

February 7, 2023

WRITTEN TESTIMONY OF MICHAEL F BURKE, IN OPPOSITION  
TO SB 1-the “Gun Safety Act of 2023”

In introduction, please be informed that I am a Veteran, with 21 years of Service with the US Army, as a Military Police Officer, MP Investigator, and Counterintelligence Agent. Beyond that, I have more than 25 years of experience as a County, State, and federal Law Enforcement Officer and Special Agent. I am an expert in Maryland Firearms Law, federal firearms law and the law of self-defense. I am also a Maryland State Police certified handgun instructor for the Maryland Wear and Carry Permit and the Maryland Handgun Qualification License and a certified NRA instructor in pistol, as well as a Chief Range Safety Officer. I am also a member of Maryland Shall Issue (“MSI”). Maryland Shall Issue is a Section 501(c)(4), all-volunteer, non-partisan, non-profit organization dedicated to the preservation and advancement of gun owners’ rights in Maryland. It seeks to educate the community about the right of self-protection, the safe handling of firearms, and the responsibility that goes with carrying a firearm in public. I appear today in opposition to SB 1.

To begin, let’s consider the statements of the sponsors of this measure that they “fear guns.” Humans fear numerous things, and that is a natural right. Not long ago in Maryland, Senators feared having African Americans, Native Americans, even Catholic Americans in their children’s schools and in the workplace. Banning people from exercising their human rights because of unsubstantiated fears = Racism and Discrimination.

**That is simply wrong.**

Banning women from the workplace – the polls – and the House and Senate – also **WRONG**.

In June of 2022, the Supreme Court issued a decision in a lawsuit titled

NEW YORK STATE RIFLE & PISTOL ASSOCIATION, INC., ET AL. v. BRUEN,  
SUPERINTENDENT OF NEW YORK STATE POLICE, ET AL. No. 20–843. Argued  
November 3, 2021—Decided June 23, 2022.

Held: New York’s proper-cause requirement violates the Fourteenth Amendment by preventing law-abiding citizens with ordinary self-defense needs from exercising their Second Amendment right to keep and bear arms in public for self-defense. Pp. 8–63.

Maryland’s Attorney General, Brian Frosh, reviewed that decision and understood that Maryland law requiring a “good and substantial reason” to obtain a Handgun Permit (HGP) was unconstitutional. He agreed that Maryland (and the General Assembly) **MUST** obey the plain text of the US Constitution and this decision. Your oaths of office, recently renewed in January, obligate you to protect, defend, and **OBEY** that text.

In this Bill, SB-1, the Senate would seek to render several hundred thousand Handgun Permits null and void across the State. **This is WRONG.**

I ask this Committee to review the past practice of the Maryland State Police (MSP) over the past 50 years in reviewing applications and approving HGP's for citizens. In general, they granted HGP's for 6 broad categories and reasons:

- A) Security Guards, Private Detectives, and Armored Car Drivers. These men and women have protected the citizens and business interests across the State since 1972, guarding banks, retail establishments (furriers, jewelers, watchmakers, etc) as well as government buildings (Federal, State and Local), jails and prisons, senior business executives, Judges, Senators, Delegates and Representatives, political party leadership, and other sensitive locations. As written, SB 1 disarms all of these protective officers and agents, and invites criminal organizations and individuals to murder, rob, rape and assault millions of undefended Maryland citizens. ATM's will go unserviced, prescription drugs will be undelivered, banks and retail businesses will be unable to receive or deposit cash. Kidnapping wealthy family members will skyrocket, ransoms will be demanded, and people left defenseless will be seriously injured or die. **This is WRONG.**
- B) Victims of past crimes have been granted thousands of HGP's for self-defense. Domestic violence victims, LGBTQ victims, religious minorities (Jews, Sikhs, Muslims, Catholics, etc.), all sorts of Maryland Citizens who have been assaulted, beaten, raped, burned, and otherwise violated by criminals (often uncaught and unpunished) who will continue to stalk, harass, and pursue their victims. Many of these victims filed lengthy police reports, and underwent the tortuous process to obtain Domestic Violence Protective Orders or Peace Orders. Papers that do nothing to prevent the next horrendous attack, by the way. Yet MSP accepted such documentation to issue HGP's to thousands of these victims. SB-1 will negate those permits, disarm these victims (again) and leave helpless women defenseless as they go about their lives. **This is WRONG.**
- C) Business owners have been able to obtain HGP's from MSP for decades, after producing reams of documentation and exhaustive investigation into the bona fides of their businesses. Industrious men and women who have proven that they routinely carry sensitive valuables (Jewish diamond merchants, Jewelers, bankers, Realtors, etc) who have carried handguns for decades while doing business without incidents – this bill will disarm ALL of them. Realtors who are often women, showing homes and apartments alone at all hours – people who have been brutally raped or murdered – shall be left defenseless by SB-1. **This is WRONG.**
- D) Assumed Risk Positions: MSP has issued thousands of HGP's to Judges, Attorneys (Prosecutors and Defense); Senators, Delegates, Representatives, and several other “special” individuals who didn't need to show a specific threat or past assault, but whom were given HGP's merely because they held a title or job function that MSP deemed sufficient for a waiver of all the rules that applied to “normal” citizens. This professional courtesy even extended to former (retired) members of the Bar, County Executives, Mayors, local Councilmen, etc. As written, SB-1 disarms these distinguished ladies and gentlemen, without regard to any lingering threats that may exist. **This is WRONG.**

- E) Federal employees, Military members and Contractors who hold “Top Secret” or other high level Security Clearances based on their positions, men and women who have daily access to our nation’s most sensitive military and intelligence information. Folks engaged in counter terrorism activities, or who safeguard our communities from cyber-attacks, hacking, ransomware, etc. MSP recognized long ago that these individuals were subject to attempts to kill or kidnap them (or their family members) either to seek revenge for action taken against terrorist cells, or by hostile intelligence organizations seeking access to our most sensitive data and/or facilities. As with other Maryland citizens, these are the most well behaved, deeply investigated and vetted members of society. SB – 1 would effectively disarm these vital national defense workers as they travel between highly secured facilities and their homes. **This is WRONG.**
- F) MSP also issues thousands of HGP’s to our other most worthy, and most vulnerable citizens. Law Enforcement officers, Correctional Officers, and Bail Bondsmen/Fugitive Recovery Agents. Permits are issued to these men and women based on the well established risk that they face from individuals they may have arrested or pursued in their past, as well as the threats they face daily from misguided individuals who would assassinate them or attempt to kill them BECAUSE of their affiliation with the criminal justice system. While on duty, these officers, deputies and agents may be armed- but off duty, or after separation or retirement, they must surrender their badges and sidearms. Bail Bondsmen may carry hundreds of thousands of dollars in cash to be “on call” to respond to jails or county commissioners to post cash bonds, and collect cash for deposit from family members or friends to obtain the release of someone awaiting trial. Disarm them, and NOBODY will be posting bonds for your voters who have been detained. Disarming off duty and retired officers will also place hundreds of thousands of Citizens at risk, because these men and women have the training and experience to prevent mass shootings before they occur. Removing handguns from these HGP holders is **WRONG.**

## THE TEXT OF THE SECOND AMENDMENT COVERS POSSESSION AND TRANSPORTATION OF FIREARMS.

The Senate cannot dispute that Bruen holds that there is a general right to armed self-defense outside the home. The proposed bill eliminates that right (Contrary to the text of the Second Amendment) and would prohibit self-defense in “PLACES OF PUBLIC ACCOMMODATION”

### **To issue a Statute that seeks to disarm all lawful permit holders- That is simply wrong.**

First, it is well-established that “[t]he government bears the burden to show that the regulation clearly falls outside the scope of the Second Amendment.” *Hirschfeld v. BATF*, 5 F.4th 407, 417 (4th Cir.), vacated as moot, 14 F.4th 322 (4th Cir. 2021), cert. denied, 142 S.Ct. 1447 (2022).

The right recognized in Bruen is that “the Second Amendment guarantees a general right to public carry,” 142 S.Ct. at 2135, and that there is a “general right to publicly carry arms for self-

defense.” Bruen, 142 S.Ct. at 2134. A “general right” to carry in public cannot be reasonably limited to particular places,

Bruen explains that the “‘textual elements’ of the Second Amendment’s operative clause— ‘the right of the people to keep and bear Arms, shall not be infringed’— ‘guarantee the individual right to possess and carry weapons in case of confrontation.’” 142 S.Ct. at 2134, quoting

*District of Columbia v. Heller*, 554 U.S. 570, 592 (2008). The right to bear arms thus “naturally encompasses public carry” because confrontation “can surely take place outside the home.” *Id.* The text of the Second Amendment is thus informed by the right of self-defense. Not even the Sponsors of this bill dispute that Bruen recognizes that the right of self-defense extends outside the home. See also *United States v. Rahimi*, No 21-11001, slip op. at 12 (5th Cir. Feb. 2, 2023) (“Rahimi’s possession of a pistol and a rifle easily falls within the purview of the Second Amendment. The amendment grants him the right “to keep” firearms, and “possession” is included within the meaning of “keep.”), quoting Bruen, 142 S.Ct. 2134–35.

(While the decision in *Hirschfeld* was vacated as moot when the plaintiffs no longer fell within the 18-20-year-old range, such decisions are still entitled to persuasive effect. See, e.g., *Russman v. Board of Educ. of Enlarged City School Dist. of City of Watervliet*, 260 F.3d 114, 121 n.2 (2d Cir. 2001); *Rosenbloom v. Pyott*, 765 F.3d 1137, 1154 n.14 (9th Cir. 2014) (“decisions vacated for reasons unrelated to the merits may be considered for the persuasive of their reasoning”).

Case 8:21-cv-01736-

The Sponsors sentiments were also recently rejected in *Siegel v. Platkin*, 2023 WL 1103676 (D.N.J. Jan. 30, 2023) (submitted as supplemental authority on January 30, 2023). In that case, the court enjoined New Jersey bans on the carrying of firearms in parks, beaches, recreational facilities, public libraries, museums, bars, restaurants, where alcohol is served, entertainment facilities, in vehicles and on private property without the prior permission of the owner. In each instance, the court found that “the Second Amendment’s plain text covers the conduct in question (carrying a concealed handgun for self-defense in public).” Slip op. at 23, 29, 30, 31, 32, 46 (emphasis added). In so holding the court relied on the very “textual elements” identified in Bruen, viz., the right to be armed “‘in a case of conflict with another person,’” noting that “this definition naturally encompasses one’s right to public carry on another’s property, unless the owner says otherwise.” *Id.* at 38. The same analysis applies, a fortiori, to the possession and carry on public property, such as on a public sidewalk or in other public places where confrontation can take place.

The text thus encompasses a broad right to possess and carry outside the home anywhere in public, subject to restrictions that may be imposed by the government for the five, very specific sensitive places identified by Bruen. See Bruen, 142 S.Ct. at 2133-34. Under the Court’s approach, the government may ban firearms in other places only if it can show an appropriate,

well-established and representative historical analogue for that restriction. *Id.* at 2134. Under this bill’s approach, the text would not permit carry in any public place unless the plaintiff could show that there was support for carry in that specific place. The Sponsors’ approach thus contravenes the Court’s holding that it is the government’s burden to justify additional sensitive places, not the plaintiffs. See *Bruen*, 142 S.Ct. at 2150 (“Of course, we are not obliged to sift the historical materials for evidence to sustain New York’s statute. That is respondents’ burden.”).

Here, Senate Bill 1 bans all firearms at and within 100 feet of places that the State has defined to be places of “public accommodation.” and thus negates the very “general right” upheld in *Bruen*. SB 1 was plainly intended to encompass all places outside the home. It is the State’s burden to justify these restrictions, and the Sponsors have offered no such justification.

*Bruen* relies on two very recent decisions, *Ramos v. Louisiana*, 140 S.Ct. 1390 (2020), and *Timbs v. Indiana*, 139 S.Ct. 682 (2019), in holding that the Bill of Rights is the same for both the federal government and the States. *Ramos* held that the Sixth Amendment right to a unanimous jury verdict was incorporated against the States and overruled prior precedent that had allowed the States to adopt a different rule under a “dual track” approach to incorporation. In so holding, the Court relied on 1791 as the relevant historical benchmark. *Ramos*, 140 S.Ct. at 1396. Similarly, in *Timbs*, the Court held that the Excessive Fines provision of the Eighth Amendment was incorporated as against the States. *Timbs*, 139 S.Ct. at 686-87.

In so holding, the Court once again looked to the scope of the right as it existed in 1791. *Id.* at 688. The *Timbs* Court found that this scope was simply confirmed by “an even broader consensus” in 1868. *Id.* *Ramos* and *Timbs* make clear that 1791 is the controlling inquiry and that later understandings may be viewed as confirmation, not changing the right itself. In all cases, the text is controlling over history. *Bruen*, 142 S.Ct. at 2137 (“the extent later history contradicts what the text says, the text controls”) (citation omitted). The text of the Second Amendment thus controls over history and that text did not change in 1868.

*Hirschfeld* and *Moore* are not alone in looking to 1791. See *NRA v. BATFE*, 714 F.3d 334, 339 n.5 (5th Cir. 2013) (Jones, E., J. dissenting from the denial of rehearing en banc and joined by six other circuit judges) (quoting *Moore*’s holding that 1791 is the “critical year” and further noting that “*Heller* makes plain that 19th-century sources may be relevant to the extent they illuminate the Second Amendment’s original meaning, but they cannot be used to construe the Second Amendment in a way that is inconsistent with that meaning”); *United States v. Rowson*, 2023 WL 431037 at \*22 (S.D.N.Y. Jan. 26, 2023) (“Viewing these laws in combination, the above historical laws bespeak a ‘public understanding of the [Second Amendment] right’ in the period leading up to 1791 as permitting the denial of access to firearms to categories of persons based on their perceived dangerousness.”); *United States v. Connelly*, 2022 WL 17829158 at \*2

\*n.5 (W.D. Tex. Dec. 21, 2022) (rejecting the government’s reliance on “several historical analogues from ‘the era following ratification of the Fourteenth Amendment in 1868’”); *United States v. Stambaugh*, --- F.Supp.3d ---, 2022 WL 16936043 at \*2 (W.D. Okl Nov. 14, 2022) (“And since ‘[c]onstitutional rights are enshrined with the scope they were understood to have when the people adopted them,’ the government must identify a historical analogue in existence near the time the Second Amendment was adopted in 1791.”) (citation omitted); *United States v. Price* --- F.Supp.3d ----, 2022 WL 6968457 at \*1 (S.D.

W.Va, Oct. 12, 2022) (“Because the Second Amendment was adopted in 1791, only those regulations that would have been considered constitutional then can be constitutional now”).

In so holding, Hirschfeld quotes and relies on *Moore v. Madigan*, 702 F.3d 933, 935 (7th Cir. 2012), where the Seventh Circuit looked to 1791 as the “critical” period in

invalidating a State law (Illinois) that had restricted the right to the home. That decision in *Moore*

came after the Seventh Circuit’s decision in *Ezell v. City of Chicago*, 651 F.3d 684 (7th Cir. 2011). Hirschfeld and *Moore* are not alone in looking to 1791. See *NRA v. BATFE*, 714 F.3d 334, 339 n.5 (5th Cir. 2013) (Jones, E., J. dissenting from the denial of rehearing en banc and joined by six other circuit judges) (quoting *Moore*’s holding that 1791 is the “critical year” and further noting that “*Heller* makes plain that 19th-century sources may be relevant to the extent they illuminate the Second Amendment’s original meaning, but they cannot be used to construe the Second Amendment in a way that is inconsistent with that meaning”); *United States v. Rowson*, 2023 WL 431037 at \*22 (S.D.N.Y. Jan. 26, 2023) (“Viewing these laws in combination, the above historical laws bespeak a ‘public understanding of the [Second Amendment] right’ in the period leading up to 1791 as permitting the denial of access to firearms to categories of persons based on their perceived dangerousness.”); *United States v. Connelly*, 2022 WL 17829158 at \*2 \*n.5 (W.D. Tex. Dec. 21, 2022) (rejecting the government’s reliance on “several historical analogues from ‘the era following ratification of the Fourteenth Amendment in 1868’”); *United States v. Stambaugh*, --- F.Supp.3d ---, 2022 WL 16936043 at \*2 (W.D. Okl Nov. 14, 2022) (“And since ‘[c]onstitutional rights are enshrined with the scope they were understood to have when the people adopted them,’ the government must identify a historical analogue in existence near the time the Second Amendment was adopted in 1791.”) (citation omitted); *United States v. Price* --- F.Supp.3d ----, 2022 WL 6968457 at \*1 (S.D. W.Va, Oct. 12, 2022) (“Because the Second Amendment was adopted in 1791, only those regulations that would have been considered constitutional then can be constitutional now.”).

**I urge an unfavorable report for these reasons.**

## **2021 National Firearms Survey**

**William English, PhD**

**Georgetown University**

**Draft Report: July 13, 2021**

### **Abstract**

**This report summarizes the findings of a national survey of firearms ownership and use conducted between February 17th and March 23rd, 2021 by the professional survey firm Centiment. This survey, which is part of a larger book project, aims to provide the most comprehensive assessment of firearms ownership and use patterns in America to date. This online survey was administered to a representative sample of approximately fifty-four thousand U.S. residents aged 18 and over, and it identified 16,708 gun owners who were, in turn, asked in-depth questions about their ownership and their use of firearms, including defensive uses of firearms.**

**Consistent with other recent survey research, the survey finds an overall rate of adult firearm ownership of 31.9%, suggesting that in excess of 81.4 million Americans aged 18 and over own firearms. The survey further finds that approximately a third of gun owners (31.1%) have used a firearm to defend themselves or their property, often on more than one occasion, and it estimates that guns are used defensively by firearms owners in approximately 1.67 million incidents per year. Handguns are the most common firearm employed for self-defense (used in 65.9% of defensive incidents), and in most defensive incidents (81.9%) no shot was fired. Approximately a quarter**

**(25.2%) of defensive incidents occurred within the gun owner's home, and approximately half (53.9%) occurred outside their home, but on their property. About one**

out of ten (9.1%) defensive gun uses occurred in public, and about one out of twenty (4.8%) occurred at work.

A majority of gun owners (56.2%) indicate that they carry a handgun for self-defense in at least some circumstances, and about 35% of gun owners report carrying

a handgun with some frequency. We estimate that approximately 20.7 million gun owners (26.3%) carry a handgun in public under a “concealed carry” regime; and 34.9% of gun owners report that there have been instances in which they had wanted to carry a handgun for self-defense, but local rules did not allow them to carry.

The average gun owner owns 5 firearms, and handguns are the most common type of firearm owned. 48.0% of gun owners have owned magazines that hold over 10 rounds,

and 30.2% of gun owners – totaling about 24.6 million individuals – have owned an AR-15 or similarly styled rifle. Demographically, gun owners are diverse. 42.2% are female and 57.8% are male. Approximately 25.4% of Blacks own firearms, 28.3% of Hispanics own firearms, 19.4% of Asians own firearms, and 34.3% of Whites own firearms.

## 1 Introduction

This report summarizes the main findings of a national survey of firearms ownership and use conducted between February 17th and March 23rd, 2021 by the professional survey firm

Centiment. This survey, which is part of a larger book project, aims to provide the most comprehensive assessment of firearms ownership and use patterns in America to date.

Before this survey, the most authoritative resource for estimating details of gun ownership in the U.S. has been the “Comprehensive National Survey on Firearms Ownership and Use”

conducted by Cook and Ludwig in 1994 (Cook and Ludwig, 1996), and the most authoritative

resource for estimating defensive gun use in the U.S. has been the “National Self-Defense



Survey” conducted by Kleck and Gertz in 1993 (Kleck and Gertz, 1995, 1998). While valuable

resources, they are both now a quarter century old, and no surveys of similar scope and depth

have documented firearms ownership and use in more recent years.

Hepburn et al. (2007) conducted a more limited survey to ascertain the “gun stock” in 2004, a version of which was repeated in 2015 (Azrael et al., 2017). However, as they explain

in introducing their latter survey, data sources on firearms ownership and use remain scarce:

Although the National Opinion Research Center’s General Social Survey and other surveys have asked respondents whether they personally own a firearm or live in a home with firearms, few have asked about the number of guns respondents own, let alone more detailed information about these firearms and the people who own them, such as reasons for firearm ownership, where firearms were acquired, how much firearms cost, whether they are carried in public, and how they are stored at home (Smith and Son 2015; Gallup 2016; Morin 2014). Because of this, the best and most widely cited estimates of the number of firearms in civilian hands are derived from two national surveys dedicated to producing detailed, disaggregated, estimates of the U.S. gun stock, one conducted in 1994, the other in 2004 (Cook and Ludwig 1997, 1996; Hepburn et al. 2007).

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Richer survey data on firearms ownership and use has been collected by industry association such as the National Shooting Sports Foundation (NSSF).<sup>1</sup> However, these surveys generally aim at assessing industry trends and market segmentation and are not necessarily designed to be nationally representative. In 2017, the Pew Research Center conducted one of

the most recent and detailed surveys of the demographics of gun ownership (Brown, 2017).<sup>2</sup>

Although it did not ask detailed questions concerning defensive use of firearms and the types

of firearms owned, this recent Pew survey serves as a helpful benchmark for corroborating the general ownership estimates of the present survey.

Advances in survey research technologies make it possible to reach large, representative respondent populations today at a much lower cost than a quarter century ago. One of the limitations of the Cook and Ludwig survey, which sought to be nationally representative, was that the survey sample was relatively small, with about 2,500 respondents of whom only about 600, or (24.6%), owned a firearm when the survey was administered. As the investigators noted in their report, some sub-questions were not sufficiently well powered to

make confident inferences, particularly concerning the defensive use of firearms. Similarly, Kleck and Gertz's survey was limited to 4,977 respondents, and the more recent surveys by Pew, Hepburn, and Azrael are all based on less than 4,000 respondents.

Today, professional survey firms like Centiment<sup>3</sup> cultivate large pools of survey respondents, enabling representative sampling, and have techniques that encourage high response and completion rates while also ensuring the integrity of responses.<sup>4</sup> The online survey summarized here was presented to a nationally representative sample (excluding residents of

Vermont who had already responded to a pilot version of this survey) of 54,244 individuals aged 18 or over who completed an initial questionnaire that included an indirect question indicating whether they owned a firearm (respondents were presented with a list of items commonly owned for outdoor recreational purposes, including firearms, and were asked to

<sup>1</sup>See <https://www.nssf.org/research/>

<sup>2</sup>See Pew Research Center, June 2017, "America's Complex Relationship With Guns" <https://www.pewresearch.org/social-trends/wp-content/uploads/sites/3/2017/06/Guns-Report->

FOR-WEBSITE-PDF-6-21.pdf

<sup>3</sup>See <https://www.centiment.co/>

<sup>4</sup>See <https://help.centiment.co/how-we-safeguard-your-data>

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select all items that they own).

This question identified 16,708 individuals as gun owners, who were then transferred to the main survey, which then asked detailed questions about their ownership and use of firearms. Given the length and detail of the survey, there was a slight amount of attrition, as 7.5%, or 1,258 individuals, did not make it through all questions to the end of the survey. However, 92.5% of the responding firearms owners (15,450) did proceed through all of the survey questions.

This survey thus contains what we believe is the largest sample of firearms owners ever queried about their firearms ownership and firearms use in a scientific survey in the United States. This survey was approved by Georgetown University's Institutional Review Board.

Of note, this survey was conducted just after a period of widespread social unrest across the

U.S. and a contentious presidential election, which background check data suggests led to record gun sales (approximately 39.7 million in 2020, up 40% from the prior year).<sup>5</sup> It is thus a comprehensive and timely assessment of the state of firearms ownership and use in the United States. Finally, the extraordinarily large size of this sample enables us to make well-powered, statistically informative inferences within individual states, which considerably

extends the value of this data.

The initial sample of respondents achieved excellent demographic representation across all 49 states and DC, excluding Vermont (see Appendix A and B). For the purpose of estimat-

ing firearms ownership rates for the general U.S. population we employed raked weighting on gender, income, age, race, and state of residence. Note that there was a brief period in the first two days after the soft launch of the survey that comprehensive demographic data was not collected from those respondents who did not indicate firearms ownership, and

thus did not proceed to the main survey (approximately 300 respondents). Although the

survey company, Centiment, maintained demographic data on these panel respondents, it was determined that this data was not as comprehensive as the data collected by the survey, at which point the demographic questions were moved to the front of the survey, and

5See McIntyre, Douglas A. “Guns in America: Nearly 40 million guns were purchased legally in 2020 and

another 4.1 million bought in January”

[https://www.usatoday.com/story/money/2021/02/10/this-is-](https://www.usatoday.com/story/money/2021/02/10/this-is-how-many-guns-were-sold-in-all-50-states/43371461/)

[how-many-guns-were-sold-in-all-50-states/43371461/](https://www.usatoday.com/story/money/2021/02/10/this-is-how-many-guns-were-sold-in-all-50-states/43371461/)

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asked of all respondents, including those who did not indicate firearms ownership. For the purpose of calculating statistics on national firearms ownership rates, we exclude the entire sample of both firearms owners and non-firearms owners from these first two days (410

respondents), leaving us with 53,834 respondents after this date for whom we have comprehensive demographic data. Firearms-owning respondents from the first two days are included

in subsequent analysis of firearms owners, and we do possess comprehensive demographic information for these individuals.

Appendix B contains tables reporting the demographic sampling rates and the Census demographics used for raked weighting of the national survey. Note that the overall effect of

weights is minimal given the high representativeness of the initial sample. For the purposes of analyzing responses within the sub-sample of firearms owners, we do not employ weighting

schemes, in part because the “true” demographics of gun ownership are not knowable from an

authoritative source analogous to the U.S. Census Bureau. However, as a robustness exercise,

using weights based on estimates derived from the larger survey response rates yields results

that are substantially identical for the analysis of responses from firearms owners.

One of the challenges in asking questions about firearms is eliciting truthful responses from firearms owners who may be hesitant to reveal information about practices that are associated with public controversy. The “tendency to respond to questions in a socially acceptable direction” when answering surveys is often referred to as “social desirability bias”

(Spector, 2004), and there is evidence that it can influence survey responses to questions regarding firearms. For example, when Rafferty et al. (1995) conducted a telephone survey of Michigan residents who had purchased a hunting license or registered a handgun, only 87.3 percent of the handgun registrants and 89.7 percent of hunting license holders reported

having a gun in their household. Similarly, Ludwig et al. (1998) have documented a large gender gap in reporting of firearms ownership, finding that “in telephone surveys, the rate of household gun ownership reported by husbands exceeded wives’ reports by an average of 12 percentage points.” Asking questions via an anonymous survey instrument on the internet is likely to cause less concern or worry than traditional phone-based questionnaires

with a live person on the other end or during face-to-face interviews, which is how the General Social Survey – one of the most prominent national surveys that regularly asks

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about firearm ownership – is conducted.<sup>6</sup> Even when presented in the more impersonal setting of a computer interface, however, a survey must be worded thoughtfully so as to assure anonymity, and not give respondents reason to worry about answering truthfully.

This survey employs five common devices to encourage more truthful responses. First, it uses an indirect “teaser” question to pre-screen respondents in order to select those who own firearms. The initial question prompt presents the survey as concerned with “recreational opportunities and related public policies” and asks respondents if they own any of the following items, presented in a random order: Bicycle, Canoe or Kayak, Firearm, Rock

Climbing Equipment, None of the Above. Only those who select “Firearm” are then presented the full survey. We also ask demographic questions at the outset, which allows us to assess the representativeness of the sample, including those who do not indicate firearms ownership. Second, the survey was carefully phrased so as to not suggest animus towards gun owners or ignorance of firearms-related terminology. Third, the survey assures respondents of anonymity. Fourth, in order to ensure that respondents are reading the survey questions carefully, and then responding with considered answers thereto, a “disqualifying” question (sometimes referred to as a “screening” question) was embedded a little over half of the way through the survey instructing respondents to select a particular answer for that question, which only those who read the question in its entirety would understand. Anyone registering an incorrect answer to this question was disqualified from the survey and their responses to any of the survey questions were neither considered nor tallied.

Finally, while responses were required for basic demographic questions, if questions of a sensitive nature were left blank, the software would first call attention to the blank response and prompt the respondent to enter a response. However, if a respondent persisted in not responding and again tried to progress, rather than kick them out of the survey, they would be allowed to progress to the next section in the interest of obtaining the maximum amount of information that they were willing to share. Respondents were not made aware of this possibility in advance, and in practice such “opting out” of a particular question was seldom done (less than 1% of responses for the average question). This is the reason that small

6For a description of the methods of the General Social Survey see:

<https://www.nsf.gov/pubs/2007/>

[nsf0748/nsf0748\\_3.pdf](https://www.nsf.gov/pubs/2007/nsf0748/nsf0748_3.pdf)

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Electronic copy available at: <https://ssrn.com/abstract=3887145>

variations are sometimes observed in the total number of respondents for certain questions. A pilot version of this survey was first fielded in Vermont as part of a research project aimed at documenting firearms ownership and firearms use rates in that specific state. The Vermont survey served as a proof of concept for the national version, demonstrating that this survey is a viable instrument for eliciting responses from firearms owners with both high response rates and low disqualification rates. The results of the Vermont survey are presented separately in Appendix A of this report and closely mirror national results. This report focuses on providing descriptive statistics of answers to the major questions asked in the survey. Future research will examine responses, and relationships between them,

in more detail. The report proceeds as follows: the next (second) section summarizes national

firearms ownership estimates and demographics; the third section examines defensive uses of

firearms; the fourth section examines question regarding carrying for self-defense; the fifth section summarizes ownership statistics, and the sixth section concludes.

## **2 Gun Ownership Demographics**

- About a third of adults in the U.S. report owning a firearm, totaling about 81.4 million adult gun owners.
- 57.8% of gun owners are male, 42.2% are female.
- 25.4% of Blacks own firearms.
- 28.3% of Hispanics own firearms.
- 19.4% of Asians own firearms.
- 34.3% of Whites own firearms.

With raked weighting employed for gender, state, income, race, and age we find that 32.5% of US adults age 21 and over own a firearm. Expanding the sample population to include those age 18-20, who are restricted in some states from purchasing firearms, 31.9% of US adults age 18 and over own firearms. This is slightly above, but consistent with, the

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most recent in-depth survey of firearms ownership conducted by Pew in 2017, which reports

that 30% of adults in America own a firearm (Brown, 2017).

As a benchmark to assess the accuracy of the teaser question used to ascertain firearm ownership, we can also compare ownership rates of other items reported by respondents for

this question. We find 52% of respondents indicating owning a bicycle, which closely matches

Pew's finding that 53% of Americans own a bicycle, according to a poll conducted in 2014.<sup>7</sup>

The distribution of gun owners surveyed by state is illustrated in Figure 1, and ranges from 1,287 in California and 1,264 in Texas to 26 in Washington, DC and 24 in North Dakota.

#### Figure 1: Distribution of Firearms Owners Surveyed

Regarding the demographics of gun ownership, we find that 57.8% of gun owners are male and 42.2% are female, the average age of gun owners is 46-50 years old, and the average annual household income is \$80,000-\$90,000. Approximately 18% of gun owners do

not identify as White (alone). Overall, approximately 10.6% of gun owners identify as Black,

3.6% identify as Asian, 1.6% identify as American Indian, .2% identify as Pacific Islander, 82.0% identify as White, and 2.0% identify as Other. When analyzed within racial groups, we find that 25.4% of Blacks own firearms, 28.3% of Hispanics own firearms, 19.4% of Asians

own firearms, and 34.3% of Whites own firearms.

According to the latest (2019) census estimates, there are approximately 255,200,373 individuals age 18 and over in the U.S., which implies that there are about 81.4 million

<sup>7</sup>See <https://www.pewresearch.org/fact-tank/2015/04/16/car-bike-or-motorcycle-depends-on-where-you-live/>



Given that 31.1% of firearms owners have used a firearm in self-defense, this implies that approximately 25.3 million adult Americans have defended themselves with a firearm. Answers to the frequency question suggest that these gun owners have ever been involved  
8Census date is available at <https://www2.census.gov/programs-surveys/popest/tables/2010-2019/national/asrh/nc-est2019-syasexn.xlsx>

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**Figure 2: Defensive Gun Use: 31.1% of firearms owners have defended themselves of their property with a gun, and a majority have done so more than once.**

in approximately 50 million defensive incidents. Assuming that defensive uses of firearms are distributed roughly equally across years, this suggests at least 1.67 million defensive uses

of firearms per year in which firearms owners have defended themselves or their property through the discharge, display, or mention of a firearm (excluding military service, police work, or work as a security guard).<sup>9</sup>

<sup>9</sup>This is calculated by taking the total number of defensive incidents represented by the survey responses

(50 million) and dividing by the number of adult years of the average respondent, which is 30. According

to U.S. Census data, the average age of U.S. adults (i.e. the average age of those in the set of everyone 18

years or older) is 48, which also matches our survey data. Thus, the average respondent of the survey has 30

years of adult experience (48 years - 18 years = 30 adult years), over which the defensive incidents captured

in this survey are reported.

Note that this estimate is inherently conservative for two reasons. First, it assumes that gun owners

possessed firearms, or had access to firearms, from the age of 18. In so far as firearms were only first ac-

quired/accessed by some respondents in later years, this would reduce the number of adult firearms owning

years represented by the survey responses and result in a higher estimate of the number of defensive inci-

dents per year. Second, this figure only captures defensive gun uses by those currently indicating firearms

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Gun owner respondents were asked to answer detailed questions regarding each defensive incident that they reported. As Figure 3 shows, in the vast majority of defensive gun uses (81.9%), the gun was not fired. Rather, displaying a firearm or threatening to use a firearm (through, for example, a verbal threat) was sufficient. This suggests that firearms have a powerful deterrent effect on crime, which, in most cases, does not depend on a gun actually being fired or an aggressor being injured.

**Figure 3: How Guns are Employed in Self-defense: In most defensive incidents no shots are fired.**

Figure 4 shows where defensive gun uses occurred. Approximately a quarter (25.2%) of defensive incidents took place within the gun owner's home, and approximately half (53.9%)

occurred outside their home but on their property. About one out of ten (9.1%) of defensive

ownership. According to Kleck and Gertz (1995), only 59.5% of respondents who reported a defensive gun

use personally owned a gun (p.187). This would suggest that the true number of defensive gun uses, if those

who do not personally own firearms are included in the estimate, could be substantially higher - perhaps as

high as 2.8 million per year.

Finally, note that our overall approach assumes that children are not employing firearms for self-defense

with any meaningful frequency. However, for the purpose of sensitivity analysis, if we lower the age used

for calculating defensive incident frequency to assume that children as young as 12 years old are commonly

possessing and using firearms for self-defense (and no non-firearms owning adults used firearms for self-

defense), this would still imply 1.39 million defensive uses of firearms per year (48 years - 12 years = 36 years

over which 50 million defensive incidents took place).

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gun uses occurred in public, and about one out of twenty (4.8%) occurred at work.

**Figure 4: The Location of Defensive Incidents: Most take place outside the home.**

For each incident, respondents were asked to indicate what sort of firearm was used.

Figure 5 show the distribution of types of firearms employed in defensive incidents. Handguns

were the most commonly used firearm for self-defense, used in nearly two-thirds (65.9%) of defensive incidents, followed by shotguns (21.0%) and rifles (13.1%).

**Figure 5: Type of Gun Used for Defense: Handguns are the most common type of firearm used in defensive encounters, followed by shotguns and rifles.**

Respondents were also asked to indicate how many assailants were involved in each defensive incident. As Figure 6 illustrates, about half of defensive encounters (51.2%) involved

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more than one assailant. Presumably, part of the value of using a firearm in self-defense is that it serves as a force multiplier against more powerful or more numerous assailants.

Survey responses confirm that encountering multiple assailants is not an infrequent occurrence in defensive incidents. 30.8% of defensive incidents involved two assailants, and 20.4%

involved three or more, while slightly less than half (48.8%) involved a single assailant.

**Figure 6: Distribution of the Number of Assailants Involved in a Defensive Incident: Multiple assailants are common.**

Finally, after respondents answered these detailed questions about each defensive incident, which all flowed from their initial affirmative answer to the question, “Have you ever

defended yourself or your property with a firearm, even if it was not fired or displayed?”, all gun owners were asked, “Separate from any incident in which you directly used a gun to defend yourself, has the presence of a gun ever deterred any criminal conduct against you, your family, or your property?” Respondents answering in the affirmative could indicate how many times such deterrence occurred, from once to five or more occasions. As Figure 7 illustrates, separate from the self-defense incidents summarized earlier, 31.8% of gun owners reported that the mere presence of a gun has deterred criminal conduct, and 40.2% of these individuals indicated that this has happened on more than one occasion. Extrapolated to the population at large, this suggests that approximately 25.9 million gun owners have been involved in an incident in which the presence of a firearm deterred crime on some 44.9 million occasions. This translates to a rate of approximately 1.5 million incidents per year for which the presence of a firearm deterred crime.

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**Figure 7: Frequency with which Firearms Deter Crime: 31.8% of firearms owners report that**

**the presence of a firearm has deterred criminal conduct against them, often on more than one occasion.**

#### **4 Carry Outside of the Home**

- A majority of gun owners (56.2%) indicate that there are some circumstances for which they carry a handgun for self-defense.
- Approximately 26.3% of gun owners, or 20.7 million individuals, carry handguns for

defensive purposes under a “concealed carry” regime.

- About a third of gun owners (34.9%) have wanted to carry a handgun for self-defense in a particular situation but local rules prohibited them from doing so.

As Figure 8 illustrates, a majority of gun owners (56.2%), or about 45.8 million, indicate that there are some circumstances in which they carry a handgun for self-defense (which can

include situations in which no permit is required to carry, such as on their own property);

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and about 35% of gun owners report carrying a handgun with some frequency (indicating that they carry “Sometimes,” “Often,” or “Always or almost always.”). Moreover, as Figure

9 summarizes, 34.9% of gun owners report that there have been instances in which they wanted to carry a handgun for self-defense, but local rules did not allow them to carry.

**Figure 8: Frequency of Defensive Carry: Carrying a handgun for self-defense is common.**

**Figure 9: Prohibition of Carry: About a third of gun owners have wanted to carry a handgun**

**for self-defense in a particular situation but local rules prohibited them from doing so.**

Assessing the number of people who carry a concealed handgun in public is complicated due, in part, to the proliferation of so-called “constitutional carry” or “permitless carry”

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states in recent years. These states - about 18 at the time this survey was conducted - generally allow adults in good legal standing (often restricted to those age 21 and older) to carry a concealed weapon without a permit. Most of these states previously had a permitting

process for concealed carry and required permits to be renewed at regular intervals in order

to remain valid. Under constitutional carry, law abiding adults in these states are permitted to carry concealed without an official “permit.” However, most of these states continue to issue permits to residents who desire them because such permits can be useful for reciprocal

carry benefits in other states. For example, a person acquiring a Utah carry permit would be entitled to carry a handgun in a number of other states such as neighboring Colorado and

Nevada.<sup>10</sup> Thus, while basically all gun owners age 21 and over are “permitted” to carry a handgun for self-defense in constitutional carry states, many individuals may also possess a “permit,” even though it is redundant for in-state carry.

Unsurprisingly, when asked “Do you have a concealed carry permit?” gun owning residents of many constitutional carry states respond in the affirmative at high rates. Also

complicating this question about concealed carry permits is the fact that many states refer to such permits by different names, the fact that the right to carry a handgun can be

conferred in certain circumstances by hunting or fishing licenses in some states,<sup>11</sup> and the

existence of other related permits, some of which do not license concealed carry (e.g. standard pistol permits in North Carolina or New York, eligibility certificates in Connecticut)

and some of which do (most License To Carry permits required for handgun ownership in Massachusetts, state pistol permits in Connecticut, and LEOSA permits available to current

and retired law enforcement officers nationwide). Finally, it is also possible for individuals to obtain concealed carry permits in states other than the one in which they reside.

In order to provide a robust but conservative estimate of those who actually carry in public, we code as “public carriers” those individuals who indicated both that they have a

10See <https://bci.utah.gov/concealed-firearm/reciprocity-with-other-states/>

11For example, a number of states such as California, Georgia, and Oregon allow those with a hunting or

fishing license to carry concealed while engaged in hunting or fishing or while going to or returning from an ex-

pedition. See: <https://oag.ca.gov/sites/all/files/agweb/pdfs/firearms/pdf/cfl2016.pdf>, <https://law.justia.com/codes/georgia/2010/title-16/chapter-11/article-4/part-3/16-11-126/>,

<https://codes.findlaw.com/or/title-16-crimes-and-punishments/or-rev-st-sect-166-260.html>

<https://codes.findlaw.com/or/title-16-crimes-and-punishments/or-rev-st-sect-166-260.html>

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concealed carry permit and that they carry a handgun for self-defense at least “sometimes.”

We also restrict analysis and population estimates to those age 21 and over given that most states restrict those under 21 from carrying concealed in public.

Using this simple definition, we find that 26.3% of gun owners are “public carriers,” which translates to approximately 20.7 million individuals who carry handguns in public under a concealed carry regime. Note that this could include current and former law enforcement



**officers who may be represented in the survey. However, the number of active law enforcement**

**officers in the U.S. is well under a million (approximately 700,000 in 2019).<sup>12</sup>**

### **5 Types of Firearms Owned**

- 82.7% of gun owners report owning a handgun, 68.8% report owning a rifle, and 58.4% report owning a shotgun.**
- 21.9% of gun owners own only one firearm.**
- The average gun owner owns 5 firearms.**
- 30.2% of gun owners, about 24.6 million people, have owned an AR-15 or similarly styled rifle.**
- 48.0% of gun owners have owned magazines that hold over 10 rounds.**

### **6 Conclusion**

**This report summarizes the main findings of the most comprehensive survey of firearms ownership and use conducted in the United States to date. While many of its estimates corroborate prior survey research in this area, it also provides unique insights that are relevant**

**to timely public policy debates - particularly regarding the defensive use of firearms. Moreover, it does so in the wake of a period of social unrest, which has led to rising crime rates**

**and record gun sales. This report has focused on presenting top-line results and summary**

**12See <https://ucr.fbi.gov/crime-in-the-u.s/2019/crime-in-the-u.s.-2019/tables/table-74>**

statistics, but the breadth and detail of this survey equip it to be a valuable resource for further research. This data will be analyzed in greater depth within a larger book-length project and ultimately made available for public use.

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### **Appendix A: Vermont Pilot Survey**

**An initial version of this survey was fielded in Vermont. We report below the top line results**

**from the Vermont survey, which closely mirror the results of the national survey.**

**In sum, 572 Vermont residents were surveyed, of which 163 indicated owning firearms.**

**The survey sample represented the demographics of Vermont well on all dimensions except gender, as women were overrepresented and comprised 65.2% of respondents. Thus, weights**

**were employed for gender.**

**With weighting employed, we find that 30% of Vermont residents own a firearm. Given that the adult population of Vermont is approximately 486,000, this suggest that there are over 145,600 firearms owners in Vermont. 42.1% of Vermont firearms owners are estimated**

**to be female and 57.9% male.**

**As Figure 10 illustrates, almost a third of gun owners (29.3%) reported having used a firearm to defend themselves or their property (not counting incidents that were due to military service, police work, or work as a security guard). In nearly half of these defensive gun uses (45.9%), respondents reported facing multiple assailants. 85.8% of all incidents were resolved without the firearm owner having to fire a shot (e.g. by simply showing a firearm or verbally threatening to use it).**

**Figure 10: Proportion of gun owners in Vermont who have use a firearm in self-defense and number of assailants involved.**

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**Appendix B: Sampling Proportions With and Without  
Weights for National Survey**

**Gender**

**Initial Sample  
Proportions**

**Census Based  
Weighted Proportions**

**Male 49.32% 49.23%**  
**Female 50.68% 50.77%**

**Age Range**

**Initial Sample  
Proportions**

**Census Based  
Weighted Proportions**

**18-20 7.89% 5.04%**  
**21-25 8.11% 8.58%**  
**26-30 7.30% 9.24%**

**31-35 11.67% 8.67%**  
**36-40 12.66% 8.44%**  
**41-45 8.49% 7.70%**  
**46-50 6.46% 8.09%**  
**51-55 6.37% 8.13%**  
**56-60 7.39% 8.52%**  
**61-65 7.67% 7.87%**  
**66-70 8.03% 6.59%**  
**71-75 5.07% 5.13%**  
**76-80 1.94% 3.50%**  
**Over 80 0.93% 4.49%**

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**Annual Household**

**Income**

**Initial Sample**

**Proportions**

**Census Based**

**Weighted Proportions**

**Less than \$10,000 8.87% 3.40%**

**\$10,000-20,000 8.95% 4.89%**

**\$20,000-30,000 9.69% 6.26%**

<b>\$30,000-40,000</b>	<b>8.78%</b>	<b>7.06%</b>
<b>\$40,000-50,000</b>	<b>7.44%</b>	<b>7.21%</b>
<b>\$50,000-60,000</b>	<b>7.72%</b>	<b>6.96%</b>
<b>\$60,000-70,000</b>	<b>6.00%</b>	<b>6.96%</b>
<b>\$70,000-80,000</b>	<b>6.37%</b>	<b>6.37%</b>
<b>\$80,000-90,000</b>	<b>4.51%</b>	<b>5.76%</b>
<b>\$90,000-100,000</b>	<b>5.89%</b>	<b>5.76%</b>
<b>\$100,000-150,000</b>	<b>17.67%</b>	<b>19.11%</b>
<b>Over \$150,000</b>	<b>8.12%</b>	<b>20.23%</b>

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State of Residence

Initial Sample

Proportions

Census Based

Weighted Proportions

Alabama 1.83% 1.52%

Alaska 0.39% 0.22%

Arizona 2.10% 2.16%

Arkansas 1.10% 0.91%

California 9.75% 11.95%

Colorado 1.59% 1.75%

**Connecticut 1.23% 1.09%**  
**Delaware 0.56% 0.30%**  
**District of Columbia 0.27% 0.21%**  
**Florida 7.29% 6.51%**  
**Georgia 3.67% 3.24%**  
**Hawaii 0.36% 0.44%**  
**Idaho 0.44% 0.56%**  
**Illinois 4.14% 3.87%**  
**Indiana 2.13% 2.05%**  
**Iowa 0.91% 0.96%**  
**Kansas 0.92% 0.89%**  
**Kentucky 1.61% 1.36%**  
**Louisiana 1.23% 1.41%**  
**Maine 0.51% 0.41%**  
**Maryland 1.67% 1.87%**  
**Massachusetts 1.88% 2.13%**  
**Michigan 3.21% 3.05%**  
**Minnesota 1.36% 1.73%**  
**Mississippi 0.83% 0.90%**  
**Missouri 1.93% 1.86%**  
**Montana 0.25% 0.33%**  
**Nebraska 0.53% 0.59%**  
**Nevada 0.90% 0.94%**  
**New Hampshire 0.40% 0.42%**  
**New Jersey 2.97% 2.81%**  
**New Mexico 0.36% 0.64%**  
**New York 8.09% 6.11%**  
**North Carolina 3.18% 3.16%**

**North Dakota 0.13% 0.24%**  
**Ohio 4.13% 3.57%**  
**Oklahoma 1.32% 1.20%**  
**Oregon 1.05% 1.28%**  
**Pennsylvania 4.30% 3.93%**  
**Rhode Island 0.33% 0.33%**  
**South Carolina 1.68% 1.55%**  
**South Dakota 0.48% 0.27%**  
**Tennessee 2.18% 2.09%**  
**Texas 6.91% 8.81%**  
**Utah 0.56% 0.99%**  
**Virginia 2.43% 2.61%**  
**Washington 2.03% 2.33%**  
**West Virginia 0.71% 0.54%**  
**Wisconsin 1.83% 1.78%**  
**Wyoming 0.32% 0.17%**

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**Race**

**Initial Sample**

**Proportions**

**Census Based**

**Weighted Proportions**



**White 81.26% 76.30%**

**Black 9.85% 13.40%**

**Asian 3.98% 5.90%**

**Native American 2.19% 1.30%**

**Pacific Islander 0.49% 0.20%**

**Other 2.22% 2.90%**

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