING GUN POL’Y: EFFECTS ON CRIME AND VIOLENCE* 289, 320 (2003).

laws and concluded, “My results suggest that shall-issue laws have resulted, if anything, in an *increase* in adult homicide rates.”¹³ Likewise, another study found that “firearms homicides increased in the aftermath of the shall issue laws,” such that shall issue laws may “raise levels of firearms murders” and thus may “increase the frequency of homicide.”¹⁴ Similarly, “[f]or robbery, many states experience increases in crime” after concealed carry laws are enacted.¹⁵ Indeed, several different statistical approaches to the question “indicate a rather substantial increase in robbery.”¹⁶ In contrast, “policies to *discourage* firearms in public may help prevent violence.”¹⁷

Further proof of the dangers of concealed carrying of firearms is found in a 1999 study by the Center to Prevent Handgun Violence, which examined crime rates across the nation and in individual states.¹⁸ While the national crime rate fell for a number of years during the 1990s, states that had shall issue laws had a significantly smaller drop in crime than other states that restricted the carrying of concealed weapons. From 1992 to 1998, violent crime dropped nationally by 25 percent.¹⁹ In states that either did not allow concealed weapons or granted discretion to the licensing authority during that entire time, violent crime dropped 30 percent.²⁰ By contrast, states with shall issue laws for the entire period experienced only half the decrease in violent crime from 1992 to 1998 — a lower-than-national-average drop of only 15 percent.²¹ Moreover, 27 percent of those shall issue states experienced an increase in violent crime from 1992-1998, while only 18 percent of the other states had an increase in violent crime.²²

¹³ Jens Ludwig, *Concealed-Gun-Carrying Laws and Violent Crime: Evidence from State Panel Data*, 18 INT’L REV. L. & ECON. 239 (1998) (emphasis in original).

¹⁴ David McDowall, et. al., *Easing Concealed Firearms Laws: Effects on Homicide in Three States*, 86 J. CRIM. L. & CRIMINOLOGY 193, 202-203 (1995) (emphasis in original).

¹⁵ Hashem Dezhbakhsh & Paul Rubin, *Lives Saved or Lives Lost? The Effects of Concealed-Handgun Laws on Crime*, in THE ECON. OF GUN CONTROL, 473 (May 1998).

¹⁶ John Donohue, *Guns, Crime, and the Impact of State Right-To-Carry Laws*, 73 FORDHAM L. REV. 623 (2004).

¹⁷ *Id.*

¹⁸ Center to Prevent Handgun Violence, *Concealed Truth: Concealed Weapons Laws and Trends in Violent Crime in the United States* (1999) (compiling statistics contained in the Federal Bureau of Investigation’s Uniform Crime Reports, Table 4). The Center to Prevent Handgun Violence was renamed the Brady Center to Prevent Gun Violence in 2001.

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

²² *Id.* Similarly, robbery rates increased after states enacted shall issue concealed carry laws. The difference in the decline of robbery rates (which one would reasonably expect to be most affected by the use of concealed weapons) from 1992 to 1998 confirmed the relationship between shall issue statutes and increased crime. In states that prohibited concealed weapons or granted discretion to law enforcement to limit the issuance of concealed carry licenses, the robbery rate dropped 44 percent from 1992 to 1998. By contrast, the robbery rate for states that had shall issue laws for the entire period dropped only 24 percent. New York and California — the two most populous states, both of which grant discretion to the concealed carry licensing authority — experienced 55 and 50 percent declines, respectively, in their robbery rates from 1992-98. *Id.*

Concealed carry proponents principally rely on discredited claims by John Lott and David Mustard purporting to find that more gun carrying leads to less crime. Numerous studies have been published with results contradicting and repudiating Lott's findings. Since at least 2005, it has been the solid consensus of the research community that: 1) the results of the original Lott and Mustard study are fatally flawed, 2) there is no consistent evidence that shall-issue laws reduce violent crime, 3) if anything, shall issue laws increase violent crime, and 4) there is strong evidence that greater availability of guns leads to more homicides. Indeed, researchers using "more complete data and/or superior econometric techniques [have shown] that the initial Lott and Mustard findings of crime reduction were largely spurious."²³

The research community has reached this consensus because the research incorrectly claiming that shall issue laws reduce crime fails essential tests commonly used to evaluate the evidence-base for public policies:

- **The data set used for Lott's research was not of sufficient quality to warrant use for policy evaluation, and so Lott's conclusions are fatally flawed.** Lott's study relies on county level crime data collected by the FBI for the Uniform Crime Reports (UCR). According to a 2002 study, however, "county-level UCR crime statistics cannot be used for evaluating the effects of changes in policies."²⁴
- **Research purporting to find that shall issues laws lead to less crime is not consistent with theoretical predictions.** Specifically, "[m]inor changes of specifications can generate wide shifts in the estimated effects of these laws, and some of the most persistent findings – such as the association of shall-issue laws with increases in (or no effect on) robbery and with substantial increases in various types of property crime – are not consistent with any plausible theory of deterrence."²⁵ In other words, if Lott's theory is that criminals avoid victims because of the prospect of hidden handguns, why does the data show an increase in robberies, which entail confronting a victim? The results of the research contradict a rational analysis of how the law should affect crime patterns. This is a red flag that Lott's conclusion is faulty.
- **Numerous studies by other researchers are not able to substantiate Lott's results, and in fact find that, if anything, concealed carry laws increase crime.**²⁶ Most states appear to "experience increases in violent crime, murder,

²³ *Id.* at 400.

²⁴ Michael D. Maltz & Joseph Targonski, *A Note on the Use of County-Level UCR Data*, 18 J. QUANTITATIVE CRIMINOLOGY 297, 317 (2002).

²⁵ Ian Ayres & John Donohue, *Shooting Down the "More Guns, Less Crime" Hypothesis*, 55 STAN. L. REV. 1193, 1201 (2003).

²⁶ Robert Martin Jr., & Richard Legault, *Systematic Measurement Error with State-Level Crime Data: Evidence From the "More Guns, Less Crime" Debate*, J. RESEARCH IN CRIME & DELINQUENCY, (2005); Tomislav Kovandzic, et. al., *The Impact of "Shall-Issue" Concealed Handgun Laws on Violent Crime Rates*, HOMICIDE STUDIES, (2005); John Donohue, *Guns, Crime, and the Impact of State Right-To-Carry Laws*, 73 FORDHAM L. REV. 623, (2004); John J. Donohue, *The Impact of Concealed-Carry Laws*, in EVALUATING GUN POL'Y: EFFECTS ON CRIME AND VIOLENCE 289, 320 (2003); Paul H. Rubin & Hashem Deshbakhsh, *The Effect of Concealed Handgun*

and robbery when shall-issue laws are adopted.”²⁷ Proper analysis of the data “suggest[s] that shall-issue laws have resulted, if anything, in an *increase* in adult homicide rates.”²⁸

- **Studies show that in the United States, which has lax gun laws, higher levels of gun ownership lead to more gun deaths.**²⁹ In 2002, three Harvard researchers published a national study documenting that states with higher gun ownership have substantially higher homicide rates even after controlling for poverty, urbanization, unemployment, alcohol consumption, and nonlethal violent crime.”³⁰ International comparisons with countries with strong gun laws tell the story: “International comparisons tell us we can do better. We have the most guns – especially handguns – and the weakest gun control laws in the industrialized world. We have by far the highest rates of lethal violence. Yet we do not seem to be any more criminal or violent than many other developed nations.”³¹ Likewise, guns are used to commit homicides far more often than they are used to kill in self-defense. While more than 12,000 Americans were killed in gun homicides in 2005, there were only 147 justifiable firearm homicides that year.³²

Laws on Crime: Beyond the Dummy Variables,” 23 INT’L REV. L. & ECON. 199 (2003); Kovandzic Tomislav V. & Thomas B. Marvell, *Right-to-Carry Concealed Handguns and Violent Crime: Crime Control Through Decontrol?*, 2 CRIMINOLOGY & PUB. POL’Y. 363 (2003); Ian Ayres & John J. Donohue, *The Latest Misfires in Support of the ‘More Guns, Less Crime,’ Hypothesis*, 55 STAN. L. REV 1371 (2003); Ian Ayres & John J. Donohue, *Shooting Down the “More Guns, Less Crime” Hypothesis*, 55 STAN. L. REV 1193 (2003); Ian Ayres & John J. Donohue, *Nondiscretionary Concealed Weapons Laws: A Case Study of Statistics, Standards of Proof, and Public Policy*, 1 AM. L. & ECON. ASS’N., 436 (1999); Jens Ludwig, *Concealed-Gun-Carrying Laws and Violent Crime: Evidence from State Panel Data*, 18 INT’L REV. L. & ECON 239 (1998); DA Black & DS Nagin, *Do Right-To-Carry Laws Deter Violent Crime?*, 27 J. LEGAL STUD. 209 (1998); David McDowall, et. al., *Easing Concealed Firearms Laws: Effects on Homicide in Three States*, 86 J. CRIM. L. & CRIMINOLOGY 193 (1995).

²⁷ John J. Donohue, *The Impact of Concealed-Carry Laws*, in EVALUATING GUN POL’Y: EFFECTS ON CRIME AND VIOLENCE 289, 320 (2003).

²⁸ Jens Ludwig, *Concealed-Gun-Carrying Laws and Violent Crime: Evidence from State Panel Data*, 18 INT’L REV. L. & ECON. 239 (1998) (emphasis in original).

²⁹ See, e.g., Matthew Miller, David Hemenway, Deborah Azrael, *State-level homicide victimization rates in the US in relation to survey measures of household firearm ownership, 2001-2003*, SOCIAL SCIENCE AND MEDICINE (2006) (“States with higher rates of firearm ownership had significantly higher homicide victimization rates”); Lisa M. Hepburn, David Hemenway, *Firearm availability and homicide: A review of the literature*, 9 AGGRESSION AND VIOLENT BEHAVIOR 417 (2004) (“households with firearms are at higher risk for homicide, and there is no net beneficial effect of firearm ownership”); Matthew Miller, et al., *Rates of Household Firearm Ownership and Homicide Across US Regions and States, 1988–1997*, 92 AM J. PUBLIC HEALTH 1988 (Dec 2002) (“in areas where household firearm ownership rates were higher, a disproportionately large number of people died from homicide”); Mark Duggan, *More Guns, More Crime*, 109 J. POL’Y. ECON. 1086 (2001); Matthew Miller, et al., *Firearm availability and unintentional firearm deaths*, 33 ACCIDENT ANALYSIS AND PREVENTION 477 (Jul. 2000) (“A statistically significant and robust association exists between gun availability and unintentional firearm deaths.”).

³⁰ Matthew Miller, et. al., *Rates of Household Firearm Ownership and Homicide Across US Regions and States, 1988–1997*, AM J. PUBLIC HEALTH 92 (Dec 2002): 1988-1993.

³¹ David Hemenway, *Private Guns*, *Public Health* 208 (2004).

³² Centers to Disease Control and Prevention, National Center for Injury Prevention and Control, *2005, United States Firearm Deaths and Rates per 100,000*, available at <http://webapp.cdc.gov/sasweb/ncipc/mortrate.html>, visited June 24, 2008; Federal Bureau of Investigation, *Expanded Homicide Data Table 14*, Sept. 2007, available at

Thus, “[w]ith the benefit of hindsight (and much subsequent scholarly analysis on more complete and new data), one can now state rather confidently that ‘the first cut’ was wrong – [concealed carry] laws do not reduce crime.”³³ Rather, “statistical evidence presented thus far points in the opposite direction: that the adoption of shall-issue laws will generally increase crime.”³⁴

Lott continues to assert that “more guns equal less crime” even though his studies have been roundly discredited. Renowned scientists have expressed concern that Lott’s behavior may be unethical³⁵ and a “fraud.”³⁶ A great concern is that Lott’s advocacy for a discredited position is endangering public safety by misleading policymakers. Jeffery Fagan, Professor of Law and Policy at Columbia University, notes in his editorial on the issues surrounding the debate, “It is one thing for policymakers to embrace an idea based on thin evidence and strong political appeal; it is quite another to ignore its potential harm.”³⁷

There is a substantial body of evidence from the research community that John Lott’s analysis and conclusions are fundamentally flawed. Studies show that concealed carry laws do not reduce crime and, if anything, lead to increased crime, including violent crimes such as robberies and homicides. The Interior Department should not allow flawed research to guide its decision-making. The evidence demonstrates that allowing armed visitors in national parks and wildlife refuges will endanger the safety of park and refuge visitors. The proposed rule should be rejected.

State Concealed Carry Licensing Systems Have Endangered Public Safety By Providing Licenses to Dangerous People Who Commit Violent Acts With Their Firearms

States have issued concealed carry licenses to thousands of dangerous people who have then committed violent acts with their firearms. Surveys of concealed carry license holders have found that many have been arrested for crimes after they were granted a concealed carry license. In addition, license holders have received licenses without proper background checks or training. States with concealed carry laws have proven unable to prevent people at a high risk of violence from obtaining licenses to carry loaded, concealed weapons. The Department should not import into our national parks and refuges the dangerous problems caused by the states’ concealed carry licensing systems.

http://www.fbi.gov/ucr/cius2006/offenses/expanded_information/data/shrtable_14.html (Justifiable Homicide, by Weapon, Private Citizen), visited June 30, 2008.

³³ John Donohue, *The Final Bullet in the Body of the More Guns, Less Crime Hypothesis*, 2 CRIMINOLOGY & PUB. POL’Y. 397, 398 (2003).

³⁴ Ian Ayres & John Donohue, *Shooting Down the “More Guns, Less Crime” Hypothesis*, 55 STAN. L. REV. 1193, 1285 (2003).

³⁵ See David McDowall, *John R. Lott, Jr.’s Defensive Gun Brandishing Estimates*, PUBLIC OPINION QUARTERLY, 69:2 (Summer 2005): 260.

³⁶ Donald Kennedy, *Research Fraud, Public Policy, and Gun Control*, SCIENCE, 300:5618 (April 13, 2003): 393.

³⁷ Jeffrey Fagan, *Guns, Science, and Public Policy*, CRIMINOLOGY & PUB. POL’Y 2:3 (2003): 360

States have revoked thousands of concealed carry licenses because license holders committed violent crimes after they received their licenses. Abusive husbands, mentally unstable individuals, disgruntled employees, people with a grudge, and people who are simply careless or uneducated about firearms safety can, and do, get licenses, posing real dangers to their communities. According to one official who processes license applications, “I would hazard a fairly educated guess that better than 50 percent of the applicants have a criminal background of some kind.... The only ones who get denied are the ones who have very current offenses or serious offenses.”³⁸

In Florida, for example, more than 4,200 licenses were revoked because many of these licensees committed a crime.³⁹ Since becoming the first state to allow the concealed carrying of firearms in 1987, Florida consistently has had one of the highest rates of violent crime in the nation.⁴⁰ Indeed, Florida has been annually ranked as the state with the highest violent crime rate more often than any other state in the last two decades.⁴¹

In a comprehensive survey of Florida concealed carry license holders, the *South Florida Sun-Sentinel* found that among individuals licensed during the first half of 2006, the state had failed to suspend or revoke the licenses of 216 people with active warrants, 128 people with domestic violence restraining orders, nine people charged with felonies or violent reckless misdemeanors, six registered sex offenders, and at least one prison inmate.⁴² Another 1,400 people who had pled guilty or no-contest to felony charges also had concealed carry licenses in Florida.⁴³ Some of the compliance problems are because Florida has more than 410,000 concealed carry licensees and only four government attorneys overseeing compliance and suspending or revoking licenses.⁴⁴ Comparatively, the division that issues licenses has about 140 employees.⁴⁵ Below are just a few examples of the dangerous people licensed to carry concealed firearms in Florida:⁴⁶

- **Garth F. Bailey:** Shot his girlfriend in the head while she cooked breakfast in 1988 and was given a concealed carry license eight years later.

³⁸ Dan Harrie, *Crimes Trigger Revocation of 584 Concealed-Weapons Permits*, SALT LAKE TRIB., March 25, 2002.

³⁹ Florida Department of Agriculture and Consumer Services, *Concealed Weapon/Firearm Summary Report*, October 1, 1987 – May 31, 2008, available at http://licgweb.doacs.state.fl.us/stats/cw_monthly.html.

⁴⁰ FBI, Uniform Crime Reports, state rankings 1987-2006.

⁴¹ *Id.*

⁴² Megan O'Matz & John Maines, *License to Carry: Investigation Reveals Criminal Past of Those Toting Guns*, SOUTH FLORIDA SUN-SENTINEL, Jan. 28, 2007, at A1.

⁴³ *Id.*

⁴⁴ Megan O'Matz & John Maines, *License to Carry: System Under the Gun*, SOUTH FLORIDA SUN-SENTINEL, Jan. 29, 2007, at A1.

⁴⁵ *Id.*

⁴⁶ Megan O'Matz & John Maines, *License to Carry: Investigation Reveals Criminal Past of Those Toting Guns*, SOUTH FLORIDA SUN-SENTINEL, Jan. 28, 2007, at A1.

- **John P. Paxton, Jr.:** Pled guilty to aggravated child abuse in 1993 for grabbing his four-year-old nephew by the neck, choking, and slapping him, because he turned the lights on and off. Eight years later he was given a concealed carry license.
- **John M. Corporal:** Pled guilty for holding a handgun to his roommate's head during an argument in 1998 and pled guilty to grand theft in 2002. In 2006 he was given a concealed carry license.
- **Edward L. Caldwell:** Caldwell, a registered sex offender since 1997 for sexual battery in which he threatened to shoot the victim if she did not comply, was also arrested for lewd and lascivious acts on a child under sixteen. His criminal history also includes three domestic violence injunctions and a domestic violence restraining order. He was given a concealed carry license in 1994.
- **Robert E. Rodriguez:** Rodriguez was arrested twenty-two times between 1960 and 1998. About half of the arrests were for carrying concealed weapons without a license and liquor violations at his bar, but the other half were for crimes including homicide, arson, drug trafficking, and aggravated battery. Four arrests resulted in court sentences. He was given a concealed carry license in 1989. In 2000, he pled guilty to aggravated assault for firing a gun when a man turned into his driveway. In 2002, Florida revoked his concealed carry license but he appealed and a new license was issued to him in 2005.

Likewise, a study of Texas concealed carry licensees found that they were arrested for an average of 2 ½ crimes per day, including violent crimes such as rape, kidnapping and homicide.⁴⁷ Crimes committed by concealed carry licensees include:

- 1,315 arrests for driving under the influence of intoxicants
- 671 arrests for unlawfully carrying a weapon
- 404 arrests for drug related crimes
- 279 arrests for assault or aggravated assault with a deadly weapon
- 172 arrests for deadly conduct or discharge of a firearm
- 134 arrests for sexual misconduct
- 79 arrests for rape or sexual assault
- 60 arrests for indecency with children

⁴⁷ Violence Policy Center, *License to Kill IV: More Guns, More Crime*, June 2002, available at <http://www.vpc.org/graphics/ltk4.pdf>.

- 41 arrests for murder or attempted murder
- 19 arrests for impersonating a police officer
- 14 arrests for kidnapping or false imprisonment, and
- 8 arrests for arson.⁴⁸

A study by the *Los Angeles Times* further revealed that during the first five years after Texas passed its concealed carry law, from 1995-2000, more than 400 individuals received licenses despite prior criminal convictions, due in part to licenses being granted before background checks could be completed.⁴⁹ In addition, over 3,000 licensees were arrested after obtaining their license.⁵⁰ A sampling of their crimes appear below:

Individuals issued a Texas concealed carry license with prior criminal convictions:

- **Jamaal H. Muhammad (aka James Weldon Washington):** Washington and an accomplice committed armed robbery at a gas station in 1971 and severely wounded an elderly man. Washington was sentenced to 20 years in prison; there, he changed his name to Jamaal H. Muhammad. He applied for his concealed carry license using the new name and was granted a license.
- **Richard J. Merrill:** Convicted of the 1969 rape of a waitress in Los Angeles.
- **Orville G. Holbert:** Convicted of manslaughter in Oklahoma in 1958.
- **Virgil H. Rizer:** Pleaded guilty to a 1993 assault in North Carolina where he used a frying pan and stun gun to attack a woman.
- **Terry Ross Gist:** Received a concealed carry license in 1997 after committing acts of domestic violence, being arrested for brandishing a weapon, and firing 15 rounds at burglars fleeing from his home. In 1998, he entered a guilty plea for sexually assaulting an 8-year-old.
- **Audi Phong Nguyen:** Nguyen was part of a gang that committed home invasion robberies; he and other gang members broke into the home of Roel Pena and killed him. Nguyen was also linked to the shooting death of Samuel Ontiveros who died during a botched robbery.⁵¹

⁴⁸ *Id.*

⁴⁹ Richard A. Serrano, *Texas' Concealed Gun License Law*, LOS ANGELES TIMES, Oct. 3, 2000.

⁵⁰ *Id.*

⁵¹ *Id.*

Individuals arrested after receiving a Texas concealed carry license:

- **Diane Brown James & David James:** The couple kidnapped a woman with the intention of keeping her as a sex slave. She escaped a day later and David James, holding a firearm, chased her as she ran to a neighbor's home. Police arrived and David James was killed in an exchange of gunfire; Diane Brown James was arrested on aggravated kidnapping charges and is serving a 15 year prison term.
- **Paul W. Lueders:** Lueders became so upset when he almost missed his bus that he shot the driver. Lueders was convicted of assault with a deadly weapon.
- **James B. Harrison:** Harrison used a 12-gauge shotgun to blast holes in all four tires of a power company utility truck while its crew was working on Harrison's property.
- **Robert C. Getz, Jr.:** Getz emptied a clip of bullets from his dining room window at vandals whom Getz claimed broke his window. He did not hit the alleged vandals but he did riddle a neighbor's parked car with bullets; he was arrested for reckless discharge of a firearm.
- **Michael G. Phillips:** Phillips was arguing with Steven Gunta, his daughter's ex-boyfriend, and shot Gunta on his daughter's front yard; police were arriving when Phillips fired.
- **John A. Tuttle & Patrick G. McHaney:** Tuttle & McHaney were bounty hunters who broke into the wrong house and held a couple and small child at gunpoint. Both men were charged with false imprisonment.
- **Patrick G. Bordelon:** Bordelon, who lived on a narrow stretch of the Rio Grande, is accused in separate incidents of shooting Mexican teenagers in the back. In June 1999, Bordelon sprayed a Mexican teenager with pellets from his shotgun and was arrested for attempted murder. In November 1999, while released on bail for the June shooting incident, Bordelon shot at three fleeing Mexican teenagers who allegedly tried to remove a window from Bordelon's house. Bordelon hit one of the teens, 16-year-old Luis Armando Chavez Vaquera, who was found two weeks later down river with a bullet hole in the back of his head.⁵²

Other states that broadly allow the carrying of concealed weapons have experienced repeated instances of concealed carry license holders committing violent and deadly crimes. Attached at Appendix A is a collection of some of the many crimes committed by persons carrying concealed firearms. These incidents, chronicling individual shooting incidents obtained from newspaper articles, public records requests, and detailed reports, involve people who were legally licensed to carry concealed weapons. These examples represent only a tiny fraction of

⁵² *Id.*

the total number of dangerous and deadly incidents involving concealed carry licensees. Often, a suspect's status as a licensee is not reported by law enforcement or the media, nor is that information easily available to the public.

In addition, many states allow the concealed carrying of firearms without any background checks, licenses, or training. In Utah, for example, “[m]ore than a third of Utah’s 100,000-plus permits are in the hands of non-residents, who bypass more-stringent requirements in their home states.”⁵³ Indeed:

Utah permits are the Tootsie Pops of concealed-carry permits: easily obtained, inexpensive, long-lasting and unhealthy, for Utahns and the nation as a whole.⁵⁴

About 1,000 foreign citizens, from the Democratic Republic of the Congo to Switzerland, obtained concealed carry licenses from Utah. Many foreigners received Utah licenses without a background check because “most other nations do not maintain adequate crime records - including mental health records, dishonorable discharges and protective orders,” and so Utah was simply issuing the licenses without completing any background check for many foreign applicants.⁵⁵ Furthermore, “[o]ut-of-state permits are seldom, if ever suspended or revoked because we have no information on their activities,” according to a Utah official.⁵⁶ Moreover, sixteen states recognize Utah’s concealed carry licenses, allowing foreign residents to carry loaded, concealed weapons in those states even if they had no background check to determine felony records or mental illness.⁵⁷

Other states also have weak laws that allow the carrying of concealed weapons without proper training or background checks. Only six states issuing concealed carry licenses require that a person demonstrate competency through a live fire test.⁵⁸ In Vermont and Alaska, there is no requirement that people obtain a license, undergo a background check, or receive any training before carrying a concealed weapon.⁵⁹ Allowing armed visitors who may have received no firearms training and may have criminal records or a history of mental illness threatens the safety of park and refuge visitors and exposes them to a heightened risk of injury or death.

⁵³ *Id.*

⁵⁴ *High Noon*, THE SALT LAKE TRIBUNE, June 23, 2008.

⁵⁵ Glen Warchol, *Out-of-state pistol packers spur new look at Utah’s concealed firearm permit*, SALT LAKE TRIB., Oct. 24, 2007.

⁵⁶ *Id.*

⁵⁷ The states are Arizona, Arkansas, Delaware, Idaho, Indiana, Kentucky, Michigan, Minnesota, Missouri, Montana, Nevada, New Mexico, Oklahoma, Tennessee, Vermont, and Wyoming. Utah Department of Public Safety, <http://bci.utah.gov/CFP/CFPFAQ/FAQOther.html>, visited June 24, 2008.

⁵⁸ Legal Community Against Violence, *Regulating Guns in America* (Feb. 2008), available at http://www.lcav.org/library/reports_analyses/regulating_guns.asp.

⁵⁹ Alaska Stat. § 11.61.220(a); Vt. Stat. Title 13, §§ 4004, 4016.

The Proposed Rule Would Undermine Principles of Federalism by Increasing the Likelihood That Armed Visitors Will Violate State Laws That Restrict the Carrying of Concealed Weapons

The Department incorrectly claims that the proposed rule will “respect state authority” and can be adopted “without harm to the visitors or resources the regulations are designed to protect.”⁶⁰ Rather, the proposed rule would undermine state gun laws that currently protect the public from the dangers of concealed firearms in state parks and wildlife refuges and harm park and refuge visitors by increasing their risk of gun crime, injuries and death. The Department should not adopt a rule that will undermine state laws and expose National Park and Wildlife Refuge visitors to a greater degree of danger than they would experience in state parks and refuges.

National parks and refuges cross state boundaries with little or no notice to visitors that a person has left one state and entered another. If the Department adopts a rule that incorporates the varying laws of the fifty states, this lack of a uniform policy among national parks and refuges will increase the likelihood that visitors carrying firearms will cross back and forth across state lines while armed. This will lead to an increased risk of armed visitors violating the laws of states that protect their parks from the dangers of loaded, hidden firearms.

The Department should not adopt a rule that will lead to increased violations of state gun laws that undermine a state’s authority to protect its citizens and visitors. The proposed rule will likely cause armed visitors to violate state laws and threaten the safety of park and refuge visitors, and it must be rejected.

For the reasons stated above, and in light of the substantial harm the proposed rule will cause to National Parks and Wildlife Refuges by increasing the risk of gun crime, injuries and death in these areas, we strongly oppose removing restrictions on the concealed carrying of loaded firearms in parks and wildlife refuges.

Sincerely,



Paul Helmke, President,
Brady Center to Prevent Gun Violence and
Brady Campaign to Prevent Gun Violence

⁶⁰ 73 Fed.Reg. 23388-90, Apr. 30, 2008.

APPENDIX A - CRIMES AND MISDEEDS BY CONCEALED CARRY LICENSEES

The gun lobby claims that only “law-abiding citizens” receive concealed carrying licenses and that because licensees are “law abiding,” having more people carrying loaded, hidden firearms will make society safer. Both claims are patently false.

“[T]he weight of the evidence is now firmly behind those who have found that right-to-carry laws do not reduce, and may even increase, the overall level of crime.”⁶¹ Moreover, scores of dangerous people have obtained licenses and used their firearms in violent acts. Abusive husbands, mentally unstable individuals, disgruntled employees, people with a grudge, and people who are simply careless or uneducated about firearms safety can, and do, get licenses, posing real dangers to their co-workers, families and communities. According to one official who processes license applications, “I would hazard a fairly educated guess that better than 50 percent of the applicants have a criminal background of some kind.... The only ones who get denied are the ones who have very current offenses or serious offenses.”⁶²

The following incidents, chronicling individual shooting incidents obtained from newspaper articles, public records requests, and detailed reports, involve people who were *legally* licensed to carry concealed weapons. It is important to note that these represent *only a tiny fraction* of the total number of dangerous and deadly incidents involving licensees. Often, a suspect’s status as a licensee is not reported by law enforcement or the media, nor is that information easily available to the public.

Seattle, WA • May 24, 2008. Clinton Grainger, 22, injured three people at the Northwest Folklife Festival when he discharged his Glock 19 handgun. Grainger brought the weapon and 15 rounds of ammunition in an ankle holster to the event, and fired it once during an altercation with another man. The single bullet passed through the first victim’s nasal cavity, the second victim’s wrist, and then lodged in the third victim’s leg. Grainger, who received his concealed carry license in January 2007, is a diagnosed schizophrenic who has been enrolled in a methadone maintenance program since the age of 18. He also had a series of juvenile convictions and a long history of traffic offenses.⁶³

Boca Raton, FL • April 30, 2008. During a fight at a campus party at Florida Atlantic University, Omar Graham, Jr. fired two shots in a crowded room, one grazing the ear of a 21-year-old college student. Graham claimed that the victim and a friend “were looking at him like they wanted a fight.”⁶⁴

⁶¹ J.J. Donohue, *The Final Bullet in the Body of the More Guns, Less Crime Hypothesis*, 2 CRIMINOLOGY & PUB. POL’Y 397, 399 (July 2003).

⁶² Dan Harrie, *Crimes Trigger Revocation of 584 Concealed-Weapons Permits*, SALT LAKE TRIB., Mar. 25, 2002.

⁶³ Scott Gutierrez, *Alleged Folklife shooter had mental health history and gun permit*, SEATTLE POST-INTELLIGENCER, May 27, 2008.

⁶⁴ *FAU Suspect Held on \$35,000 Bail*, SOUTH FLORIDA SUN-SENTINEL, May 2, 2008.

Columbus, OH • April 30, 2008. Derrick Foster, 38, shot at a team of police officers who attempted to break through the barricaded door of a neighborhood dice game. The officers, two of whom were wounded, one seriously, were part of a tactical drug investigation unit and announced their presence before Foster opened fire. Foster, who initially believed the officers to be robbers, surrendered when he saw the police team as he attempted to escape with his weapon through a basement window.⁶⁵

Quincy, MA • April 22, 2008. John Tasserini, 29, who was issued a concealed carry license in 2004, shot and killed his wife in the driveway of the couple's home. Tasserini, a notoriously controlling spouse who called his wife dozens of times daily, used two .45 caliber handguns from his collection to carry out the attack.⁶⁶

Columbus, GA • March 27, 2008. Charles Johnson, 63, a concealed carry licensee, took three weapons and extra ammunition into Doctors Hospital where his mother had died of natural causes in 2004. Johnson shot an intensive care nurse and an administrative assistant inside the hospital building and a 76-year-old man in the parking lot. After pulling a gun on a plainclothes detective, Johnson was shot in the shoulder and taken into custody.⁶⁷

Hollywood, FL • March 23, 2008. Ronald Khan, 35, shot an off-duty firefighter after a dispute in which the victim asked Khan to stop driving his go-kart on a public street. After a brief physical altercation, Khan left the scene. Ten minutes later, Khan returned with several friends and shot the victim. Despite two prior arrests in Florida, Khan held a valid concealed carry license.⁶⁸

Palm Beach, FL • March 10, 2008. During a domestic dispute, a bleeding Christine Burroughs fled to a neighbor's home. Her husband, Arthur Burroughs, 66, followed, shooting and killing the owner of the home to which his wife had fled, before barricading himself in a bathroom with his wife and turning the gun on himself. Burroughs, a former loss-prevention specialist, had held a concealed carry license since at least 1999.⁶⁹

Thonotosassa, FL • February 29, 2008. Charles Podany, 47, got into an altercation with two men driving a pickup truck at high speeds. When Podany approached the truck and asked the men to drive more slowly, the passenger got out of the vehicle and hit Podany in the face. After the two men fell to the ground, Podany fired two shots from his .40 caliber Glock, one of which struck the other man in the face, killing him instantly. Podany claimed that his life was endangered, but the only evidence of injuries were abrasions and a single cut. Podany had a concealed carry license despite an aggravated battery conviction in 2006 and numerous charges

⁶⁵ Bruce Cadwallader, *Man feared raid was a robbery, police told*, THE COLUMBUS DISPATCH, May 3, 2008.

⁶⁶ John Ellement, *Victim's kin say spouse was controlling: Family says wife was not fearful*, BOSTON GLOBE, Apr. 25, 2008.

⁶⁷ Daniel Yee, *Ga. Town Reeling From Hospital Slayings*, ASSOCIATED PRESS, Mar. 27, 2008; *Information Released About The Weapons Used in Doctor's Hospital Shooting*, WTVM, Mar. 28, 2008, available at: <http://www.wtvm.com/Global/story.asp?S=8086511&nav=8fap>

⁶⁸ Jennifer Mooney Pierda, *Hollywood: Wounded Fireman is doing better*, MIAMI HERALD, Mar. 26, 2008.

⁶⁹ Ana X. Ceron, *Domestic Dispute Spurred Shooter*, PALM BEACH POST, Mar. 10, 2008.

for vehicle theft, driving without a license, marijuana possession, DUI, and probation violations.⁷⁰

Orange County, FL • February 20, 2008. A “road rage” incident between Louis Davis, 40, and Victor Vilchez, 44, both holders of concealed carry licenses, resulted in an exchange of gunfire in a residential neighborhood. Davis, who was taking his 6 and 11-year-old daughters to elementary school, began firing at Vilchez, who returned fire. Davis dropped his daughters off and continued to pursue Vilchez until Vilchez crashed into a passing vehicle. Police recovered a .45 caliber semi-automatic weapon and a .38 caliber fully automatic weapon from the vehicles.⁷¹

Lauderdale Lakes, FL • February 8, 2008. After a year-long dispute regarding the precise location of a property line and the appropriate length of grass, Lee Macon, 49, fatally shot his neighbor four or more times, mortally wounding the victim.⁷²

Sarasota, FL • February 4, 2008. Paul Kallenbach, 40, shot a fellow customer after a dispute in a convenience store. Kallenbach pulled one gun during an argument, which the victim successfully wrestled away. Kallenbach then drew two other weapons he had been carrying on his person and repeatedly fired at the victim, killing him. He then exited the store and fired into the parking lot. The previous June, Kallenbach had been required to submit to a psychiatric evaluation after police found him with three handguns strapped to his waist, three more firearms, and 651 rounds of ammunition in his vehicle. Kallenbach claimed that the weapons “helped him feel safe.” A review of Kallenbach’s concealed carry license was apparently pending at the time of his mental evaluation, but police were not permitted to revoke his license.⁷³

Florida • January-February 2007. The *South Florida Sun-Sentinel* found that Florida had not suspended or revoked the licenses of 216 people with active warrants, 128 people with domestic violence restraining orders, 9 people charged with felonies or violent reckless misdemeanors, 6 registered sex offenders, and at least 1 prison inmate. Another 1,400 people who had pled guilty or no-contest to felony charges also had concealed carry licenses in Florida. Before the newspaper published its investigation, the State of Florida admitted to only 158 criminal concealed carry license holders, almost 10 times fewer than the actual number.⁷⁴

Seattle, WA • October 23, 2007. A 23-year-old college student who police declined to identify was apprehended at Seattle Central Community College after a fellow student reported him to campus security. The man had one loaded weapon in his waistband and two more in his backpack, along with ammunition. The man appeared “extremely nervous” and began to cry and shake uncontrollably when questioned by police. Although the college had a policy prohibiting

⁷⁰ Jessica Vander Velde, *Man Shot Following Spat Over Speeding*, ST. PETERSBURG TIMES, Mar. 2, 2008.

⁷¹ Walter Pacheco, *Deputies: Drivers fired guns two daughters were in vehicle of one suspect*, ORLANDO SENTINEL, Feb. 21, 2008.

⁷² Adam Beasley & Diana Moskovitz, *Lauderdale Lakes: Lawn dispute escalates into fatal shooting*,” MIAMI HERALD, Feb. 8, 2008.

⁷³ Tom Lyons, *Police saw what psychiatric team didn’t*, SARASOTA HERALD-TRIBUNE, Feb. 10, 2008.

⁷⁴ *License to Carry: A Sun-Sentinel Investigation*, SOUTH FLORIDA SUN-SENTINEL, Jan. 28-Feb. 15, 2007.

possession of firearms on campus, the policy could not be enforced because the young man had a valid concealed carry license.⁷⁵

Cincinnati, OH • August 13, 2007. Geraldine Beasley, 62, shot and killed a panhandler outside a Cincinnati gas station. Beasley complained about the victim to another person and, when the victim approached and asked for 25 cents, Beasley shot him twice. Beasley had been fined for unlawful transportation of a firearm in 2003, but the charge was not serious enough to prevent her from qualifying for a concealed carry license in Ohio.⁷⁶

Cleveland, OH • July 4, 2007. Enraged by the fireworks being set off at a neighbor's party, Terrence Hough, Jr., 35, confronted partygoers with a handgun. Hough opened fire on the guests, killing three and wounding two others. According to his co-workers at the Cleveland fire department, Hough was a "ticking time bomb" with a prior DUI conviction, yet he managed to qualify for a concealed carry license in 2004. Police seized twelve other firearms from Hough's home.⁷⁷

Boynton Beach, FL • June 21, 2007. A known gang member and key player in a gang feud which culminated in a Christmas Eve shooting at a shopping mall, Berson Dieudonne, 25, was arrested for aggravated assault with a firearm. Dieudonne, who threatened police with a loaded .45 caliber pistol, had a valid concealed carry license despite previous arrests on aggravated battery and grand theft auto charges.⁷⁸

Tulsa, OK • June 10, 2007. Kenneth Ray Gumm, 67, a retired security guard and concealed carry licensee, shot and killed another man in a "road rage" incident. The victim had been tailgating Gumm. After both men pulled into a parking lot there was a verbal altercation, during which the victim shoved Gumm's shoulder. Gumm shot the victim in the chest from a distance of several feet.⁷⁹

Moscow, ID • May 20, 2007. A card-carrying member of the Aryan Nation with a lengthy criminal record, Jason Kenneth Hamilton, 36, went on a killing spree with a semi-automatic military rifle. Hamilton shot his wife in their home before opening fire on the Latah County courthouse, killing one police officer and wounding three others. Hamilton then took refuge in a nearby church, killing a church sexton before turning the gun on himself. Hamilton had a long criminal history across four states, including arrests for violent crimes, domestic violence, drugs, and weapons offenses, yet he was licensed to own fully automatic weapons and to carry concealed weapons.⁸⁰

⁷⁵ Jonah Sprangenthal-Lee, *Dodging a Bullet*, THE STRANGER, Volume 17, Issue 8, Nov. 1, 2007.

⁷⁶ *Shooting Suspect Had Gun Permit*, AKRON BEACON JOURNAL, Aug. 13, 2007.

⁷⁷ Mike Tobin, *Hough known for bursts of anger*, CLEVELAND PLAINS DEALER, July 7, 2007.

⁷⁸ Michael LaForgia, *Boynton Police Arrest Man Involved in Fatal Gang Feud*, PALM BEACH POST, Aug. 21, 2007.

⁷⁹ Bill Braun, *Ex-guard due trial in killing*, TULSA WORLD, Oct. 24, 2007.

⁸⁰ Taryn Brodwater, et. al., *Shooter Linked to Aryans*, THE SPOKESMAN REVIEW, May 23, 2007.

Tulsa, OK • April 27, 2007. Phillip Wayne Stephenson and his wife were driving when a pedestrian, Gordon Mackenzie, obstructed the couple's driving path. Stephenson exited the vehicle and began to fight with Mackenzie. Stephenson then reached into the vehicle and grabbed his loaded Glock pistol, at which time Stephen Hackler, who was with Mackenzie, became involved in the fight. During the struggle, Hackler was shot in the shoulder at close range by Stephenson.⁸¹

Myrtle Beach, SC • March 20, 2007. Robert Kaufman, 64, shot his wife with a handgun inside the couple's vacation home. Kaufman was arrested and charged with his wife's death, in addition to twelve counts related to sex with a child.⁸²

St. Petersburg, FL • March 3, 2007. South Florida bail bondsman Norman Britten, Jr., 33, shot at a passing vehicle driven by a man Britten claimed had previously skipped bail on a traffic offense. No one was hurt in the incident, but police noted that children were playing in the immediate area.⁸³

Wesley Chapel, FL • February 17, 2007. Terry Enyart, 56, returned intoxicated to the home he shared with his wife and son. Enyart attempted to strangle the family dog, attacked his wife with a bottle, and shot his son in the hand before shooting himself in the head on his front lawn. Enyart was known as a violent drunk who frequently threatened and hit his son.⁸⁴

Deland, OH • November 24, 2006. During an argument over a game of pool that spilled out into the street, Joseph Attardo fired his 9mm pistol, killing a popular downtown restaurant manager.⁸⁵

Vancouver, WA • October 3, 2006. Jon W. Loveless - unemployed for ten years, a daily marijuana smoker, and father of two – said that he shot “until my gun was empty” at Kenneth Eichorn because Eichorn had “a weird look” on his face. Loveless also claimed that Eichorn held a handgun but the Eichorn family disputes the claim. Loveless was charged with one count of second-degree murder.⁸⁶

Northville Township, MI • July 13, 2006. A group of three possibly drunken friends were about to explore the tunnels underneath a state hospital when one accidentally shot another in the leg with his handgun.⁸⁷

⁸¹ Bill Braun, *Concealed-carry case: Shooter must surrender gun, serve 30 days*, TULSA WORLD, Sept. 1, 2007.

⁸² Jason Rodriguez, *Brunswick County: Husband charged in wife's death*, THE SUN NEWS, Mar. 20, 2007.

⁸³ Alisa Ulferts, *Bondsman charged in shooting*, ST. PETERSBURG TIMES, Mar. 3, 2007.

⁸⁴ Gina Pace & Molly Moorhead, *Man shoots son's hand, kills self*, ST. PETERSBURG TIMES, Feb. 17, 2007.

⁸⁵ Patricio Balona, *Deltona man sentenced to 14 years: Shooter killed restaurateur*, DAYTON NEWS-JOURNAL, Sept. 22, 2007.

⁸⁶ *Documents: Suspect Fired Gun 'Until Empty'*, COLUMBIAN, Oct. 3, 2006.

⁸⁷ *Shooting Renews demands to Secure Hospital; Northville Officials Call on State to Exercise More Control of Shuttered Psychiatric Facility*, DETROIT NEWS, July 14, 2006.

Miami-Dade County, FL • June 28, 2006. Ksotja Roy, a one-time School Board police officer, was arrested for impersonating a police officer and false imprisonment after a string of roadside motorist stops. One motorist witnessed Roy with a gun in his hand.⁸⁸

St. Louis, MO • April 29, 2006. Randolph Stevens allegedly shot Henry Kotyla to death with a .45- caliber handgun. According to reports, Stevens had a concealed carry license from Florida that Missouri law recognized by reciprocity. Stevens was charged with first-degree murder and unlawful use of a weapon. While police reportedly recovered eight shell casings, Kotyla was wounded 14 times.⁸⁹

Everett, WA • May 30, 2006. A fistfight turned into a gun battle outside the home of Dale Cramm, 44, resulting in the death of two teens. Cramm's son was later charged in the deaths, and Cramm himself was charged with witness tampering, tampering with physical evidence, and three drug-related felonies. Police also confiscated an arsenal of weapons, including five shotguns, three SKS assault rifles, 3 other rifles, bayonets and high-capacity magazines. Within days of the weapon confiscation, Cramm, who was out on bail, allegedly went to a local gun show and purchased more firearms. According to police, Cramm used his concealed carry license as identification to purchase guns at the gun show.⁹⁰

Richmond, VA, January 26, 2006. Del. John S. "Jack" Reid (R-72nd Dist.), Delegate to the Virginia Assembly, accidentally discharged his .380 handgun inside his Assembly office, shooting the bulletproof vest that was hanging on his coat rack. No injuries were reported.⁹¹

Fort Lauderdale, FL • January 1, 2006. Rogelio Monero, 49, allegedly shot and killed Victor Manuel Villanueva, 17, during a New Year's Eve altercation as Moreno tried to stop a fight between Villanueva and a third party. Moreno was charged with manslaughter.⁹²

Florida • 2006. Lyglenson Lemorin was an accused terrorist alleged to have ties to al-Qaeda, yet he retained his concealed carry license after two domestic violence arrests in 1997 and 1998. The first time he allegedly threw a beer bottle at his girlfriend's neck. The second time he allegedly punched a pregnant former girlfriend, flashed his gun and warned her, "I'll kill you." His concealed carry license was suspended in February 2000 for carrying a weapon with a restraining order against him but was reinstated a month later. It was finally suspended in 2006 when Lemorin was arrested under suspicion of a terrorist plot. Lemorin was indicted with six other defendants in a terrorist plot to destroy the Sears Tower in Chicago. An acquaintance of Lemorin used Lemorin's Hi-Point 9mm to shoot at a third party.⁹³

⁸⁸ *Fired Cop Arrested in Blue-Light Charade: An Ex-Cop Was Arrested and Charged with Playing the Role After He Should Have Turned in His Badge*, MIAMI HERALD, July 1, 2006.

⁸⁹ *Man with Permit Is Charged with Murder in Shooting*, ST. LOUIS POST-DISPATCH, May 2, 2006.

⁹⁰ *The guns of Dale Cramm*, DAILY HERALD, Aug. 14, 2000.

⁹¹ *Gun-Toting Delegate Misfires at Va. Capitol*, WASHINGTON POST, Jan. 27, 2006.

⁹² *Argument at a New Year's Party Ends in Teen's Death*, MIAMI HERALD, Jan. 2, 2006.

⁹³ *Terrorism Suspect's Commitment Waned*, MIAMI HERALD, Aug. 6, 2006.

Detroit, MI • November 16, 2005. A man was arrested on suspicion of drunk driving. His gun and license were seized because Michigan law forbids carrying a concealed weapon while intoxicated.⁹⁴

Sunrise, FL • August 5, 2005. Anthony Diotaiuto, a suspected drug dealer, was shot to death in a confrontation with the SWAT team assigned to arrest him.⁹⁵

Orange County, CA • August 1, 2005. Raymond K. Yi, a sheriff's reserve deputy, was arrested for brandishing a firearm on a golf course. Reserve deputies are honorary and have no police power. Reportedly, a golfer ahead of Yi hit Yi's ball out of the fairway. Yi confronted the man with his badge and gun and, after some escalation, allegedly pointed his weapon at the other man and said, "I will kill you."⁹⁶

Fairfax County, VA • April 26, 2005. Timothy D. Fudd, a teacher in Fairfax County, VA, was charged with carrying a loaded handgun in his car onto the property of Westfield High School in violation of Virginia law.⁹⁷

Ocala, FL • January 12, 2005. Steven Ekberg was arrested for carrying a weapon into a bar, a violation of Florida law, as well as cocaine possession. Ekberg was also under suspicion for possession of ricin, a lethal biological agent.⁹⁸

Florida • 2005. Nathaniel Ferguson retained his concealed carry license for some 18 months after he was arrested for shooting a woman – the 30 year-old mother of a young son – in a parking lot outside a bar.⁹⁹

Prince William County, MD • October 3, 2004. Michael G. Fouche accidentally left his handgun in the bag of supplies taken to school by his special-needs son. Mr. Fouche, charged with allowing children access to firearms, took full responsibility for the mistake after the school discovered the weapon.¹⁰⁰

Louisville, KY • August 10, 2004. U.S. Rep. John Hostettler (R-IN, 8th Dist.) pled guilty to a misdemeanor charge of carrying a concealed deadly weapon into Louisville International Airport in April. Rep. Hostettler agreed to a discharged 60-day jail sentence conditional on his good

⁹⁴ *Police Beat*, DETROIT FREE PRESS, Nov. 25, 2005.

⁹⁵ *Officers Cleared in Deadly Shooting*, MIAMI HERALD, Oct. 19, 2006.

⁹⁶ *Golfers Say Deputy Drew Gun; Orange County Sheriff's Reserve Officer Is Arrested After Players Say He Threatened Them*, LOS ANGELES TIMES, Aug. 4, 2005.

⁹⁷ *Va. Teacher Accused of Taking Gun to School; Loaded Weapon Found in Locked Car*, WASHINGTON POST, Apr. 27, 2005.

⁹⁸ *Ocala Man Had Biotxin, Police Charge*, MIAMI HERALD, Jan. 14, 2005.

⁹⁹ *System Under the Gun*, SOUTH FLORIDA SUN-SENTINEL, Jan. 29, 2007.

¹⁰⁰ *Va. Father Who Left Gun in Pack Praises School's Action*, WASHINGTON POST, Oct. 4, 2004.

behavior over the following two years, and had to surrender his semi-automatic handgun. In the 2006 election the NRA gave Rep. Hostettler an A grade and endorsed him for re-election.¹⁰¹

Pittsburgh, PA • July 13, 2004. Arabo “Raybo” Allen allegedly shot a bystander in the leg with a 9mm pistol during an altercation with another person. Allen was later arraigned on charges of aggravated assault, attempted homicide, and reckless endangerment. The charges were later dropped when a witness failed to appear in court.¹⁰²

Miami Beach, FL • February 18, 2004. Deborah Cubides, wife of a Miami Beach police officer, held up the Pembroke Pines bank, apparently to get enough money to keep her family’s house from foreclosure proceedings. Cubides said she used a gun during the robbery, but police never recovered one.¹⁰³

Miami, FL • January 19, 2004. Travis Jenkins, Jr., age 3, found his father’s 9mm semi-automatic handgun on the floor of his father’s car and shot himself in the head, rendering him brain dead. Mr. Jenkins, Sr., a concealed carry licensee, was later charged with culpable negligence. He agreed to probation and the surrender of his weapon and his concealed carry license.¹⁰⁴

Greenacres, FL • January 13, 2004. It was reported that James Anthony Settembre, a vocal gun advocate, shot his wife Debra twice and then shot himself in the head.¹⁰⁵

Lexington, KY • December 18, 2003. Donald Byrom, a lawyer and former interim circuit judge, was cited for bringing a loaded Ruger .22-caliber pistol into the Blue Grass Airport. Byrom said his crime was one of “carelessness.” He later pled guilty to a federal misdemeanor and paid a \$500 fine.¹⁰⁶

Bethesda, MD • November 24, 2003. A man threatening to commit suicide was taken to the hospital after police seized 17 rifles, 10 handguns, a homemade silencer, two stun guns, two blowguns, two concealed-weapons licenses, more than 1,300 rounds of ammunition, 48 knives, and six samurai swords from his apartment.¹⁰⁷

¹⁰¹ *Congressman Guilty in Gun Case*, LOUISVILLE COURIER-JOURNAL, Aug. 11, 2004.

¹⁰² *Legwork, Luck Led Police to Suspect – Within Hours of Downtown Shooting, Detectives Were Hot on the Trail of the Accused Gunman*, PITTSBURGH POST-GAZETTE, July 17, 2004; *News Briefs*, PITTSBURGH POST-GAZETTE, Nov. 30, 2004.

¹⁰³ *Arrest of Officer’s Wife Stuns Suburb*, MIAMI HERALD, Feb. 21, 2004; *Cop’s Wife Gets Year for Bank Job*, MIAMI HERALD, Aug. 13, 2005.

¹⁰⁴ *Doctor: ‘Brain Doesn’t Work Anymore’*, MIAMI HERALD, Jan. 21, 2004; *Around Miami-Dade*, MIAMI HERALD, Mar. 27, 2004.

¹⁰⁵ *Around Florida*, MIAMI HERALD, Jan. 13, 2004.

¹⁰⁶ *Lawyer Fined for Gun in Airport*, LEXINGTON HERALD-LEADER, Mar. 3, 2004; *You’re Busted – Have a Nice Flight: Guns, Knives Land Passengers in Court*, LEXINGTON HERALD-LEADER, Feb. 8, 2004.

¹⁰⁷ *Metro in Brief*, WASHINGTON POST, Nov. 26, 2003.

Chartiers Valley School District, PA • August 29, 2003. Charles Bolden, transportation director of the Chartiers Valley School District, carried a loaded Glock .40-caliber handgun onto school property in one of his motorcycle saddlebags. The School Board later suspended Bolden for four months without pay for incompetency, neglect of duty, unintentionally bringing a loaded firearm onto school property and hindering an investigation.¹⁰⁸

Manchester, NH • July 19, 2003. New Hampshire State Rep. Howard Dickinson (R-Conway) put a loaded .38 caliber handgun in his carry-on luggage which he brought to Manchester Airport. Dickinson was the first person to be caught doing so at the Airport since federal employees took over screening. In 2006, Dickinson received an A+ rating from the NRA and was endorsed for re-election.¹⁰⁹

Davie, FL • April 30, 2003. Michael Pecora walked into his business partner's office, sat down, shot the partner twice in the head, then shot himself.¹¹⁰

Key West, FL • April 8, 2003. Gerald Norman Leggett, senior director of communications and reserve deputy for the Monroe County Sheriff's Department, was arrested at Key West International Airport for attempting to board an aircraft with a concealed dangerous weapon, a loaded Llama .380 semi-automatic handgun. Leggett later pled guilty and was sentenced to one year of probation.¹¹¹

Tucson, AZ • October 29, 2002. Robert Flores, Jr. shot and killed three professors and then himself in a rampage at the University of Arizona School of Nursing, where he was a failing student. Reportedly, he told classmates about a year before that he had obtained a concealed carry license.¹¹²

Tampa, FL • October 28, 2002. Quinn Burchfield, age 3, found his father Steven's .32-caliber pistol in the pocket of his jeans and accidentally shot himself in the neck. Quinn died five days later. Steven Burchfield, a concealed carry licensee, was charged with culpable negligence.¹¹³

Indianapolis, IN • January 24, 2002. A derringer belonging to Ronald T. Cox, 54, accidentally discharged at an Indianapolis restaurant, wounding another patron. Investigators say the gun was in the pocket of Cox's leather coat; it went off when he placed the coat on the back of a chair. Cox had a concealed carry license. Police also found marijuana in Cox's coat.¹¹⁴

¹⁰⁸ *Bolden v. Chartiers Valley School Dist.*, 869 A.2d 1134 (Pa. Commonw. Ct. 2005).

¹⁰⁹ *Dickinson Says Carrying Gun in Luggage Was 'A Total Mistake'*, PORTSMOUTH HERALD, July 21, 2003.

¹¹⁰ *Police: Tension Escalated Before Shootings*, MIAMI HERALD, May 1, 2003.

¹¹¹ *Loaded Gun Brings Arrest at Airport*, MIAMI HERALD, Apr. 9, 2003; *U.S.A. v. Leggett*, No. 4:03-cr-10023-KMM (S.D. Fla. filed June 13, 2003).

¹¹² *3 Professors Shot Dead at University of Arizona*, WASHINGTON POST, Oct. 29, 2002.

¹¹³ *Dad Charged After Son, 3, Shoots Self*, MIAMI HERALD, Jan. 7, 2003.

¹¹⁴ *Safer handling of derringers urged*, INDIANAPOLIS STAR, Feb. 15, 2002; *Man whose handgun went off charged with drug possession*, INDIANAPOLIS STAR, Jan. 30, 2002.

Memphis, TN • December 28, 2001. Barry Brunstein of Tampa, FL, was caught with a loaded .9-mm Beretta in his briefcase at Memphis International Airport during a random security stop. Brunstein, a transportation safety consultant, said that he had forgotten that the gun was in his briefcase. Alarming, Brunstein had passed through security at Tampa International Airport on the first leg of his flight without the weapon being detected.”¹¹⁵

Vancouver, WA • November 25, 2001. James Craig Wilson became frustrated and angry when he had trouble untangling the Christmas lights he planned to hang at his suburban home. After going inside to calm down, Wilson went outside and fired his .45-caliber pistol into the ground multiple times. After an arrest for reckless endangerment, Wilson said that he had attended anger management classes six months earlier.¹¹⁶

Chester County, PA • November 14, 2001. A gun carried by 32-year-old Cesar Solis accidentally went off in a Chester County tavern, injuring three people including himself – one seriously. Solis was charged with two counts of aggravated assault, two counts of recklessly endangering another person, and one count of discharging a weapon in a building. Police said Solis, who had a license to carry the gun, was at the Birch Inn late Sunday night with his brother when Cesar Solis pulled the gun from his waistband. The gun discharged and hit his brother and Sandra Pierson, who was seated at a nearby table.¹¹⁷

Anchorage, AK • October, 2001. Timothy Wagner walked into an Anchorage store and told an employee that he needed to soak out the chemicals that had been injected into him or else he would die. Wagner also claimed that a computer chip had been implanted in his head. When police were called to the scene, Wagner failed to tell police immediately that he was armed, as required by law. Despite a history of mental illness, Wagner was able to get and retain a concealed carry license because the Alaska Court of Appeals ruled, several months earlier, that a judge could not take into account a person's mental illness when revoking a concealed carry license.¹¹⁸

Seattle, WA • October 11, 2001. An unnamed Washington state woman was stopped for having a loaded two-shot derringer in her carry-on baggage at Sea-Tac Airport.¹¹⁹

Texas • January 1, 1996 – August 31, 2001. The Violence Policy Center has published four reports on concealed carry licensees in Texas. They found that Texas concealed carry licensees were arrested for 5,314 crimes between January 1, 1996 and August 31, 2001, and since Texas' concealed carry licensing law went into effect, licensees have been arrested for an average of 2 ½ crimes per day. These incidents include 1,315 arrests for driving under the influence of intoxicants, 404 arrests for drug related crimes, 279 arrests for assault or aggravated assault with a deadly weapon, 134 arrests for sexual misconduct, 79 arrests for rape or sexual assault, 60

¹¹⁵ *Man 'forgot' loaded gun in briefcase*, ASSOCIATED PRESS, Dec. 30, 2001.

¹¹⁶ *Man jailed for firing gun in frustration with Christmas lights*, SEATTLE POST-INTELLIGENCER, Nov. 28, 2001.

¹¹⁷ *Man held in tavern shooting*, PHILADELPHIA INQUIRER, Nov. 14, 2001.

¹¹⁸ *Alaska Court Rules on Concealed Gun*, ASSOCIATED PRESS, Jan. 10, 2002.

¹¹⁹ *Two at Sea-Tac found with guns*, SEATTLE TIMES, Oct. 12, 2001.

arrests for indecency with children, 41 arrests for murder or attempted murder, 19 arrests for impersonating a police officer, 14 arrests for kidnapping or false imprisonment, and 8 arrests for arson. In addition to the 279 assaults listed above, weapons related crimes include 671 arrests for unlawfully carrying a weapon and 172 arrests for deadly conduct or discharge of a firearm. Individual case stories are also provided.¹²⁰

Spokane, WA • July 6, 2001. An unnamed man fatally shot 17-year-old Jacob W. Walton during an apparent “road rage” incident. Walton was a passenger in a car that got into an altercation with the shooter. According to police, the shooter had a concealed carry license.¹²¹

Troy, MI • July 5, 2001. An unnamed 75-year-old businessman was arrested for pulling a .38-caliber handgun on two associates. The man, a concealed carry licensee, had gotten into an argument with the other two men over debris in a lot he was going to lease to them. When the two men refused to clean up the debris for which they were not responsible, the man “became angry, made threats, pointed the gun at one man, even threatening to shoot out the tires on his truck.”¹²²

Tampa, FL • April 21, 2001. 44-year-old substitute teacher, Cynthia Seymour, was caught with a loaded .38-caliber revolver at Tampa Bay Technical High School in Florida. A school resource officer discovered the gun when he noticed the butt of the gun sticking out from her back pocket. School district policy prohibits employees from bringing weapons to school unless they are law enforcement officers.¹²³

King County, WA • February 15, 2001. Renee Rudenick, 53, was arrested for possessing a firearm on school grounds. Police confirmed that Rudenick has a license for the weapon, but it is illegal for anyone, including concealed carry licensees, to have a gun on school grounds. Rudenick’s boyfriend said that he usually takes the gun with him when he drops her off at work but that he must have forgotten to take the gun out of her purse that morning. The incident was brought to the attention of school officials after Rudenick told a principal that she had misplaced her purse and thought her loaded .38-caliber revolver might be in it. She was fired by the school district.¹²⁴

Texas • 1995 – 2000. An investigation published by the *Los Angeles Times* revealed that more than 400 individuals received concealed carry licenses despite prior criminal convictions and that over 3,000 others were arrested after obtaining their licenses. Although Texas does not release the names of “problem licensees,” the *Times* was able to track down information on some 200

¹²⁰ License to Kill IV: More Guns, More Crime, Violence Policy Center, June 2002; License to Kill III: The Texas Concealed Handgun Law’s Legacy of Crime and Violence, August 2000; License to Kill, and Kidnap, and Rape, and Drive Drunk, Violence Policy Center, March 1999; License to Kill: Arrests Involving Texas Concealed Handgun License Holders, Violence Policy Center, January 1998. Reports available at: <http://www.vpc.org/studyndx.htm>.

¹²¹ *Road rage shooter had gun permit*, SEATTLE POST-INTELLIGENCER, July 10, 2001

¹²² *Police save suspect from heart failure*, DETROIT NEWS, July 6, 2001.

¹²³ *Teacher brings gun to school*, ST. PETERSBURG TIMES, Apr. 21, 2001.

¹²⁴ *Teacher said to have carried pistol into school by mistake*, EASTSIDE JOURNAL, Mar. 13, 2001.

licensees with criminal records. It found that licenses had been issued to persons being treated for mental illness and individuals with previous convictions for offenses such as armed robbery, rape, manslaughter, aggravated assault, and domestic violence. The great majority of problems were caused, however, by individuals who committed crimes *after* receiving their concealed carry licenses, like Paul Leuders, who shot a Houston bus driver when he nearly missed his bus, or Diane Brown James, who was convicted of kidnapping an El Paso woman and imprisoning her as a sex slave.- Additional case examples were provided in the *Times'* report.¹²⁵

Hoover, AL • November 25, 2000. Richard Nelson, 43, accidentally shot himself in the abdomen with a Glock 17 9-mm pistol after viewing *102 Dalmatians* at a movie theater. After the movie ended, Nelson was putting on his jacket when something hung on the trigger of his gun, causing it to discharge.¹²⁶

Austin, TX • October 21, 2000. Taxi driver Wayne Franklin Lambert Jr. shot and killed two unarmed men, both high-tech professionals, who were his passengers. According to police, Lambert, a gun enthusiast with a Texas concealed-handgun license, shot one of the men three times in the back. The other victim gave a deathbed statement, saying that the taxi driver became angry over something his friend had said and challenged him to a fight. Other cab drivers gave police sworn statements saying Lambert was "very short-tempered" and "always angry at just about everything." Lambert was previously charged with assault after beating, choking and threatening to kill another taxi driver in August 1994. Lambert was charged with capital murder, representing the second multiple murder case brought against a Texas concealed carry licensee in the last three years.¹²⁷

Kentucky • July 1, 2000. The *Courier-Journal* (KY) reported that a man with a concealed weapon and a bystander were injured when the gun fired after falling from the man's pocket at the concession stand of the Tinseltown movie theater. William Newman, 34, who had a license to carry his concealed .22-caliber derringer, was hit in the leg and Juanita Sparks, 60, in the hip. Signs at the box office say firearms are prohibited in the theater.¹²⁸

Providence, RI • June 20, 2000. The *Providence Journal* (RI) reported that police were investigating Ira S. Nasberg, a freelance photographer whose stolen .40-caliber handgun was allegedly used in the murder of two college students. Over an eight year period, Nasberg reported six guns either lost or stolen. When Nasberg reported the .40-caliber handgun stolen, he told police that the gun was taken from his "unattended" car while he was in a convenience store. Later, he said that another man, Gregory Floyd, was in the car at the time of the theft. Floyd was arrested along with four other men for the abduction and shooting of the college students. Police suspect that Nasberg, a concealed carry licensee with no criminal record, acted as a straw purchaser for people who could not legally purchase guns.¹²⁹

¹²⁵ Richard A. Serrano, *Texas' Concealed Gun License Law*, LOS ANGELES TIMES, Oct. 3, 2000

¹²⁶ *Man shot in theater wasn't holding pistol*, THE BIRMINGHAM PRESS, Nov. 28, 2000.

¹²⁷ *20/20 Downtown: Packing Heat* (ABC News broadcast, July 16, 2001).

¹²⁸ *Concealed gun falls, fires; two are injured*, THE COURIER-JOURNAL, July 1, 2000.

¹²⁹ *Gun owner under scrutiny*, PROVIDENCE J., June 20, 2000.

Pittsburgh, PA • June 11, 2000. Jamie Cokes, 26, shot and killed 30-year-old Leon Blair. In 1998, Cokes was shot in the face by a robber while driving his cab. He later told a local paper that he had a license to carry a gun and would shoot the man who had shot him. Cokes and Blair knew each other, and, according to the victim's brother, Cokes “was always talking about shooting people.” Cokes later admitted to police that Blair was not the man who shot him in 1998.”¹³⁰

Woodbridge, VA • March 2000. Deena Estaban, 42, was charged with bringing a gun onto school property. Estaban, who has a Virginia concealed carry license, mistakenly brought the gun in a backpack to the elementary school where she is an art teacher. The gun was loaded and had been left unattended in her classroom until another teacher discovered it. Police said that it was likely that students were near the bag during the school day.¹³¹

Miami, FL • February 14, 2000. Roberto Ortega, 30, and Kendria Vann, 19, got into a gunfight when Ortega, a licensed reposessor, tried to tow Vann’s car away for repossession. While it is unclear who fired first, police said that both men fired multiple shots, hitting each other once – Vann in the chest and Ortega in the head – killing both men. Vann's stepfather said that Vann thought that Ortega was stealing his car. Ortega had a Florida concealed carry license.¹³²

Philadelphia, PA • January 27, 2000. Louis Mockewich, 34, shot and killed a neighbor who was shoveling snow behind his row house. The two neighbors were arguing over where the victim was placing the snow, and Mockewich’s responded by pulling out his gun, for which he had a concealed carry license, and shooting the 31-year-old man. The victim also had a concealed carry license.¹³³

Naples, FL • December 14, 1999. Adam Sousa, 25, shot two men with a .357 from his holster before leaving the dog track where he had been playing poker. Sousa, angry over an argument at the poker table, was asked to leave the game. As he headed toward the door, Sousa pulled the gun and pointed it, threatening to kill the track parking attendant. Sousa then shot two others. Sousa, a concealed carry licensee, was intoxicated at the time of the shooting.¹³⁴

Fountain City, TN • December 1999. William Manies, 52, returned to his former office to seek revenge against the 45-year-old woman who fired him a month before. Manies, a concealed carry licensee, walked into the office and pointed a .38-caliber pistol at the victim and executed her while she sat in her chair, talking on the telephone.¹³⁵

¹³⁰ *Man Held in Killing Claims Self-Defense*, TRIB.-REV., July 7, 2000.

¹³¹ *Teacher Unaware of Gun in Her Backpack*, WASHINGTON POST, Mar. 9, 2000.

¹³² *Two men killed over repossessed car*, MIAMI HERALD, Feb. 15, 2000.

¹³³ *Deadly clash in the snow*, PHILADELPHIA DAILY NEWS, Jan. 27, 2000.

¹³⁴ *Collier man accused of shooting 2 workers at Bonita dog track jailed on \$250,000 bond*, NAPLES DAILY NEWS, Dec. 16, 1999.

¹³⁵ *Victim tried to help alleged killer*, KNOXVILLE NEWS-SENTINEL, Dec. 8, 1999.

Tualatin, OR • November 17, 1999. David Tanski, 53, rammed his car into another car that had taken a parking space he felt belonged to him. When the driver of the second car approached Tanski, Tanski pulled out a gun. Tanski, who has a concealed carry license, was charged with menacing.¹³⁶

Alabaster, AL • November 8, 1999. Shirley Henson, 40, ended a battle for position in heavy rush-hour traffic by pulling out her .38 revolver and shooting the 34-year-old woman with whom she had played cat-and-mouse on I-65. The two women cut each other off, tailgated, lane-changed, and slammed on brakes for about 4 miles along the southbound highway from Birmingham, until they both exited. As the victim, who was on her way to pick up her 4-year-old daughter, got out and approached Henson's vehicle. Henson reached into the console, pulled out the gun for which she had a concealed carry license, rolled down her window, and shot the woman in the face, killing her. Henson was later convicted of manslaughter.¹³⁷

Milwaukie, OR • September of 1999. Greg King brought a semiautomatic handgun in a backpack to the elementary school where he worked, and was consequently fired from his job. King, a concealed carry licensee, worked as a night custodian and says he needed to remain armed for his protection. Oregon law gives the state authority to regulate the possession of concealed handguns. King sued the school district.¹³⁸

Southlake, TX • July 1999. Scott Stone, Jr., flew halfway across the country to murder his ex-wife in Southlake, Texas. Stone, a former resident of Southlake, and a North Carolina concealed carry licensee, ambushed his ex-wife, Marisa Jackson, as she jogged along a trail near her house. He then turned the gun on himself.¹³⁹

Indiana • March 18, 1999. Raymond Cruz, a concealed carry licensee, was arrested for criminal recklessness with a handgun and resisting law enforcement after shooting a toilet to pieces in a restaurant. Cruz, 49, was drinking at Zuni's Restaurant and Lounge into the early morning hours when he opened fire on the toilet because "it didn't flush fast enough." According to police, Cruz was "highly intoxicated" with a blood-alcohol content level of 0.18 percent, nearly twice the legal driving limit in Indiana. No one else was in the restroom at the time of the shooting.¹⁴⁰

Black Oak, AR • February 25, 1999. Clay "Junior" Wallace, 76, an Arkansas concealed carry W licensee, shot and killed Robert Qualls, 65, after an argument over new sewer service for the town of Black Oak. The two men had been arguing inside Vera's Cafe but went outside to settle the argument with a fist fight. After Qualls knocked down Wallace twice, Wallace pulled out a .38 caliber revolver that he was carrying and shot Qualls twice in the stomach.¹⁴¹

¹³⁶ *Gun pulled in dispute over Northwest parking space*, OREGONIAN, Nov. 19, 1999.

¹³⁷ *Woman Charged in Ala. Road Rage Shooting Death*, WASHINGTON POST, Nov. 16, 1999; *Road rage shooter reports for prison*, BIRMINGHAM NEWS, Jan. 8, 2001.

¹³⁸ *Janitor fired for bringing gun to school sues district*, OREGONIAN, Dec. 16, 1999.

¹³⁹ *North Carolina shooter planned slaying of former wife and himself, police say*, FORT WORTH STAR-TELEGRAM, July 7, 1999.

¹⁴⁰ *St. Patrick's Day reveler blows away slow-flushing toilet*, INDIANAPOLIS STAR-NEWS, Mar. 20, 1999.

¹⁴¹ *Black Oak man is killed following argument at cafe*, JONESBORO SUN, Feb. 25, 1999.

Phoenix, AZ • January 30, 1999. During a golf tournament, Brian Murphy, an Arizona concealed carry licensee, was arrested after scuffling with police. According to police, an intoxicated Murphy began heckling golf-superstar Tiger Woods on the sixth hole of the Phoenix Open. When confronted by Scottsdale police officer Robert Rucker, Murphy became belligerent. “I told the fan to be quiet,” said Officer Rucker, “and he said ‘I’ve got a gun, too’ and squared off on me.” After tackling Murphy, police found a semi-automatic pistol in his fanny pack. Tiger Woods noted that it was the second time armed fans had gotten onto a golf course while he was playing.¹⁴²

Aventura, FL • January 1999. A disabled handyman was arrested after the brutal murder of a popular surgeon, Dr. Bradley Silverman. Robert Herndon, a Florida concealed carry licensee, was accused of gunning down Dr. Silverman outside his office. Authorities later discovered that Herndon had been twice charged with assault, the first charge being dropped, the second reduced to a misdemeanor. Herndon was described by neighbors as “a man who easily lost his temper and who threatened them with his gun.” After questioning, police found that Herndon had a long history of mental illness and had voluntarily committed himself to a local mental health facility.”¹⁴³

Seattle, WA • December 9, 1998. Carlton Evans, a 37-year-old concealed carry licensee, was accused of killing his wife and baby daughter after months of abuse. Fearing for her life, Evans' estranged wife, Melanie Edwards took her 2-year-old daughter and fled the family home. Edwards filed for a protection order on October 19, 1998. One day later, Evans applied for, and was granted, a Washington concealed carry license. On December 9th, armed with his 9mm semi-automatic pistol, Evans killed his wife and daughter. Evans fled, and later killed himself when police attempted to arrest him.¹⁴⁴

Bald Knob, AR • November 25, 1998. James H. Miller, 53, a concealed carry licensee, was convicted of manslaughter in the shooting death of Charles Starks Jr., 31. Miller shot both Starks and Starks' father, Charles Starks Sr., in the chest during a confrontation in the parking lot of a convenience store Nov. 25, 1998. Miller's weapon was not one of several for which he had a concealed-handgun license. He maintained during the trial that he acted in self-defense out of fear of being beaten. The elder Starks said he and his son were angry because Miller had accused them of trespassing. The prosecutor argued that the shootings were unjustified because neither of the Starks' had weapons.¹⁴⁵

Tampa, FL • October 10, 1998. Joseph Mule, a concealed carry licensee, led police on a high-speed chase through the streets of Tampa before being killed by deputies. According to the Hillsborough County Sheriff's Office, Mule began the chase after police attempted to pull him over for drunk driving. Mule made a run for it, beginning a chase through suburban streets.

¹⁴² *Fan, Cops scuffle: Gun-toting spectator subdued at Open*, ARIZONA REPUBLIC, Feb. 1, 1999.

¹⁴³ *Police Link Grudge to Doctor's Slaying; Handyman with Disability Arrested in Surgeon's Death*, SOUTH FLORIDA SUN-SENTINEL, Jan. 16, 1999.

¹⁴⁴ *Mother 'Played by the Rules' and She and Daughter Died*, ASSOCIATED PRESS, Dec. 21, 1998.

¹⁴⁵ *Fatal shootings involving concealed handguns*, ARKANSAS DEMOCRAT-GAZETTE, Feb. 8, 2001.

When he attempted to cross a parking lot, he crashed into a parked truck, whereupon deputies ordered him out of the car. When he refused, deputies approached the vehicle, opening fire when Mule drew his concealed weapon from his holster.¹⁴⁶

Connecticut • September 3, 1998. Three Connecticut State Troopers sustained multiple gunshot wounds when they questioned a suspect, Edward Premo, who had a Connecticut concealed carry license. Two of the Troopers were questioning Premo at his home on suspicion that he had vandalized a neighbor's car when he became hostile. Suddenly, Premo pulled a .9mm semi-automatic pistol from his waistband and shot both at close range. As the officers fired back, Premo ran into his house, returning seconds later with a high-powered rifle. Two more Troopers responded to the call and were fired upon by the suspect. Fortunately, all three Troopers who were hit survived the attack. After inspecting Premo's home, law enforcement investigators found nine explosive booby traps, hand grenades, dynamite, pipe bombs and guns. Premo, who had a history of mental illness, was later found innocent of charges related to the shooting by reason of insanity.¹⁴⁷

Groveland, FL • July 19, 1998. Thomas P. Kelly, 28, was charged with attempted murder after shooting Amerida Dale Woods during an argument. While the two men were arguing, Kelly went to his vehicle, grabbed a handgun and shot Woods. According to police investigators called to the scene, Kelly shot the victim twice before running away. Kelly was also charged with use of the firearm in commission of a felony, use of a firearm under the influence of alcohol, and aggravated assault. The Florida Department of Law Enforcement later verified that Kelly had a valid concealed carry license.¹⁴⁸

Phoenix, AZ • July 1998. Three men got into a confrontation at a local convenience store which ended with one man dead and another wounded. According to police, Toby Mack and Kenneth April began "to bounce chests and start to fight" in front of the Texaco Star Mart. Mack then pulled a gun on April, who responded by pulling his own concealed handgun. April's friend, Mike Willey, came out of the market and pulled his gun, whereupon several shots were exchanged by all three men. When the shooting stopped, Mack lay on the ground dead and April was wounded in the stomach. Both April and Willey possessed valid Arizona concealed carry licenses.¹⁴⁹

Palm Beach, FL • June 3, 1998. Steven Dobric, a concealed carry licensee with no prior criminal record, gunned down his estranged wife outside an all-night Cuban restaurant before turning the gun on himself. According to investigators, Dobric, whom his wife had described as "unpredictable," followed her and a friend as they left a local restaurant. Senada Dobric, upon noticing her husband following her, fled. Dobric chased her down and shot her twice in the head before shooting himself. Dobric's weapon, a .40 caliber handgun, had been issued to him by the

¹⁴⁶ *Report: Deputies fired 42 shots at driver who aimed gun at them*, TAMPA TRIBUNE, Oct. 9, 1998.

¹⁴⁷ *Suspect No Stranger to Guns, Explosives*, HARTFORD COURANT, Sept. 4, 1998; *State Police Commissioner investigating trooper shooting 2 years ago*, THE NEWS-TIMES, Aug. 20, 2000.

¹⁴⁸ *1 Shot, 1 Arrested After Fight Erupts into Gunfire*, ORLANDO SENTINEL, July 20, 1998.

¹⁴⁹ *Market Confrontation Ends In Fatal Shooting*, ARIZONA REPUBLIC, July 11, 1998.

security company for which he worked. Senada Dobric had filed a restraining order one month earlier, accusing her husband of abuse and death threats.¹⁵⁰

Florida • March 25, 1998. Billy Ray Beagle, a Florida concealed carry licensee, was killed in a shootout with police after locking himself in a police station bathroom with his gun while being questioned about the slaying of two hunters. During the nine hour standoff, Beagle confessed that he had killed the two hunters in separate attacks in 1993. Both men had been shot at close range and then robbed. Police did not check Beagle for weapons when he came to the police station because he had come to them voluntarily.¹⁵¹

Tigard, OR • December 1997. Concealed carry licensee John L. Paasch was arrested and charged with reckless endangerment, second-degree criminal mischief, and disorderly conduct after shooting his gun in a bar. According to the police report, Paasch was “goofing off” and pretending to shoot his gun. As he was putting it back into its holster, the gun went off and hit the bar, causing about \$350 worth of damage. No one was injured.¹⁵²

Indianapolis, IN • November 11, 1997. Two women enjoying a meal at a restaurant were accidentally shot when a concealed carry licensee’s gun fell out of his pocket. Thomas Neuman, the concealed carry licensee, bent over to help retrieve a broken necklace. His .32 caliber Derringer pistol, which he kept in his shirt pocket, fell to the floor, discharging one bullet that struck both women.¹⁵³

Broward County, FL • September 1997. Former Broward County judicial candidate and concealed carry licensee Daniel Blackman pulled his gun on an emergency room doctor at St. Mary's Medical Center after the doctor refused to write him a prescription. The doctor fled from the examining room and summoned a police officer who confronted Blackman. Blackman then pointed his gun at the officer. The officer did not shoot at Blackman and managed to wrestle the gun from him. In 1996, Blackman was accused of threatening to put three bullets in the head of an officer after receiving a parking ticket at an airport and was also arrested after hitting another officer with his car and fleeing the scene. Police found a loaded .9mm automatic handgun, several knives, and other weapons in his car. Charges were dropped on assurances Blackman would receive psychological treatment. Under Florida law, he was able to retain his concealed carry license.¹⁵⁴

Baldwin, PA • September 1997. Five men got into an argument outside of Big Willy’s Saloon. All five individuals had valid Pennsylvania concealed carry licenses. Shots were fired, and five people were injured, two critically. Five weapons were recovered. Although only five bullets had

¹⁵⁰ *Ambush, then Murder-Suicide; Husband had made Death Threats after She requested a Divorce*, SOUTH FLORIDA SUN-SENTINEL, June 4, 1998.

¹⁵¹ *Murder Suspect Slain After Standoff*, ASSOCIATED PRESS, Mar. 25, 1998.

¹⁵² *Police: Man was ‘goofing off’ when he fired gun in bar*, OREGONIAN, Dec. 12, 1997.

¹⁵³ *Accidental gunshot hurts 2 at restaurant*, INDIANAPOLIS STAR-NEWS, Nov. 11, 1997.

¹⁵⁴ *Ex-Judge Candidate Pulls Gun On Doctor*, SOUTH FLORIDA SUN-SENTINEL, Sept. 17, 1997.

been fired from three of the guns, each shot managed to injure someone. Changes to state law eliminated the requirement that concealed carry licensees receive training.¹⁵⁵

Provo, UT • August 31, 1997. Jackson Adkins, 79, a former mayoral candidate, was arrested after refusing a request by police to turn over his concealed handgun. Officers, responding to a report that Adkins had stolen a neighbor's screen door, asked Adkins to turn over his concealed handgun in interests of safety. When Officer Barson attempted to remove the gun, Adkins resisted. In the ensuing struggle, the former candidate reached for the officer's service revolver. Adkins was charged with misdemeanor assault. At the time of the incident, Adkins possessed a valid concealed carry license.¹⁵⁶

Indiana • July 1997. Indiana concealed carry licensee Joseph Corcoran was charged with four counts of murder for shooting his brother and three others in the living room of their home. Corcoran shot the four after overhearing them talking about him. In 1992, Corcoran was tried and acquitted for the shotgun slayings of his parents. In 1993, he pled guilty to criminal mischief for shooting telephone lines. Corcoran had applied for a permit to purchase a machine gun in 1996, but was denied. He was eligible, however, for a concealed carry license, despite his violent past.¹⁵⁷

Tulsa, OK • January 1997. Harold Glover shot and killed Cecil Herndon as 250 4-year-old children watched. Police stated that Glover and Herndon showed up at Bunche Early Childhood Development Center and argued about who would take their 4-year-old grandson home from school. Glover was in his car with his wife and grandson when he pulled out his .357 Magnum and shot Herndon, who was standing outside the vehicle, once in the chest. Glover claimed self-defense, stating that Herndon had threatened him with a pocketknife. However, authorities determined that Herndon was not acting in a “life-threatening” manner and that Glover acted without cause.¹⁵⁸

Houston, TX • May 1996. Pete Kanakidis shot and killed Alejandro Cruz Arroyo after a dispute over the ownership of some tools with two other men. The investigation indicated that Kanakidis approached Arroyo, who was sitting in his vehicle, and fired point blank into Arroyo's face. Although Kanakidis indicated that he felt his life in danger, police later determined that Arroyo was not involved in the argument and was sitting alone in the driver's seat of a truck. Texas's concealed carry law went into effect in January 1996, four months before the shooting.¹⁵⁹

Little Rock, AR • March 1996. Clarence Wilbon, then 48, had a license to carry a concealed handgun and he fatally shot Gary Allen Smith once in the chest with a .44-caliber revolver

¹⁵⁵ *Pistols Aplenty: State's Requirements for Handgun Licensing Are Easy to Meet*, PITTSBURGH POST-GAZETTE, Sept. 10, 1997.

¹⁵⁶ *Provo Mayoral Candidate Charged in Scuffle with Police Officer*, SALT LAKE TRIB., Aug. 31, 1997.

¹⁵⁷ *Corcoran was Denied a Machine Gun Permit*, FORT WAYNE JOURNAL GAZETTE, July 31, 1997.

¹⁵⁸ Michael Smith, *Charges Approved for Concealed Gun Licensee; Man Faces Manslaughter Count in School Shooting*, TULSA WORLD, Feb. 12, 1997, at A1.

¹⁵⁹ *Man Shot to Death in Flap Over Tools*, HOUSTON CHRONICLE, May 31, 1996; Jerry Urban, *Murder Charge in Man's Death*, HOUSTON CHRONICLE, June 1, 1996.

during a gambling dispute. Wilbon fired one round into Smith's leg as he and Smith, who was also armed, struggled for control of Smith's gun. Wilbon had a license despite a record of misdemeanor charges for gambling, as well as arrests but no convictions on drug charges and in the assault of a policeman.¹⁶⁰

Blacksburg, VA • February 1996. Robert Asbury died of a self-inflicted gunshot wound after he shot and killed his estranged wife and one of his wife's former co-workers at her home. On his concealed carry license application, Asbury wrote that he had owned and used guns for fifty years and regularly practiced at a gun range.¹⁶¹

Florida • May 31, 1995 – May 31, 1996. In two reports that focused on the State of Florida, the Violence Policy Center found that as of July 1995, 469 Florida concealed carry licensees had been identified as having committed a wide variety of crimes. In just one year, between May 1995 and May 1996, 159 Florida concealed carry licensees had their licenses revoked. 84 of the 159 licensees had their concealed carry license revoked for crimes committed after receiving their license, with 20% of the revocations for crimes involving the use of a firearm, and 65 licensees had their concealed carry license revoked for crimes committed before receiving their license. The report was based on those concealed carry licensees who requested a public hearing. Specific case examples were also provided.¹⁶²

Florida, prior to 1996. In 1996, the Brady Center filed a public records request with the Florida Department of Licensing to obtain case files on Florida concealed carry licensees who had committed crimes since the state passed its concealed carry law in October 1987. From those files, we found that, up to that point, 897 Florida concealed carry license holders had their licenses revoked, and 304 of those revocations were for the commission of crimes by the licensee *before issuance*. The nature of the offenses mandating revocation included homicide, manslaughter, aggravated assault, drug trafficking, and various sex offenses, some involving children. A list of the specific crimes and their associated case numbers was published as an appendix to *Guns & Business Don't Mix*.¹⁶³

¹⁶⁰ *Fatal shootings involving concealed handguns*, ARKANSAS DEMOCRAT-GAZETTE, Feb. 8, 2001.

¹⁶¹ Kathy Loan, *Blacksburg Shootings Called Murder-Suicide*, THE ROANOKE TIMES, Feb. 27, 1996.

¹⁶² *Concealed Carry: The Criminals Companion: Florida's Concealed Weapons Law—A Model for the Nation?*, Violence Policy Center, Nov. 1995; *Concealing the Risk: Real World Effects of Lax Concealed Weapons Laws*, Violence Policy Center, 1996. Reports available at: <http://www.vpc.org/studyndx.htm>.

¹⁶³ Division of Licensing, Florida Department of State, 7/31/97, available at: <http://www.bradycenter.org/xshare/pdf/reports/gunsnbusiness.pdf>.