



MARGOLIS HEALY & ASSOCIATES
**THE ARGUMENT AGAINST
ARMING COLLEGE STUDENTS**
THE KANSAS BOARD OF REGENTS
APRIL 2012



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The Kansas House recently passed measure HB 2353 that would allow those with concealed-carry permits to bring firearms into government buildings, including those on college campuses. The measure, according to its sponsor Rep. Forrest Knox (R-Altoona), is about the safety¹ of college students.

With nearly 40 years of combined experience in public safety, including more than a dozen years each in higher education as the Chiefs of Police at the University of Vermont and Princeton University, and as Managing Partners of Margolis Healy & Associates, a leading firm specializing in campus safety and security, it is our firm belief that not only would the bill likely have no positive effect on campus safety, but could in fact decrease the safety and security of Kansas' college students.

This belief is based on a number of facts. First, even taking into account tragedies such as the mass shooting at Virginia Tech, American college students are safer on their campuses than off them, and there is no credible evidence to suggest that armed students would make campuses even safer. Second, the fact that college students engage in risky behavior, including binge drinking, and have much higher rates of suicide than the general population mean that armed students are more likely to create an unsafe environment for themselves and their fellow students. Third, there are a number of practical issues that are created by allowing guns on campuses, not the least of which is where and how they should be stored. And fourth, those arguing cogently against passage of the Kansas measure include the Kansas Board of Regents and University Police Chiefs, whose unanimous position states in part that it would “create an environment inconsistent with quality education, and complicate the jobs of the University Police.”

We also recognize that, in limited cases, there are legitimate reasons for students to have access to firearms on campus. Most notably, they include reserve officer training programs (ROTC), college-based police academy programs, theatrical applications, student shooting clubs, and legitimate academic interests (e.g., history, military, and engineering courses). Our arguments herein do not necessarily apply to these specific and unique circumstances. Lastly, while the discussion and focus is on firearms, we also recognize the application of our arguments to other lethal and less-lethal weapons in the campus environment (e.g., knives, bows, chemical, electronic control devices, and impact weapons).

WOULD ARMED STUDENTS MAKE CAMPUSES SAFER?

In 2009, there were 17 homicides on US college campuses, representing .0001 percent of the entire student population. The percentage of homicides in the general population for that year was .005, meaning Americans were 50 times more likely to be murdered off a college campus than on one. This number aligns with a Department of Justice study comparing the violent victimization

¹“Kansas House OKs changes to concealed carry law,” The Emporia Gazette, Mar. 15, 2012 (<http://www.emporiagazette.com/news/2012/mar/15/kansas-house-oks-changes-concealed-carry-law/>).

of college students versus non-students, aged 18 to 24, from the period 1995 – 2002, which found that students experience less violence annually than non-students, and that firearms were used in just 9% of all violent crimes against college students.² It also found that the majority of violent crimes that victimize college students (93%) occur *off campus*.³ Another study found that fewer than 2% of students reported being threatened with a gun while at college.⁴ The evidence is clear that college students, while on campus, are not only safer than the general population, but that when they are the victims of violent crime, firearms play a statistically insignificant role.

Obviously the objective of every Campus Police Department and Safety Office is to make campuses even safer—crime at any level is not acceptable. Today efforts to increase levels of safety and security include improved security technology, student education and awareness programs, and mass notification and warning systems. Could allowing students to carry concealed weapons also further that objective? Let's return to 2009, and recall that 17 college students were murdered on campuses that year. In 2009 there were 6 mass shootings by concealed handgun permit holders that resulted in the murders of 37 people.⁵ From 2007 to 2011, the total number of people murdered by concealed-carry permit holders was over 400. While the majority of permit holders are law-abiding citizens, these figures refute the claim that the permitting process, where it exists, eliminates citizens who are unfit to carry a concealed weapon. What about lives saved by concealed-carry permit holders? There are also a number of studies that compare the evidence both for and against concealed-carry laws that conclude that they do not save lives.⁶ The Johns Hopkins Center for Gun Policy and Research and the American Academy of Sciences⁷ support this conclusion.

While gun rights advocates have claimed that “shall issue” CCW laws are associated with a significant reduction in violent crime,⁸ analyses have criticized the methodology and conclusions of the studies they rely on.⁹ A National Academy of Sciences reporter reviewing existing data on the effectiveness of firearm laws, including research purporting to demonstrate that concealed carry laws reduce crime, found that 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 laws and crime rates.”¹⁰

Not only does the evidence indicate that concealed-carry laws don't save lives, but there is evidence that they can actually increase crime. In their study published in the *Stanford Law Review*,¹¹ Yale and Stanford law professors Ian Ayres and John J. Donohue III contend that “one must acknowledge that there are both costs and benefits to either allowing or prohibiting the carrying of handguns, and the task for the scholar is to try to determine which effects dominate.” After analyzing the data and methodologies used by proponents of concealed carry laws, they conclude, “While we do not want to overstate the strength of the conclusions that can be drawn from the extremely variable

²Katrina Baum, Patsy A. Klaus, “Violent Victimization of College Students, 1995-2002,” (U.S. Department of Justice, Bureau of Justice Statistics Special Report, Jan, 2005): 1. (<http://bjs.ojp.usdoj.gov/content/pub/pdf/vvcs02.pdf>)

³Ibid.

⁴Matthew Miller, David Hemenway & Henry Wechsler, “Guns and Gun Threats at College,” *Journal of American College Health* 51, no. 2 (2002): 63.

⁵“Mass Shootings by Concealed Handgun Permit Holders in 2009,” *Coalition to Stop Gun Violence*, accessed Apr. 12, 2012 (<http://www.csgv.org/issues-and-campaigns/concerns-about-concealed-carry/mass-shootings-by-concealed-handgun-permit-holders-in-2009>).

⁶Charles F. Wellford, John V. Pepper, and Carol V. Petrie, editors, *Firearms and Violence: A Critical Review*, (Washington DC: The National Academies Press, 2005).

⁷Jared Flesher & Alexandra Marks, “Should Students be Allowed to Carry Concealed Weapons?” *Christian Science Monitor*, April 18, 2007.

⁸See, e.g., John Lott, Jr. & David Mustard, *Crime, Deterrence and Right-to-Carry Concealed Handguns*, *Journal of Legal Studies* 26, no. 1 (1997).

⁹See, e.g., Daniel Webster & Jens Ludwig, *Myths about Defensive Gun Use and Permissive Gun Carry Laws*, (Berkeley, CA: Berkeley Media Studies Group, 2000); and John J. Donohue, “The Impact of Concealed-Carry Laws,” in *Evaluating Gun Policy: Effects on Crime and Violence* (Jens Ludwig & Philip J. Cook eds., Brookings Institute Press, 2003).

¹⁰Charles F. Wellford, John V. Pepper, and Carol V. Petrie, editors, *Firearms and Violence: A Critical Review*, (Washington DC: The National Academies Press, 2005), 120 – 151.

¹¹Ian Ayres & John J. Donohue III, Shooting Down the “More Guns, Less Crime” Hypothesis, *Stanford Law Review* 55, no. 1193 (2003): 1285, 1296; and Ian Ayres & John J. Donohue III, The Latest Misfires in Support of the “More Guns, Less Crime” Hypothesis, *Stanford Law Review* 55, no. 1371, (2003).

results emerging from the statistical analysis, if anything, there is stronger evidence for the conclusion that these laws increase crime than there is for the conclusion that they decrease it.”

According to the FBI, use of a gun in self-defense appears to be a rare occurrence. For example, of the 30,694 Americans who died by gunfire in 2005, only 147 were killed by firearms in justifiable homicides by private citizens (“justifiable homicide” is defined by the FBI as the killing of a felon, during the commission of a felony, by a private citizen).¹² In addition, both armed citizens and highly trained law enforcement officers are often unable to stop a gun crime. In two famous incidents, gunmen who were in close proximity to armed citizens and/or law enforcement personnel were able to fire multiple rounds and were not stopped by use of firearms. When John Hinckley attempted to assassinate President Ronald Reagan in 1981, he fired six shots, wounding the President and three others. Surrounded by armed Secret Service agents and police, Hinckley was subdued only when a number of them jumped on him. Thirty years later, Jared Lee Loughner shot and killed six people and wounded thirteen others, including Congresswoman Gabrielle Giffords. Two people tackled him to the ground and wrestled his gun away from him. An armed bystander, Joe Zamudio, saw someone holding Loughner’s gun and believed him to be the shooter. He considered firing at the innocent man, but instead pinned him to a wall. Zamudio later told reporters, “I could have very easily done the wrong thing and hurt a lot more people.”¹³

VIOLENT CRIME ON CAMPUS

Margolis Healy & Associates analyzed the crime data gathered by the U.S. Department of Education in accordance with the Jeanne Clery Disclosure of Campus Security Policy & Campus Crime Statistics Act – The Clery Act, as part of a Department of Justice Bureau of Justice Assistance crime prevention grant to determine if there were significant increases in violent crime on campuses across the U.S. The Clery Act requires institutions of higher education participating in federal student aid programs to report crime data.

To avoid bias based on size of institution or campus location, the analysis examined the rate of reported violent crimes per 1,000 students, and separated the institutions by level (two-year, four-year), as well as location (urban, suburban, small town/rural). Our analysis revealed no statistically significant change in the rate of violent crime reported from 2006 through 2010. Data for 2011 is not yet available.

For the purpose of the analysis, violent crimes were defined as those required to be reported by the Clery Act that involved force or the threat of force, and includes six offenses: murder/non-negligent manslaughter; negligent manslaughter; robbery; aggravated assault; and forcible and non-forcible sex offenses. We then aggregated the data for these six offenses to develop a rate

¹²Federal Bureau of Investigation, U.S. Dept. of Justice, “Crime in the United States, 2006, Expanded Homicide Data Table 14,” (http://www.fbi.gov/ucr/cius2006/offenses/expanded_information/data/shrtable_14.html).

¹³Molly Hennessy-Fiske and Neela Banerjee, “Tuscon shooting fires up gun debate,” *Los Angeles Times*, Jan. 14, 2011.

of violent crime per 1,000 enrolled students based on the calculated mean for all institutions with five years of data (n=6176).

The data subsets based on level of institution (two-year, four-year) and location (urban, suburban, small town/rural) likewise reveal no significant change in the rate of violent crime per 1,000 enrolled students over the four-year period 2006-2009.

COLLEGE STUDENTS AND GUNS

There are a number of facts that support the conclusion that college students in particular should not be armed. According to a study conducted by the Center for Injury Control, Rollins School of Public Health, Emory University, guns kept in the home are more likely to be involved in a fatal or nonfatal unintentional shooting, criminal assault or suicide attempt than to be used to injure or kill in self-defense.¹⁴ This is a particularly alarming statistic in light of another study which found that two-thirds of gun-owning college students engage in binge drinking. Gun-owning students are more likely than unarmed college students to drink “frequently and excessively” and then engage in risky activities, such as driving when under the influence of alcohol, vandalizing property, and getting into trouble with police.¹⁵ This mixture of alcohol and guns is a lethal one that has resulted in accidental shootings, such as that of a Florida State University student killed at a fraternity party¹⁶ in 2011.

The American College Health Association (ACHA) reports that suicide is currently the second most common cause of death among college students. And according to the New England Journal of Medicine, an average of 46 Americans committed suicide with a firearm each day in 2005, accounting for 53% of all completed suicides, and for 40% more deaths than gun homicide. The article notes also that “a suicide attempt with a firearm rarely affords a second chance. Attempts involving drugs or cutting, which account for more than 90% of all suicidal acts, prove fatal far less often.”¹⁷ But access to a gun not only puts suicidal students at risk; it also endangers the community: three of the six gunmen who committed mass shootings on college campuses, including the gunman at Virginia Tech, were suicidal, turning their guns on others before turning them on themselves.¹⁸

PRACTICAL ISSUES WITH GUNS ON CAMPUS

Bringing guns into the campus environment has practical implications for storage and access, police response, and application of lethal and less-lethal force. Residential students will carry them on their persons or in their bags, and will need to store them when not doing so. Because theft is the most common crime on college campuses, we have concerns about where and how safe storage is achieved. Storage options currently include vehicles, residential room safes, residential hall central safes, and the public safety department.

¹⁴Arthur L. Kellerman et al., “Injuries and Deaths Due to Firearms in the Home,” *Journal of Trauma-Infection & Critical Care* 45, no. 2 (1998): 263.

¹⁵Matthew Miller, David Hemenway & Henry Wechsler, “Guns and Gun Threats at College,” *Journal of American College Health* 51, no. 2 (2002): 63.

¹⁶“Guns on campus bill discussion delayed amid emotional scene,” *Miami Herald*, Feb. 22, 2011 (<http://miamiherald.typepad.com/nakedpolitics/2011/02/guns-on-campus-bill-discussion-delayed-amid-emotional-scene.html#storylink=cpy>).

¹⁷Matthew Miller, M.D., Sc.D., and David Hemenway, Ph.D., “Guns and Suicide in the United States,” *New England Journal of Medicine* 359, no. 10 (2008): 989-991.

¹⁸Seung-Hui Cho, Virginia Tech, 2007: killed 32, wounded 25, committed suicide; Steven Kazmierczak, Northern Illinois University, 2008: killed 5, wounded 21, committed suicide; Charles Whitman, University of Texas, 1966: killed 16, wounded 32; left suicide notes, abused amphetamines, and visited University doctors including a psychiatrist.

We lose significant control over the safety of the weapon when stored in a vehicle, and institutions would incur significant expense installing room safes in residential facilities to accommodate weapons. We can reasonably presume that student affairs professionals at front desks are not inclined to manage a weapons depot replete with a sand barrel for loading and unloading. Furthermore, the handling of weapons and ammunition increases the likelihood of unintentional discharges.

In addition to previously mentioned concerns, storage at the campus public safety department necessitates that the institution first have a viable public safety function to manage such a service, and then the storage space to do so. Non-sworn campus public safety agencies may not have the necessary number or kind of gun safes and loading/unloading spaces. Sworn campus police, in particular, will be challenged with storing firearms that they cannot screen for involvement in crime. They will also be unable to search the owners in the National Crime Information Center (NCIC) or state equivalent. Federal laws are very strict on the circumstances that must exist before a serial number or person can be screened in the system. Violation of these rules could result in the loss of access to the database by campus police, which is far from ideal. It's entirely possible that the campus police could store a weapon that was involved in the commission of a crime, and could hand it to a convicted felon in violation of state and federal laws.

Police officers responding to the scene of a violent crime involving firearms will not necessarily know who the "good guy" is. There are, sadly, numerous incidents in which police have fired on the wrong individual, such as the September 2005 shooting death of a University of Central Florida police officer. An Orlando police officer mistook the plainclothes officer as a threat when he saw the officer's weapon drawn during the arrival of students for a football game at the Citrus Bowl. In addition, many non-sworn campus public safety officers are not armed; armed students would create a difficult unbalanced situation. And finally, firearms should only be deployed in the defense of human life. There are many situations and scenarios where the use of a firearm is beyond an appropriate response—when all we have is a hammer, everything starts to look like a nail. Arguably, the shooting of Trayvon Martin in March 2012 by George Zimmerman is an example of such an instance. Police officers and trained campus public safety officials have a number of less lethal use of force options available to manage the array of scenarios that don't require lethal or deadly force. We remain steadfast in our belief that the day to day life of a college student doesn't put them in the path of life threatening violence, and certainly therefore doesn't require them to have lethal force tools for self-protection.

OTHERS' ARGUMENTS AGAINST THE KANSAS MEASURE

The International Association of Campus Law Enforcement Administrators, Inc., (IACLEA) in its position statement on Concealed Carrying of Firearms Proposals on College Campuses¹⁹ notes that it is “concerned that concealed carry laws have the potential to dramatically increase violence on college and university campuses that our Members are empowered to protect. Among the concerns with concealed carry laws or policies are: the potential for accidental discharge or misuse of firearms at on-campus or off-campus parties where large numbers of students are gathered or at student gatherings where alcohol or drugs are being consumed, as well as the potential for guns to be used as a means to settle disputes between or among students. There is also a real concern that campus police officers responding to a situation involving an active shooter may not be able to distinguish between the shooter and others with firearms.”

The University Police Chiefs of Kansas unanimous position on the proposed legislation includes another cogent argument: “Statistically, theft is the number one crime on college campus. These are crimes of opportunity made possible by inattention or carelessness given to the security of personal property. Laptop computers, cell phones, backpacks, and purses are easy targets taken from campus facilities, classrooms, and dormitories. Theft of a weapon is a significant risk, in terms of both the likelihood of theft as well as from the danger associated with weapons falling into the wrong hands. Guns are extremely appealing to thieves. University Police cannot in all cases prevent unauthorized persons from coming into possession of a gun brought to campus by a legitimate firearm owner.”²⁰

A joint statement by College Student Educators International, Association for Student Conduct Administration, Association of College and University Housing Officers—International, National Association for Campus Activities, National Intramural-Recreational Sports Association, and National Orientation Directors Association states a concern that “the possession of concealed weapons on campuses poses a threat to learning and working environments on college campuses and thus may undermine the institution’s mission and goals. We wish to see state governments honor the right of institutions to create and enforce policies that protect students and its stated educational missions.” In particular, the statement stresses that “campus administrators often deliver unpleasant news to students and could be targets of students they engage with. If a concealed weapon carry law passes there may be additional resources required to ensure their protection and protection for those in the area.”²¹

University of Texas System Chancellor Francisco Cigarroa, in a letter to Gov. Rick Perry, cites that “unease has been expressed by our campus mental health professionals, who know and deal with the reality of the emotional and psychological pressures of academic life, separation from family, relationships—all pressures that contribute to the harsh reality that suicide

¹⁹International Association of Campus Law Enforcement Administrators, Inc. Board of Directors, “Position Statement: Concealed Carry Proposals,” Mar. 19, 2008 (http://www.iaclea.org/visitors/PDFs/ConcealedWeaponStatement_March08.pdf)

²⁰From written testimony of Richard L. Johnson, Associate Vice Chancellor for Public Safety and Chief of University Police, University of Kansas Medical Center, before the House Federal and State Affairs Committee, Jan. 25, 2012 (http://pa.kumc.edu/Documents/public%20affairs/Testimony1_25_12_2.pdf)

²¹College Student Educators International, Association for Student Conduct Administration, Association of College and University Housing Officers—International, National Association for Campus Activities, National Intramural-Recreational Sports Association, and National Orientation Directors Association, “Statement Against Concealed Weapon Carry on University Campuses,” Apr. 25, 2011 (http://www.acuhoi.org/portals/0/pdf/concealed_carry_statement_wNIRSA_ASCA.pdf).

is the second leading cause of death among college students. There is great concern that the presence of handguns, even if limited to licensed individuals age 21 or older, will lead to an increase of both accidental shootings and self-inflicted wounds.”²²

Finally, The Kansas Board of Regents statement against the proposed legislation notes that “the United States Military does not allow possession of personal firearms on military installations. If the military believes it is ill-advised to permit possession of personal firearms on military installations, why do Kansas Legislators believe college students are more trained and crisis ready than military personnel?” It also points out that “concealed weapons, or extraordinary security measures, would detract from the environments necessary to achieve the research and learning missions of institutions. Kansas higher education campuses include: Early Childhood Centers; A Medical Center with patients in several campus locations; The Kansas Academy of Math and Science (KAMS) - high school students residing and attending classes at Fort Hays State University; Stadiums, Performance Centers, Museums, Arenas, and Field Houses for athletic and cultural events; Laboratories and work spaces with chemicals and equipment where a gun discharge, even if accidental, could cause serious harm or reactions.”²³

CONCLUSION

Whereas students are safer on college campuses than off them, proximity to firearms puts college-age students at risk for intended and unintended shootings, and a number of state and national organizations with a vested interest in the outcome of this pending legislation have made sound and compelling arguments against it, it is our belief that HB2353, SB394 or other bills of this nature should not become law.

²²Francisco Cigarroa, letter to Governor Rick Perry, Feb. 24, 2011; in “Cigarroa: Campus Carry Create ‘Less Safe Environment,’” Texas Tribune, Feb. 24, 2011.

²³Kansas Board of Regents Statement, “*Exempt Higher Education Institutions; HB2352-Personal and Family Protection Act*” (<http://kansasregents.org/resources/PDF/1809HB2353Personal&FamilyProtectionTalkingPoints.pdf>).



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