

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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Alan Kachalsky, Christina Nikolov, and	:	
Second Amendment Foundation,	:	
	:	
Plaintiffs,	:	<b>Civil Action Number:</b>
	:	<b>10-cv-5413</b>
-against-	:	
	:	<b>(Hon. Cathy Seibel)</b>
Susan Cacace, Jeffrey A. Cohen, and	:	
County of Westchester,	:	
	:	
Defendants.	:	
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Philip J. Cook, declares and states as follows, under penalties of perjury:

**I. Credentials**

1. My current academic appointment is at Duke University, where I am ITT/Sanford Professor of Public Policy, Professor of Economics and Sociology, and Senior Associate Dean of the Sanford School of Public Policy. I began my research program on firearms violence in 1975, and since then have co-authored scholarly books and articles on a variety of related topics, including the economic costs of gun violence, the illicit markets for guns, the consequences of weapon choice in robbery and assault, the influence of gun availability on gun use in crime, the use of guns in self-defense, and the effectiveness of gun control regulations. I have served on expert panels for the National Academy of Sciences that dealt with violence prevention, "smart" guns, rampage shootings in schools, and injury control. I also served as Consultant to the Enforcement Division of the United States Department of Treasury (1999-2000), which at that time included the Bureau of Alcohol, Tobacco and Firearms. I was elected fellow of the American Society of

Criminology in 2000, and elected Member of the Institute of Medicine of the National Academies in 2001. A full curriculum vitae is Appendix A of this declaration.

## **II. Summary**

2. This declaration will present empirical evidence and my expert opinions concerning several issues arising out of this litigation:
  - a. Gun violence is a serious public health and safety problem that has social and economic consequences.
  - b. The type of weapon used by a perpetrator of violent crime is an important determinant of whether the victim is killed.
  - c. Weapon choice by violent offenders is influenced by the availability of firearms and has a direct effect on the criminal homicide rate
  - d. The prevalence of firearms does not affect rates of assault, robbery, or rape but has a direct positive effect on the lethality of criminal assault.
  - e. Most crime guns are handguns.
  - f. Gun carrying away from home contributes directly to the use of guns in violent crime.
  - g. Westchester County issues relatively few concealed-carry licenses.
  - h. The assertion that a more lenient system for issuing concealed carry permits would result in less crime lacks empirical support and has been discredited by an expert panel of the National Academy of Sciences.
  - i. If law enforcement officials were required to issue CCW licenses to all adult applicants without a serious criminal record, a majority of future felony arrestees would qualify to carry concealed handguns in public.

## **III. Opinions**

- a. **Gun Violence is a Serious Public Health and Safety Problem that has Social and Economic Consequences.**
3. A great many Americans die by gunfire. The gun deaths from homicide, accident and suicide have totaled close to one million during the last three decades. Firearms play a dominant role in the most serious violent crimes. In 2007, the most recent year for which the National Center for Health Statistics provides data on injury deaths, there were

18,361 criminal homicides, of which 69% were committed with guns. Emergency rooms treated nearly 50,000 nonfatal gunshot injuries from assaults. And there were a total of over 300,000 assaults and robberies in that year in which the perpetrator used a gun.<sup>1</sup>

4. Criminal homicide is not evenly distributed across the population, but highly concentrated among youthful minority males. In 2007, homicide victimization rates were 15 times as high for black men aged 15-34, as for white non-Hispanic men in this age group. Homicide is the leading cause of death for black males age 15-34, and the second-leading cause of death for Hispanic males in this age group.
5. Firearms also pose a particular threat to public officials and law enforcement officers. Fourteen of the 15 direct assaults against Presidents, Presidents-elect, and presidential candidates in United States history were perpetrated with firearms, including the five resulting in death. (The one exception, a failed attack with a hand grenade against President George W. Bush, occurred overseas.)<sup>2</sup> Of the 536 law enforcement officers who were feloniously killed between 2000 and 2009, 490 (91%) were assaulted with a firearm and 73 % of those were with a handgun.<sup>3</sup>
6. I have conducted extensive research on the societal costs of gun violence and the threat of gun violence. The costs of gun violence to society are more evenly distributed across the population than victimization statistics would suggest. I and my colleagues estimated the costs of treating gunshot wounds to be \$2 billion per year.<sup>4</sup>

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1 [http://www2.fbi.gov/ucr/cius2009/data/table\\_19.html](http://www2.fbi.gov/ucr/cius2009/data/table_19.html) accessed January 17, 2011.

2 <http://www.fas.org/sgp/crs/misc/RS20821.pdf> accessed 1/10/11. Congressional Research Service Report to Congress, "Direct Assaults on Presidents, Presidents-Elect, and Candidates" Jan 7, 2008.

3 [http://www2.fbi.gov/ucr/killed/2009/data/table\\_27.html](http://www2.fbi.gov/ucr/killed/2009/data/table_27.html)

4 PJ Cook, B Lawrence, J Ludwig, and T Miller, "The Medical Costs of Gunshot Wounds" Journal of the American Medical Association 282(5), August 4, 1999, 447-454.

7. The threat of being shot causes private citizens and public institutions to undertake a variety of costly measures to reduce this risk. Furthermore, the threat of gun violence is in some neighborhoods an important disamenity, causing residents to be fearful and to take special precautions to protect themselves and their children. That threat depresses property values and puts a drag on economic development. Together with economist Jens Ludwig, I quantified the overall magnitude of these social costs by conducting a contingent-valuation survey that asked individuals what they would be willing to pay to reduce gun violence somewhat in their community. Based on their responses we estimated an overall cost of assault and homicide to be \$80 billion in 1995.<sup>5</sup>

**b. The Type of Weapon Used by a Perpetrator of Violent Crime is an Important Determinant of Whether the Victim is Killed.**

8. The government has an interest in reducing the number of guns used in violent crime in order to reduce the number of deaths and life-threatening injuries that are produced when guns rather than less deadly weapons are used in crime.

9. Guns are intrinsically more deadly than other weapons that are commonly used in criminal assault, in that they provide a means of inflicting a fatal wound quickly, from a distance, with little personal risk, determination, involvement, or strength required. Gun use in an assault increases the likelihood of death by making it easier to kill. As a result, while only a small fraction (5 percent) of criminal assaults are perpetrated with guns, over two-thirds of fatal assaults (murders and non-negligent homicides) are perpetrated with guns.

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5. J Ludwig and PJ Cook, "The Benefits of Reducing Gun Violence: Evidence from Contingent-Valuation Survey Data" *Journal of Risk and Uncertainty* 22(3), 2001: 207-226.

10. In two seminal articles, Franklin Zimring provided systematic evidence that the weapon type used in an assault affects the likelihood the victim will be killed.<sup>6</sup> Zimring drew on crime data from Chicago to show that case-fatality rates in gun attacks are a multiple of those in knife attacks, despite the fact that the circumstances are generally quite similar. In serious attacks, he concluded, the difference between whether the victim lived or died was often a matter of chance rather than a difference in intent, and the chances of a fatality were higher with a gun than a knife. Zimring found further confirmation in comparing the case-fatality rates among shootings involving guns of different caliber.<sup>7</sup> He demonstrated that victims were more likely to die in larger-caliber shootings, again suggesting that the intrinsic lethality of the weapon, and not just the assailant's intent, affected the outcome – a result that I have dubbed the “instrumentality effect.”<sup>8</sup>

11. Research on the specific crime of robbery provides further confirmation for the instrumentality effect. About half of victims of non-commercial robbery included in the National Crime Victimization Survey (“NCVS”) report being physically attacked by the robber (rather than just threatened), and one-fifth require medical treatment. Some victims are seriously wounded or killed. In 2005 the FBI classified 921 murders as robbery-related (6 percent of all murders), implying that on the order of 1 in 1,000 robberies resulted in death that year. Since the most serious potential outcome of a robbery is the victim's death, it is of considerable interest to know what distinguishes

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<sup>6</sup> Zimring, F.E. (1968). “Is gun control likely to reduce violent killings?” University of Chicago Law Review, 35, 21-37; Zimring, F.E. (1972). “The medium is the message: Firearm caliber as a determinant of death from assault.” Journal of Legal Studies, 1, 97-124.

<sup>7</sup> *Id.*, 1972

<sup>8</sup> Cook, P.J. “The Technology of Personal Violence” in Michael Tonry, ed. Crime and Justice: An Annual Review of Research Vol. 14, University of Chicago Press, 1991.

fatal robberies from the great majority in which the victim survives. One of my studies compared robbery murders (as documented by the FBI's Supplementary Homicide Reports) to non-fatal robberies, finding similar statistical patterns with respect to the characteristics of the offenders.<sup>9</sup> The most prominent *difference* between robbery and robbery murder was with respect to the types of weapons used. About two-thirds of robbery murders are committed with guns, while less than *one*-third of robberies involve guns. Gun robberies are three times more likely to result in the death of the victim than knife robberies, and knife robberies three times more likely to result in death than robberies with other weapons.<sup>10</sup> A regression analysis of changes in robbery-murder rates in 43 cities found a close relationship between the robbery rate and the robbery murder rate, as if the latter were simply a probabilistic byproduct of the former. Every additional 1,000 gun robberies added 4 robbery murders to the city's total, while an additional 1,000 nongun robberies added just one murder.<sup>11</sup> The conclusion is that whether the victim of an assault or robbery dies is not just a reflection of the offender's intentions. The type of weapon used by the offender in an assault or robbery has a causal effect on whether the victim lives or dies. If the weapon used is a loaded firearm, the victim is much more likely to die than if the weapon is a knife or club. If the fraction of assaults or robberies involving guns increases, then the death rate will also increase.

**c. Weapon Choice by Violent Offenders is Influenced by the Availability of Firearms and Has a Direct Effect on the Criminal Homicide Rate.**

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<sup>9</sup> Cook, P.J. (1987) "Robbery Violence." Journal of Criminal Law & Criminology. 78(2), 1987, 366.

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*, 373. See also William Wells and Julie Horney, "Weapon effects and individual intent to do harm; influences on the escalation of violence" Criminology 40(2), May 2002, 265-296.

12. The likelihood that a gun will be used in crime is closely linked to the general availability of guns, and especially handguns. Currently about one in three households nationwide are in possession of at least one firearm, and one in five households are in possession of a handgun. The prevalence of gun ownership differs widely across the counties and states, and is lower in New York State, and Westchester County in particular, than is true for the United States as a whole.
13. On average it is easier for youths and criminals to obtain guns in jurisdictions in which gun ownership is common than when gun ownership is relatively rare. The types of transactions by which youths and felons obtain guns include thefts from homes and vehicles, loans from family members and friends, and off-the-books sales. In a high-prevalence area, the informal off-the-books transactions of this sort are easier to arrange and may well be cheaper than in markets where gun ownership is relatively rare.<sup>12</sup> That is true even though in jurisdictions with low prevalence and relatively tight controls, traffickers supply the underground market with guns acquired in other jurisdictions that have looser controls.<sup>13</sup>
- d. The prevalence of firearms does not affect rates of assault, robbery, or rape but has a direct positive effect on the lethality of criminal assault.**
14. My research has provided strong evidence that the prevalence of gun ownership is closely linked to the likelihood that robbers or assailants will use a gun as opposed to a knife or other weapon. In articles published in scientific journals, I and my coauthors have

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12 Cook, P.J., Ludwig, J., Venkatesh S.A., and Braga, A.A. (2007) "Underground Gun Markets" The Economic Journal, 117 (524), 588-618.

13 PJ Cook and A Braga, "Comprehensive Firearms Tracing: Strategic and Investigative Uses of New Data on Firearms Markets" Arizona Law Review 43(2) 2001:277-309.

analyzed the effect of changes in the prevalence of gun ownership in the states or 200 largest counties on several crime-related outcomes.

- i. In a cross-section analysis of data from a survey of adolescent males, I found that the prevalence of gun ownership has a strong positive relationship to the probability of gun carrying by adolescent males.<sup>14</sup> Thus an increase in gun prevalence is associated with an increase in gun carrying by adolescent males. (Gun prevalence has no effect on the likelihood of carrying a knife or other type of weapon.)
- ii. In an analysis of Uniform Crime Reports data for the 200 largest counties over 20 years, we found that an increase in the prevalence of gun ownership also increases the percentage of robberies committed with a gun.<sup>15</sup>
- iii. The prevalence of firearms does not affect rates of assault, robbery, or rape.<sup>16</sup>

15. I conclude that an increase in gun ownership has on balance no deterrent effect on violent crime. Thus the prevalence of firearms does not affect the *volume* of violence, but has a positive effect on the death rate in assault and robbery (e.g., the criminal homicide rate).

16. These results help explain international differences in violence. The rates of assault and robbery in the United States are similar to those in Canada, Western Europe, and Australia. But our criminal homicide rate is far higher. The difference is that firearms are more prevalent and readily available in the United States, and as a result violent offenders in the United States are far more likely to use a firearm. As a result, the death rates in the United States are higher.<sup>17</sup>

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14 Cook, P.J., and Ludwig, J. "Does Gun Prevalence Affect Teen Gun Carrying After All?" *Criminology* 42(1), 27-54.

15 Cook, Ludwig and Venkatesh 2007; and PJ Cook "The Effect of Gun Availability on Robbery and Robbery Murder: A Cross-Section Study of Fifty Cities" *Policy Studies Review Annual*, Volume 3, Sage Publications, 1979, pp. 743-781.

16 *Id.*, Cook 1979; and PJ Cook and J Ludwig "The Social Costs of Gun Ownership" *Journal of Public Economics* 90(1-2), January 2006: 379-391

17 Zimring, F.E., & Hawkins, G. (1997). Crime is not the problem: Lethal violence in America. New York: Oxford



**e. Most Crime Guns are Handguns.**

17. While only about one third of the firearms in private possession are handguns (pistols or revolvers, as opposed to rifles or shotguns), the vast majority of gun assaults and robberies are perpetrated with handguns. For example, in 2009, 88% of all criminal homicides involving guns were committed with handguns.<sup>18</sup> Over 90% of gun robberies involve handguns. Assaultants choose handguns over long guns in part because handguns are smaller and more conveniently carried on the person or in a vehicle and can be readily concealed from law enforcement officers, potential victims, and the public at large. Because handguns pose a particular hazard to public safety, they have traditionally been subjected to more stringent regulation than rifles and shotguns (which are commonly used for hunting and other sporting purposes). For example, the federal Gun Control Act limits sales of handguns by dealers to those age 21 or older, whereas the minimum age for long gun sales is 18. A number of states require that anyone intending to acquire a handgun first obtain a special license or permit from state or local authorities; for seven states, including New York State, that requirement only applies to handguns. Similarly, six states limit the purchase of handguns (but not rifles or shotguns) to one per month.

**f. Gun Carrying Away from Home Contributes Directly to the Use of Guns in Violent Crime.**

18. For an offender to use a gun logically requires that the offender is carrying a gun or has ready access to one at the time of the commission of a crime.<sup>19</sup> For that reason the state

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University Press.

18 FBI, Crime in the United States, 2009: Table 8.

19 Sherman, L. (2000). "Gun carrying and homicide prevention." Journal of the American Medical Association, 283(9), 1193-1195.

has a legitimate interest in the regulation of whether and how guns are carried in public, and by whom.

19. Concern about the criminal use of guns in public has engendered state and local regulations that limit carrying. In many cities, police departments have adopted targeted patrol against illegal gun carrying in an effort to reduce gun misuse.<sup>20</sup>
20. Targeted patrol against illicit gun carrying has been shown to be effective. In 1998, the Pittsburgh Police Department instituted a Firearm Suppression Patrol against illegal carrying. This program involved expansion of patrol activities during high crime periods of the week, in two high crime areas of the city. A careful analysis found that the program, which increased the number of stops of suspicious vehicles and pedestrians, had the effect of reducing gun misuse, including “shots fired” calls and gunshot injuries.<sup>21</sup>
21. All but three states currently ban carrying a concealed firearm or (more commonly) restrict carrying to those who have obtained a license or permit for that purpose. In 33 states the statute requires the relevant authority to issue a license to any applicant who meets certain minimum requirements and pays the required fee; both the requirements and the fee differ among these “shall issue” states. In other states the issuing authority has some discretion in responding to an application. These “may issue” states, including New York State, generally require that the applicant, in addition to meeting minimum requirements and paying a fee, demonstrate a special need to carry a concealed weapon.

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20 PJ Cook, J Ludwig, SA Venkatesh, and AA Braga “Underground Gun Markets” The Economic Journal, 117 (524) November, 2007: 588-618; Cook, P.J. and Ludwig, J. “The Social Costs of Gun Ownership.” Journal of Public Economics 90(1-2), 2006, 379-391; Braga, AA and DL Weisburd Policing Problem Places: Crime Hot Spots and Effective Prevention 2010.

21 Cohen, J., & Ludwig, J. (2003). “Policing gun crimes.” In J. Ludwig & P.J. Cook (eds), Evaluating gun policy. 217-239. Washington, DC: Brookings Institution Press.

**g. Westchester County Issues Relatively Few CCW licenses.**

22. May-issue jurisdictions tend to issue fewer concealed-carry (CCW) licenses per capita than shall-issue jurisdictions. In particular, in 2010 Westchester County issued just 139 unlimited permits to carry concealed, and an additional 41 permits for employment-related carrying, for an overall rate of issuance of 0.2 per 1,000 residents per year. In 2008 and 2009, by comparison, Pennsylvania (a shall-issue state) issued permits to carry concealed at a rate of 12 per 1,000 residents per year. (In both New York and Pennsylvania, a permit is valid for five years once issued.) Ohio, another shall-issue state, issued permits at a rate of 5 per 1,000 residents in 2009.

**h. The Assertion that a More Lenient System for Issuing Concealed Carry Permits Would Result in Less Crime Lacks Empirical Support and has been Discredited by an Expert Panel of the National Academy of Sciences.**

23. During the last three decades many states have eased their restrictions on concealed carry, replacing a “may issue” statute (or outright ban) with a “shall issue” statute. These changes have had the effect of increasing the number of private citizens who are legally entitled to carry a conceal firearm. These changes in law and practice provide a sort of policy “experiment” that has been analyzed by scholars to determine whether it has affected crime rates or patterns.

24. This research has been conducted by economists, statisticians, and other social scientists. I have reviewed this research in several published articles.<sup>22</sup> The first prominent study of the effect of the adoption of “shall issue” laws was by John Lott and David Mustard,

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<sup>22</sup> PJ Cook, MH Moore, and A Braga, "Gun Control" in James Q. Wilson and Joan Petersilia, eds. Crime: Public Policies For Crime Control, ICS Press, Oakland CA., 2002: 291-329; *op. cit.* Cook and Ludwig 2006.

published in 1997.<sup>23</sup> They reported that these laws had a net deterrent effect on homicide rates, but actually had the effect of increasing property crime rates. For the crime of robbery, a crime that typically occurs in public places, their results were mixed. Since the publication of that article, John Lott has published revised estimates that purport to demonstrate that shall issue laws have a deterrent effect on both violent and property crime (including robbery).<sup>24</sup> Other economists and social scientists have reached different conclusions.

25. Based on my reviews of this literature, my conclusion is the same as the conclusion of the expert panel assembled by the National Research Council of the National Academies, the Committee to Improve Research Information and Data on Firearms. “The evidence to date does not adequately indicate either the sign or the magnitude of a causal link between the passage of right-to-carry [shall-issue] laws and crime rates (p. 7).”<sup>25</sup> In other words, if a state liberalizes its concealed carry law by adopting a “shall issue” provision, there is no scientific consensus for predicting whether the result would be to increase or reduce the rates of homicide and other crime. That does not mean that there would be no effect in fact – only that the current state of the science does not support a prediction of what that effect would be.

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23 Lott, John R., Jr., and David B. Mustard. 1997. “Crime, Deterrence, and Right-to-Carry Concealed Handguns.” *Journal of Legal Studies* 26, 1: 1–68

24 Lott, J. (2000). *More guns, less crime* (2<sup>nd</sup> ed.). Chicago: University of Chicago Press.

25 Charles F. Wellford, John V. Pepper, and Carol V. Petrie, editors *Firearms and Violence: A Critical Review* Washington, DC: National Academies Press, 2005.

26. It is worth emphasizing that this expert committee considered all of the empirical literature that had been published prior to 2005, and also performed its own analysis of the data. There have been numerous studies published, some reporting positive results, and some negative. The conclusion of this panel should be viewed as authoritative in my judgment. The National Research Council of the National Academies was chartered by President Wilson during World War I to provide expert advice to the nation. Since then its committees, including the Committee to Improve Research Information and Data on Firearms, have been appointed from among the leading scholars in the relevant field who have no serious conflicts of interest with respect to the topic at hand. (The experts are not compensated for their service.) The assessment of this neutral group of experts provides the most trustworthy conclusion possible.

**i. If Law Enforcement Officials Were Required to Issue Concealed Carry Licenses to All Adult Applicants Without a Serious Criminal Record, a Majority of Future Felony Arrestees Would Qualify to Carry Concealed Handguns in Public.**

27. In shall-issue states where authorities are required to issue concealed-carry permits to all applicants who meet certain minimum conditions, the list of conditions typically includes a minimum age provision (usually 21) and the list of provisions of the federal Gun Control Act that limit lawful possession. Those provisions include a prior felony conviction, a misdemeanor conviction for domestic violence, an involuntary commitment for mental illness, and a current felony indictment. Of those provisions, the one that is most consistently documented in computerized databases that are available to law enforcement authorities in New York State is felony conviction.

28. It is sometimes alleged that most gun crimes are committed by active criminals who can be readily identified as such. For that reason, it is claimed that issuing concealed-carry

permits to applicants who are not identified criminals poses no risk to the public safety.

But this claim is false. In particular, the evidence demonstrates that a majority of criminal homicides and other serious crimes are committed by individuals who have not been convicted of a felony.

29. One of the first systematic studies of this subject was conducted using data from Illinois.

I, together with two colleagues, found that just 43% of adults arrested for criminal homicide during the 1990s had a felony conviction on their record.<sup>26</sup>

30. Likewise, recent statistics for Westchester County demonstrate that most adults arrested for felony homicide in those counties do not have a prior felony conviction. Over the decade 2000 – 2009, 273 adults were arrested in Westchester County for completed or attempted felony homicide (PL 125), of whom just 111 (41%) had a prior felony conviction. Thus the clear majority of those arrested for felony homicide would have qualified for a concealed-carry permit prior to that arrest *if* the only meaningful condition was the lack of prior felony conviction.

31. I expanded this statistical inquiry to include all adults (age 21 and over) arrested for a felony in Westchester County, and in New York State overall. In 2009, 3,644 individuals were arrested for a felony in Westchester County. Of those, just 1,084 (30%) had a prior felony conviction. One implication is that if Westchester County were required to issue concealed-carry permits to all adult applicants who lacked a felony conviction, then most (70%) of those arrested for a felony in 2009 would have qualified prior to their arrest.

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<sup>26</sup> PJ Cook, J Ludwig, and A Braga “Criminal Records of Homicide Offenders” Journal of the American Medical Association 294(5), August 3, 2005: 598-601.

For all of New York State, just 33% of the 109,705 adults arrested for a felony had a prior felony conviction.

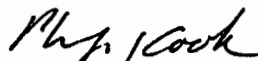
32. These statistics demonstrate that most adults who are arrested for felony homicide would not have been barred from obtaining a permit to carry a concealed firearm prior to that arrest, *if* the only requirements for obtaining a permit were a lack of prior felony conviction (and minimum age). The same conclusion holds for those who are arrested for other felonies.
33. In other words, if the goal is to protect the public against dangerous criminals, then it is not enough to just screen out those with felony convictions. That group constitutes only a minority of future arrestees for serious crimes, including felony homicide.
34. Concealed-carry permit systems in shall-issue states are intended to screen out some other groups besides those with a felony conviction record. Following the federal Gun Control Act requirements for legal gun possession, they typically deny a permit to applicants who are known to have been convicted of misdemeanor domestic violence (or subject to a domestic restraining order), are under indictment for a felony or a fugitive, have been involuntarily committed to a mental institution, are an illegal alien, or are a user of illicit drugs. Unfortunately there are no systematic studies of the prevalence of these disqualifying characteristics among those arrested for serious crime. Furthermore, local officials have only limited access to public records that would identify which applicants have been convicted of domestic violence, or have been involuntarily committed to a private mental institution.
35. In any event, there is good reason to believe that of all the disqualifying conditions, felony conviction is the most common. Statistics from the US Bureau of Justice Statistics

indicate that a felony record is by far the most common characteristic that blocks firearms transfers by firearms dealers when they conduct background checks of buyers.<sup>27</sup>

**j. Conclusion**

36. I conclude that there is a legitimate public purpose in restricting the issuance of permits to carry concealed firearms, and providing local law enforcement officials with some discretion in this regard. This public purpose is to reduce the incidence of firearms use in violent crime, and thereby reduce the rate of criminal homicide. A more lenient permit system that entitles all adults who lack a felony record to obtain a permit would qualify the majority of those who are later arrested for a felony. It is reasonable to conclude that future felons will have greater access to firearms in a shall-issue regime, than in a may-issue regime.

Pursuant to 28 U.S.C. §1746 I declare under penalty of perjury that the foregoing is true and correct. Executed on January 24<sup>th</sup>, 2011.



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PHILIP J. COOK

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<sup>27</sup> <http://bjs.ojp.usdoj.gov/content/pub/html/bcft/2009/bcft09st.pdf>, Table 4, accessed January 9, 2011.



## **Appendix A**

April 17, 2009

**PHILIP JACKSON COOK**

ITT/Terry Sanford Professor of Public Policy Studies Telephone: 919 613-7360  
Professor of Economics and Sociology FAX: 919 681-8288  
Terry Sanford Institute of Public Policy  
Box 90245  
Duke University E-mail: pcook@duke.edu  
Durham, NC 27708

Education:

B.A. (with high distinction) University of Michigan, 1968  
Ph.D. (Economics) University of California, Berkeley, 1973

Positions held:

2008-9	Schelling Visiting Professor of Public Policy, University of Maryland
2003	Residency, Bellagio Study and Conference Center (September-October)
2000	Visiting Scholar, Kennedy School of Government, Harvard University
1997-99	Director, Sanford Institute of Public Policy; Chair, Department of Public Policy Studies
1994-	ITT/Terry Sanford Professor of Public Policy Studies
1992-	Professor of Public Policy Studies, Economics, & Sociology, Duke University
1989-90	Visiting Professor, Fuqua School of Business, Duke University
1985-89	Director, Institute of Policy Sciences and Public Affairs, Duke University and Chairman, Department of Public Policy Studies
1984-	Professor of Public Policy and Economics, Duke University
1979-84	Associate Professor; 1973-79 Assistant Professor, Duke University
1982	Expert (part time) Office of Policy and Management Analysis, Criminal Division, U.S. Department of Justice

Fall 1980 Visiting Scholar, Institute for Research in Social Science, University of North Carolina, Chapel Hill

Fellowships and Academic Honors:

Raymond Vernon Memorial Prize for best paper in *JPAM*, 2008

Richard A. Stubbing Teacher Mentor Award, 2008

Member, Institute of Medicine, National Academy of Sciences, 2001-

*Who's Who in America 2001 and subsequent issues*

Fellow of the American Society of Criminology, 2000-

Vernon Prize for best paper in *Journal of Policy Analysis & Management* (v. 16), 1997

Research Associate, National Bureau of Economic Research 1996-

*Who's Who in Economics* 3rd edition (1996)

Kenneth J. Arrow Award (for best paper published in health economics), 1994

National Science Foundation Fellowship, 1968-1970

Special Career Fellowship (Ford Foundation), 1968-1972

National Merit Scholar, 1964-1968

Sims Award, Economics Department, University of Michigan, 1967

Phi Beta Kappa

## Publications

### A. Health and Safety Regulation

#### 1. Books and Edited Volumes

PJ Cook and JW Vaupel, eds. Law and Contemporary Problems, Autumn 1976. Issue entitled "Valuing Lives: When and How Should Society Spend its Scarce Resources to Decrease Mortality"

Law and Contemporary Problems, Winter 1988. Editor for issue entitled "Vice."

PJ Cook and A Scharff Recommendations Concerning Administration and Rate Structure for Excise Taxation in Romania Distributed by Tax Advisory Program, US Treasury Department, August 1994.

Paying the Tab: The Economics of Alcohol Policy Princeton, NJ: Princeton University Press, 2007.

Chapters 10 and 12 serialized in Milken Economic Review 10(1) First Quarter, 2008)

#### 2. Articles

PJ Cook and D Graham "The Demand for Insurance and Protection: The Case of Irreplaceable Commodities" Quarterly Journal of Economics, February 1977, 143-156. Reprinted in Georges Dionne and Scott Harrington (eds.) Foundations of Insurance Economics Kluwer Academic Press, 1991.

"The Value of Human Life in the Demand for Safety: Comment" The American Economic Review, September 1978, 710-711.

"Discussion" (on Martin Bailey's paper on Safety Decisions and Insurance) American Economics Association Papers and Proceedings, May 1978, 300.

"The Effect of Liquor Taxes on Drinking, Cirrhosis, and Auto Fatalities," in Mark Moore and Dean Gerstein, eds. Alcohol and Public Policy: Beyond the Shadow of Prohibition, National Academy of Sciences, 1981, 255-285; and in Richard Zeckhauser and Derek Leebaert, eds. What Role for Government? Duke University Press, 1983, 203-220.

PJ Cook and G Tauchen "The Effect of Liquor Taxes on Heavy Drinking" Bell Journal of Economics, Autumn 1982, 379-390.

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Of Harold Winter The Economics of Crime: An introduction to rational crime analysis in Journal of Economic Literature v. 47: Sept. 2009.

#### Unpublished monographs

"The Effect of Legitimate Opportunities on the Probability of Parolee Recidivism," Institute of Policy Sciences and Public Affairs, Duke University, 1973.

"Citizen Cooperation with the Criminal Justice System," Institute of Policy Sciences and Public Affairs, Duke University, 1976.

"A Summary of State Legal Codes Governing Juvenile Delinquency Proceedings" (with Joseph Austin and Richard Levi), Institute of Policy Sciences and Public Affairs, Duke University, 1977.

"Life, Liberty, and the Pursuit of Self Hazardous Behavior" (with James Vaupel), Institute of Policy Sciences and Public Affairs, Duke University, 1978.

"Regulating Handgun Transfers: Current State and Federal Procedures, and an Assessment of the Feasibility and Cost of the Proposed Procedures in the Handgun Crime Control Act of 1979" (with James Blose), Institute of Policy Sciences and Public Affairs, Duke University, 1980.

#### Selected Research grants

Principal investigator, "Evaluating Policy Options to Increase Citizen Cooperation in Urban Law Enforcement," A Durham Observatory Project, 1975.

Principal investigator, "The Processing of Gun Crimes in D.C. District Court," Institute of Law and Social Research, 1977.

Principal investigator, "Empirical Studies of Robbery and Handgun Control," U.S. Department of Justice.

Principal investigator, "Evaluating Alternative Policy Strategies for Controlling the Distribution of Handguns" (with Mark Moore), Ford Foundation, 1977-79.

Principal investigator, "A Review of the Major Gun Regulation Proposals," Center for the Study and Prevention of Handgun Violence, 1979-80.

Principal investigator, "A Review of Robbery Literature," National Institute of Justice, 1981.

Principal investigator, "Robbery Violence," National Institute of Justice, 1983-85.

Principal investigator, "Vice," The Chicago Resource Center, 1987

Principal investigator, "Costs of the Death Penalty in North Carolina," NC Administrative Office of the Courts, 1991-93.

Principal investigator, "Causes and Effects of Youthful Drinking," National Institute on Alcohol Abuse and Alcoholism, 1992-1994.

Principal investigator, "Markets for Stolen Guns," Harry Frank Guggenheim Foundation, 1993-4.

Principal investigator, "The Costs of Gunshot Wounds," The Joyce Foundation, 1997-99.

Principal investigator, "Community Gun Prevalence and Crime," The Joyce Foundation, 2000-2003.

Investigator Award In Health Policy Research, Robert Wood Johnson Foundation, 2003-4.

Principal Investigator, "evaluations of two programs in Milwaukee designed to reduce serious criminal violence" Joyce Foundation, 2007-2008.

Principal Investigator, "Fiscal Costs of Capital Punishment in NC" Z. Smith Reynolds Foundation, 2007-2008.

Principal Investigator, "An Experimental Evaluation of the Milwaukee Prisoner Re-entry Program" Smith Richardson Foundation, 2008-2011.

Service and Administrative Activities at Duke University

Director of Undergraduate Studies, Institute of Policy Sciences and Public Affairs, 1974-75, 1992.

Director of Graduate Studies, Institute of Policy Sciences and Public Affairs, 1977-79, 1984, and 1994-95.

Chairman, Graduate Curriculum Committee, Institute of Policy Sciences and Public Affairs, 1977-79.

Member, Undergraduate Faculty Council of Arts and Sciences, 1977-78, 1991-93.

Author of an evaluation of undergraduate admission policy, commissioned by the Undergraduate Faculty Council, 1978.

Member, Academic Council, Duke University, 1978-79, 1982-84, 1993-95, 1998-2000  
Elected to the Executive Committee of the Academic Council, 1982-83.

Associate Director, Institute of Policy Sciences and Public Affairs, 1979-1985, 2005-.

Pre-Major Advisor, 1981-85.

Member, UFCAS Committee on Admissions, 1984-86.

Member, University Committee on Undergraduate Admissions and Financial Aid, 1986 - 87.

Author of a special report on predicting yields from undergraduate admissions, 1987.

Member, Dean White's Ad Hoc Committee on Undergraduate Internships, 1987.

Member, President's Administrative Oversight Committee, 1987-90.

Chairman, Public Policy Studies Committee on Appointments and Promotion, 1990-93.

Chair, Provost's committee to review Dean Earl Dowell for reappointment, 1992.

Member, Arts and Sciences Committee on Planning and Priorities, 1993-95. Chair, 1994-95.

Member, Dean Search Committee, Fuqua School of Business, 1994.

Chair, PPS Diversity Committee, 1994-95.

Member, Executive Committee of the Graduate School, 1995-96

Member, steering committee, Child and Family Policy initiative, 1999

Member, Dean's Search Committee, Duke Law School, 1999

Member, Planning Committee, Institute for Genome Sciences and Policy, 1999

Chair, Arts & Sciences Council Task Force on the Budget, 2001-2

#### Public and Professional Service

Chairman, Weapons and Violent Crime Workshop, NILECJ, LEAA, U.S. Department of Justice, February 1978.

Presenter, N.C. Governor's Crime Commission, June and September, 1979.

Panel member, National Research Council Study of Alternative Policies Affecting the Prevention of Alcohol Abuse and Alcoholism, 1978-1981.

Member, N.C. Governor's Task Force on Drunken Driving, 1982.

Member, Ad Hoc Workshop on the Future of Criminal Justice Research, U.S. Department of Justice and National Research Council, March 1982.

Testified on alternative gun-control policies before the U.S. Senate Criminal Law Subcommittee, March 4, 1982.

Testified on alcohol tax policy before the Social Security Advisory Council, May 25, 1982.

Participant, Sixty-Sixth American Assembly (Public Policy on Alcohol Problems), Harriman, NY, April 26-29, 1984.

Member, Executive Session on the Juvenile Justice System, Harvard University, 1984-85.

Member, Policy Council of the American Society of Criminology, 1985-86, and 1990-91.

Invited participant, Conference on the Cigarette Excise Tax sponsored by the Harvard Institute for the Study of Smoking Behavior, Washington, DC, April 17, 1985.

Member, "Crime and Violence" working group of the NAS Committee on Basic Research, 1985.

Member, Research Advisory Committee of the U.S. Sentencing Commission, 1986-91 (Chair, 1986).

Associate, Canadian Institute of Advanced Research, 1986.

Member, Board of Advisors, Public Policy Program, College of William & Mary, 1987-1992.

Member, National Academy of Sciences Committee on Law and Justice, 1987-1993.

Treasurer, Association of Public Policy Analysis and Management, 1987-1994.

Testified on the use of alcohol taxation as a public-health measure before the U.S. Senate Committee on Governmental Affairs, September 27, 1988.

Member, Workshop on Health Economics, National Institute of Alcohol Abuse and Alcoholism, September 1988.

Member, National Research Council's Panel on the Understanding and Control of Violent Behavior, 1988-91.

Member, Advisory Board to the Injury Prevention Research Center, University of North Carolina, 1990-.

Witness, "Problems and Prospects for a N.C. Lottery" North Carolina Economic Future Commission, December 5, 1990.

Invited participant, CDC's Forum on Youth Violence in Minority Communities, Atlanta, December 10-12, 1990.

Member, President's Advisory Board of the H. John Heinz III School of Public Policy and Management, Carnegie Mellon University, 1992-96 and subsequently (including 2007).

Consultant, Tax Advisory Program, US Department of Treasury, 1994-95.

Steering Committee, National Consortium on Violence Research, 1995-1997.

Member, Center for Gun Policy Research, Johns Hopkins University, 1995-.

Invited participant, White House Leadership Conference on Youth, Drug Use, and Violence, March 7, 1996.

Invited speaker, U.S. Senate Democratic Policy Council, Wilmington, DE, April 26, 1996.

Member, National Academy of Sciences (IOM) Committee on Injury Prevention and Control, 1997-8.

Member, Advisory Committee to the Harvard Injury Control Research Center, 1998-.

Consultant, US Department of Treasury, Enforcement Division, 1999-2000.

Member, National Academy of Sciences (NRC) Case Studies of School Violence Committee, 2001-2002.

Member, Division Committee for the Behavioral and Social Sciences and Education, National Research Council, 2001-2004.

Member, "Committee to Develop a Strategy to Prevent and Reduce Underage Drinking", Institute of Medicine 2002-3.

Member, Panel on Assessing the Feasibility, Accuracy, and Technical Capability of a National Ballistics Database, The National Academies 2004-5.

Member, *Crime and Justice* editorial board, 2007-1010.

Member, National Research Council Workshop on Understanding Crime Trends, 2007-8

Vice Chair, National Academy of Sciences Committee on Law and Justice, 2006-2009.

Vice President, Association of Public Policy and Management, 2008-2009.

### Refereeing

Associate editor, Law and Contemporary Problems, 1974-78.

Editorial consultant, Journal of Criminal Law and Criminology, 1982-.

Member, Editorial Board, Journal of Policy Analysis and Management, 1986- 2002.

Associate Editor, Criminology, 1987-91.

Occasional refereeing: American Economic Review, Journal of Political Economy, Journal of Public Economics, Economic Inquiry, Journal of Legal Studies, Journal of Law and Economics, New England Journal of Medicine, Journal of the American Medical Association, Criminology and other professional journals.