

## Banning Large Capacity Magazines: A Solution to a Nonexistent Problem

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One of the gun control initiatives recommended to President Obama by Vice President Joe Biden's gun control task force calls on Congress to reinstate what many consider to be the most important component of the now expired federal ban on assault weapons—banning the further production and sale of magazines with capacities over ten rounds. Notably, the Vice President himself echoed this sentiment, stating in a Google Hangout last week that “I'm much less concerned, quite frankly, with what you'd call an 'assault weapon' than I am with magazines, and the number of rounds that can be held in a [high-capacity magazine].”

Whether a ban on large capacity magazines (LCM's) could lead to a significant reduction in ordinary gun homicides hinges on the following question: How many victims would not have been killed if the assailant was limited to a 10-shot magazine? While medical and police data on this matter are hard to come by, the few studies that have examined the issue of shots fired during criminal attacks reveals the following: 1) criminals, on average, fire less than 4 rounds in a typical gun attack (irrespective of whether someone is killed or wounded); 2) only 8 percent of victims actually wounded in gun attacks suffered five or more entrance wounds; 3) in attacks leading to the victims death, semiautomatics had been fired 2.7 times on average, as compared to 2.1 times for revolvers. In light of these findings, the idea that freezing the supply of LCM's (as existing LCM's would likely be grandfathered into the new ban) could produce a detectable drop in the rate of gun homicides seems unlikely at best – gun criminals rarely fire large numbers of rounds.

Nevertheless, supporters might still argue that banning LCM's could save lives by reducing the number of persons killed and wounded in mass public shootings. If there were nearby persons willing to tackle the shooter, limits on magazine capacity might limit how much death and injury a shooter could inflict with the initial magazine; the smaller the magazine, the fewer the victims shot before the killer was stopped by interveners. Even in these rare events, however, LCM's are irrelevant to the number of victims shot. For example, in the decade before the expired AW ban, in the entire U.S. there were 15 mass shooting incidents in which more than 6 victims were killed or more than 12 were killed or wounded. Of the 15 cases, in 14 of them either the shooter possessed multiple guns, which made it unnecessary for him to reload once one gun was empty, or the shooter in fact reloaded. Recent history also casts doubt on whether a ban on LCM's would alter the number of persons killed and wounded in mass public shootings. While one of the Columbine shooters used a 995 Hi-Point carbine rifle with a 10-round limit on magazine capacity (during the AW ban), he simply brought additional magazines to the attack—13 to be exact. The Virginia Tech shooter had 17 magazines for his handguns and most were of the 10-round variety. The Newtown shooter brought three guns to the school and fired at least two of them. Simply put, these killers do not need LCM's to fire many rounds without reloading – they simply bring plenty of magazines with them or drop one gun when its ammunition is exhausted and start firing another.

Further, there are virtually no mass killings in which there is a bystander or victim willing to tackle the killer even if he does need to reload. In the Tucson shooting of Rep. Gabrielle

Giffords, two bystanders did finally tackle the killer, but apparently only after he had successfully inserted a second magazine into his gun, its spring failed, and he started to flee. We are aware of only one mass shooting — on a Long Island commuter train in 1993 — that involved a killer who was stopped by bystanders when he attempted to reload. This was an atypical incident in that its peculiar location prevented victims from distancing themselves from the killer, forcing some to be close enough to tackle the shooter.

It is easy to rely on the convenient argument that banning LCM's could still be worthwhile "if just one life could be saved." But there are potential costs to restricting magazine capacity as well as possible benefits. Any restrictions that limit the number of rounds available for criminal purposes also limit the number rounds available to law-abiding persons for self-protection. Data from the National Crime Victimization Survey reveal that roughly 20 percent of all violent crime victims in a given year will be attacked by two or more offenders. One can easily imagine a scenario in which an armed victim facing multiple attackers is able to save their own life by having enough rounds to thwart multiple attackers. And there is strong empirical evidence showing that the use of guns for self-protection is both frequent and effective. Making LCM's unavailable for self-defense can therefore cost lives, and this cost must be taken into account when considering the possible benefit of limiting on magazine capacity that could save lives in only the rarest of crimes.