



CENTER ON URBAN & METROPOLITAN POLICY

Twenty Thousand Gun-Control Laws?

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“How many gun laws are there?... Even a very liberal interpretation of what should count as a separate law would leave the total well short of 20,000.”

The belief that there are approximately 20,000 gun-control laws in the United States has become received wisdom. The figure is cited by advocates, scholars, and the media with surprising regularity—an electronic newspaper search yielded more than 200 uses of the figure in the last five years alone. But as it turns out, there appears to be little basis for the number.

By itself, the exact number of gun laws in the United States should be of almost no interest. After all, laws are not homogeneous commodities, like bricks or cups of flour, and the total number of regulations tell us nothing about the overall stringency of gun control. However, since the 20,000 figure has become such an important feature of the rhetoric against passage of further gun-control laws, we believe it worthwhile to take a look at the facts.

Origins of a Factoid

The precise origin of the 20,000 figure is difficult to determine. The earliest reference that we located appears in congressional testimony given in 1965 by Rep. John Dingell, D-MI, but no source for the estimate is given. Shortly thereafter, George Newton and Franklin Zimring cited Dingell’s use of the figure in their seminal 1969 report, “Firearms and Violence in American Life,” but they also noted that “the basis of the estimate is not provided.” Soon others began to pick up the factoid. By 1981, just 11 weeks after surviving an attempt on his life, President Reagan rejected a call for additional legislation, arguing at a press conference that “there are today more than

20,000 gun-control laws in effect—federal, state, and local—in the United States.” Books by advocates and scholars alike continue to provide the number.

Counting Laws—Findings

So how many gun-control laws are there? Recently, we assembled a significant new database of major state gun laws, including laws governing how firearms are designed, manufactured, sold, and possessed, that sheds some light on the 20,000 figure. Although we didn’t include every possible law, our count yields approximately 300 different state laws as of 1999. These laws were defined as those that affect the manufacture, design, sale, purchase, and possession of firearms. Adding the few federal laws wouldn’t appreciably increase the total.

But what about local (i.e. city and county) laws? Since the early 1980s, the National Rifle Association has mounted a very successful campaign to encourage state governments to enact “preemption” laws, forbidding local governments from enacting their own gun laws. Today, more than 40 states preempt all or most local gun-control laws, which has likely reduced the overall number of local gun laws.

Another problem with estimating the number of gun laws is agreeing on a definition of just what is to be included. For example, many local laws prohibit carrying or firing guns in public places. Inclusion of such laws would certainly inflate national estimates of the number of gun laws. But if one considers only laws that control the manufacture, design, sale, purchase, or possession of guns—the cluster of laws many probably imagine as constituting gun-control laws—



the number of local laws will be much smaller. With most gun laws containing numerous, interrelated subparts, there is also no clear rule for defining what should count as a separate law.

In short, no matter how the 20,000-gun-law figure was initially derived, the overwhelming trend toward preemption of local laws is likely to have substantially reduced the total. Even a very liberal interpretation of what should count as a separate law would leave the total well short of 20,000. In our view, the discovery that there may be as few as 300 major statewide laws that fit our definition of a gun-control statute (with some states having as few as one or two such laws) yields a far more appropriate figure for public-policy discussion.

Conclusion

Clearly the 20,000 figure is more a product of advocacy than science. And however it was initially derived, the trend toward preemption of local laws has substantially reduced the total. The most informative answer to the question of “how many gun-control laws?” is then “about 300 major state and federal laws, and an unknown but shrinking number of local laws.” Rather than trying to base arguments for more or fewer laws on counting up the current total, we would do better to study the impact of the laws we do have.

Note: This article is drawn from the authors' chapter in the edited volume, Evaluating Gun Policy, to be published in early 2003 by Brookings Institution Press. The chapter includes tables that categorize the types of relevant federal and state gun-control laws, based on the authors' exhaustive review of such statutes.

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