

---

Volume 69

Issue 5 *The 2019 Randolph W. Throver Symposium: Exploring Gun Violence in Modern America*

---

2020

## Gun Owners Support the Right Not to Bear Arms

Ian Ayres

Fredrick E. Vars

Follow this and additional works at: <https://scholarlycommons.law.emory.edu/elj>

---

### Recommended Citation

Ian Ayres & Fredrick E. Vars, *Gun Owners Support the Right Not to Bear Arms*, 69 Emory L. J. 1131 (2020).  
Available at: <https://scholarlycommons.law.emory.edu/elj/vol69/iss5/6>

This Article is brought to you for free and open access by the Journals at Emory Law Scholarly Commons. It has been accepted for inclusion in Emory Law Journal by an authorized editor of Emory Law Scholarly Commons. For more information, please contact [law-scholarly-commons@emory.edu](mailto:law-scholarly-commons@emory.edu).

# GUN OWNERS SUPPORT THE RIGHT NOT TO BEAR ARMS

*Ian Ayres\**  
*Fredrick E. Vars\*\**

## ABSTRACT

*Donna's Law would allow individuals who fear suicide to prevent their own impulsive gun purchases. Research shows that many people would sign up, and versions of Donna's Law have passed in Washington State and Virginia. This study is the first to assess public support for enacting Donna's Law. We find broad support overall, including majority support among Republicans and gun owners. There is room for consensus around this voluntary measure to reduce gun suicide.*

---

\* William K. Townsend Professor and Anne Urowsky Professorial Fellow in Law, Yale Law School.

\*\* Ira Drayton Pruitt, Sr. Professor of Law, University of Alabama School of Law.

INTRODUCTION .....	1133
BACKGROUND .....	1134
A. <i>Methods</i> .....	1136
B. <i>Results</i> .....	1137
C. <i>Gun Ownership</i> .....	1137
D. <i>Political Party Affiliation</i> .....	1138
E. <i>Region</i> .....	1140
F. <i>Gender</i> .....	1141
G. <i>Veterans</i> .....	1141
H. <i>Psychiatric Condition</i> .....	1142
I. <i>Age</i> .....	1142
J. <i>Willingness to Participate</i> .....	1142
DISCUSSION .....	1142
APPENDIX .....	1144

## INTRODUCTION

In 1982, Kennesaw, Georgia enacted an ordinance requiring the head of each household to maintain a firearm and ammunition.<sup>1</sup> A spokesman for the National Rifle Association (NRA) applauded the new ordinance, explaining that the organization “supports the freedom of choice” to bear arms.<sup>2</sup> “When asked if the Kennesaw ordinance also restricts freedom—the freedom to choose not to own a firearm—the spokesman said: ‘That’s a point, too.’”<sup>3</sup>

In 2018, Washington State went in the other direction, enacting a law allowing individuals to temporarily suspend their own ability to purchase a firearm.<sup>4</sup> This law expands, rather than contracts, Washingtonians’ freedom to choose not to bear arms.<sup>5</sup> They can choose now not to buy a gun later, which is a choice they did not previously have.<sup>6</sup> Washington is the first state to adopt voluntary firearm self-restriction,<sup>7</sup> which we have named Donna’s Law.

Donna Nathan bought her first handgun and used it the same day to kill herself.<sup>8</sup> She had long struggled with mental illness and had more than once voluntarily committed herself to psychiatric hospitalization.<sup>9</sup> If she had been involuntarily committed, she would have been prohibited from buying a firearm.<sup>10</sup> As it stood, there was no way for Donna to protect herself against impulsive gun purchase during a suicidal crisis. Donna’s Law would change that. This Essay is the first to gauge the popularity of Donna’s Law—whether the public supports states enacting this legislation.<sup>11</sup> One question is whether gun owners will view Donna’s Law as an unacceptable restriction on the right to bear arms or as a benign expansion of choice for others. We also examine the

---

<sup>1</sup> Robert M. Press, *In This Georgia Town, It’s Illegal Not to Own a Gun*, CHRISTIAN SCI. MONITOR (Mar. 17, 1982), <https://www.csmonitor.com/1982/0317/031747.html>.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.* See generally Joseph Blocher, *The Right Not to Keep or Bear Arms*, 64 STAN. L. REV. 1, 37 (2012).

<sup>4</sup> Richard A. Webster, *After Mother’s Suicide, Katrina Brees Fights for ‘No Guns’ Self-Registry*, TIMES-PICAYUNE (Sept. 27, 2018), [https://www.nola.com/archive/article\\_987d7c55-d8cc-5544-8404-8f5fa9563062.html](https://www.nola.com/archive/article_987d7c55-d8cc-5544-8404-8f5fa9563062.html).

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> *Id.* The idea was first proposed in Fredrick E. Vars, *Self-Defense Against Gun Suicide*, 56 B.C. L. REV. 1465, 1465 (2015).

<sup>8</sup> See Webster, *supra* note 4.

<sup>9</sup> *Id.*

<sup>10</sup> LA. STAT. ANN. § 13:753(A)(4) (2019).

<sup>11</sup> In prior work, we assessed the willingness of individuals to participate if Donna’s Law were in effect. See Ian Ayres & Fredrick E. Vars, *Libertarian Gun Control*, 167 U. PA. L. REV. 921, 950 (2019); Fredrick E. Vars et al., *Willingness of Mentally Ill Individuals to Sign Up for a Novel Proposal to Prevent Firearm Suicide*, 47 SUICIDE & LIFE-THREATENING BEHAV. 483, 489 (2016).

impact on levels of support of other factors, including political party affiliation and region. The bottom line is that Donna's Law enjoys broad support, but not always from the same constituents as traditional gun regulations.

### BACKGROUND

Donna's Law could save lives. Many suicides are impulsive.<sup>12</sup> Only a small minority of suicide attempt survivors go on to die by suicide.<sup>13</sup> Individuals who use firearms rarely get a second chance. One way to conceptualize the Washington law is as a voluntary waiting period: If you choose to participate, you will have to take the time to revoke at the county clerk's office before you can purchase a firearm.<sup>14</sup> Research shows that waiting periods significantly reduce firearm suicide without increasing suicide by other means.<sup>15</sup> If individuals are allowed to restrict their right to possess firearms, not just their right to purchase them, even more lives could be saved. Research shows having a gun in the home increases suicide risk over threefold.<sup>16</sup>

The mechanics of Donna's Law are simple. The federal background check system is funded and operational and includes a database of prohibited purchasers.<sup>17</sup> Every licensed gun dealer must check to see if a prospective purchaser's name is in the database.<sup>18</sup> States have the option of including the names of individuals prohibited by state law.<sup>19</sup> All that is needed for Donna's Law is a mechanism to add and subtract the names of participants. In Washington State, a participant must sign up in person at the county clerk's office,<sup>20</sup> but text, online, or mail-in options could be made available.

---

<sup>12</sup> Linda G. Peterson et al., *Self-Inflicted Gunshot Wounds: Lethality of Method Versus Intent*, 142 AM. J. PSYCHIATRY 228, 228–31 (1985).

<sup>13</sup> David Owens, Judith Horrocks & Allan House, *Fatal and Non-Fatal Repetition of Self-Harm: Systematic Review*, 181 BRIT. J. PSYCHIATRY 193, 193–99 (2002).

<sup>14</sup> WASH. REV. CODE ANN. § 9.41.350 (West 2019).

<sup>15</sup> Griffin Edwards et al., *Looking Down the Barrel of a Loaded Gun: The Effect of Mandatory Handgun Purchase Delays on Homicide and Suicide*, 128 ECON. J. 3117, 3118 (2017); Michael Luca, Deepak Malhotra & Christopher Poliquin, *Handgun Waiting Periods Reduce Gun Deaths*, 114 PNAS 12162, 12163–64 (2017).

<sup>16</sup> Andrew Anglemeyer et al., *The Accessibility of Firearms and Risk for Suicide and Homicide Victimization Among Household Members: A Systematic Review and Meta-Analysis*, 160 ANNALS INTERNAL MED. 101, 106 (2014). The penalty for possession should be a fine only. A person who violates their commitment not to possess a gun in order to attempt suicide does not belong in jail.

<sup>17</sup> See U.S. DEP'T OF JUSTICE, NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM (NICS) SECTION (2018) (located at "A Message from the NICS Section Chief").

<sup>18</sup> See *id.* at 3.

<sup>19</sup> See *id.* at 16.

<sup>20</sup> WASH. REV. CODE ANN. § 9.41.350 (West 2019).

Many individuals would choose to participate. In one study of 200 inpatient and outpatient psychiatric patients, 46% said they would sign up.<sup>21</sup> But the prospect of firearm self-regulation is appealing not just to patients with mental illness. Around 30% of respondents in forthcoming follow-up general population studies said they would be willing to participate.<sup>22</sup> At these levels of participation, Donna's Law has the potential to save many lives each year, but only if it has enough popular support to be enacted.

Unlike the NRA, actual gun owners do not reflexively oppose all restrictions on guns. Numerous studies have found that majorities of gun owners support a wide range of gun measures.<sup>23</sup> For example, a 2017 study compared support of twenty-four policies among gun owners and non-gun owners and found many policies had high overall support with minimal differences in support between the gun-owner and non-gun-owner groups.<sup>24</sup> Those policies included, among others, universal background checks, improved reporting records related to mental illness, gun prohibitions for persons subject to temporary domestic violence restraining orders, and gun violence restraining orders.<sup>25</sup> Eight of the policies covered in that study had support gaps exceeding 10 percentage points between gun owners and non-gun owners, but of those, half still had 50% or more approval among both groups.<sup>26</sup> The policies that garnered 50% approval or greater include requiring that guns be locked up when not in use to prevent use by children without supervision, preventing people under twenty-one from having a handgun, requiring a permit from local law enforcement before purchasing a gun, and allowing cities to sue gun dealers whose sales practices

---

<sup>21</sup> Vars et al., *supra* note 12, at 485.

<sup>22</sup> Ayres & Vars, *supra* note 12, at 955 (2019); IAN AYRES & FREDRICK E. VARS, *WEAPON OF CHOICE: FIGHTING GUN VIOLENCE WHILE RESPECTING GUN RIGHTS* (forthcoming 2020).

<sup>23</sup> See Colleen L. Barry et al., *Public Support for Gun Violence Prevention Policies Among Gun Owners and Non-Gun Owners in 2017*, 108 AM. J. PUB. HEALTH 878, 880 (2018) [hereinafter Barry et al., *Public Support*]; Colleen L. Barry et al., *After Newtown—Public Opinion on Gun Policy and Mental Illness*, 368 NEW ENG. J. MED. 1077, 1077 (2013) [hereinafter Barry et al., *After Newton*]; Colleen L. Barry et al., *Two Years After Newtown—Public Opinion on Gun Policy Revisited*, 79 PREVENTIVE MED. 55, 57 (2015); Emeka Oraka et al., *A Cross-Sectional Examination of US Gun Ownership and Support for Gun Control Measures: Sociodemographic, Geographic, and Political Associations Explored*, 123 PREVENTIVE MED. 179, 179 (2019); Stephen P. Teret et al., Special Article, *Support for New Policies to Regulate Firearms: Results of Two National Surveys*, 339 NEW ENG. J. MED. 813, 814 (1998); Julia A. Wolfson et al., *US Public Opinion on Carrying Firearms in Public Places*, 107 AM. J. PUB. HEALTH 929, 931–32 (2017); *Gun Laws and Public Safety*, AP-NORC CTR. FOR PUB. AFF. RES., <http://apnorc.org/projects/Pages/Gun-Laws-and-Public-Safety-.aspx> (last visited Aug. 10, 2019); *U.S. Voters Oppose Trump Emergency Powers on Wall 2-1 Quinnipiac University National Poll Finds; 86% Back Democrats' Bill on Gun Background Checks*, QUINNIPIAC U. POLL (Mar. 6, 2019), <https://poll.qu.edu/national/release-detail?ReleaseID=2604>.

<sup>24</sup> Barry et al., *Public Support*, *supra* note 23, at 880.

<sup>25</sup> *Id.*

<sup>26</sup> *Id.*

have allowed criminals to obtain guns.<sup>27</sup> Other studies find very high support among gun owners and non-gun owners alike for prohibiting gun possession by people with mental illness.<sup>28</sup> These results suggest that there is more consensus support for gun legislation than a casual observer of the debate might discern.

There are some common themes among policies that divide gun owners and non-gun owners. Gun owners view relatively unfavorably mandates on all gun owners (like license and safe storage requirements), prohibitions on equipment (assault-style weapon and high-capacity magazine bans), and bans on possession by certain categories of individuals (people under twenty-one years of age, anyone deemed dangerous by police, and non-violent assault convicts).<sup>29</sup> These measures all have the potential to affect all gun owners or at least a large subset thereof.<sup>30</sup>

Unlike the divisive restrictions, Donna's Law affects gun owners only by choice, so we predicted a relatively narrow gap in support based on gun ownership. As to the overall level of support, we predicted it would be high, given that in prior surveys we had found that a substantial percentage of people indicating a willingness to use a self-exclusion registry to restrict their gun rights.

#### A. *Methods*

The version of Donna's Law presented to respondents was a voluntary, self-imposed restriction on either just purchase or both purchase and possession, reversible twenty-one days after a request for reinstatement. We attempted to provide a balanced statement of arguments for and against: "Some people think letting people put their names on the list will reduce suicide by giving people time to think before using a firearm. Other people think suicide will not go down because people will find another way to kill themselves."

We selected YouGov to administer the survey because its panel has been shown to reflect the general U.S. population more accurately than its competitors.<sup>31</sup> The respondents were matched to a sampling frame on gender,

---

<sup>27</sup> *Id.*

<sup>28</sup> Barry et al., *After Newtown*, *supra* note 23, at 1079, 1081; *see also* Barry et al., *Public Support*, *supra* note 23, at 880.

<sup>29</sup> Barry et al., *Public Support*, *supra* note 23, at 879.

<sup>30</sup> To be sure, gun owners do support many generally applicable restrictions, like prohibitions on carrying firearms in certain sensitive locations (college campuses, places of worship, government buildings, etc.). *See* Wolfson et al., *supra* note 23, at 932–33.

<sup>31</sup> Doug Rivers, *Pew Research: YouGov Consistently Outperforms Competitors on Accuracy*, YOUGov

age, race, and education. The frame was constructed by stratified sampling from the full 2016 American Community Survey one-year sample, which is a large government sample representative of the overall population.<sup>32</sup> Responses were weighted using the four demographic variables listed above as well as region (Midwest, Northeast, South, and West) and 2016 Presidential vote choice. The resulting weighted sample of 1,000 responses from non-veteran adults closely matches the overall population. Also, through YouGov, we surveyed a second 1,000 respondent sample representative of the U.S. adult veteran population.

### *B. Results*

Support for Donna's Law was high. Around two-thirds of respondents (65.1%) said states should give people the ability to suspend their rights to purchase guns or to purchase and possess guns. The purchase-and-possession version was slightly more popular (67.3% vs. 62.9%), but the difference was not statistically significant ( $p = 18.7\%$ ).

### *C. Gun Ownership*

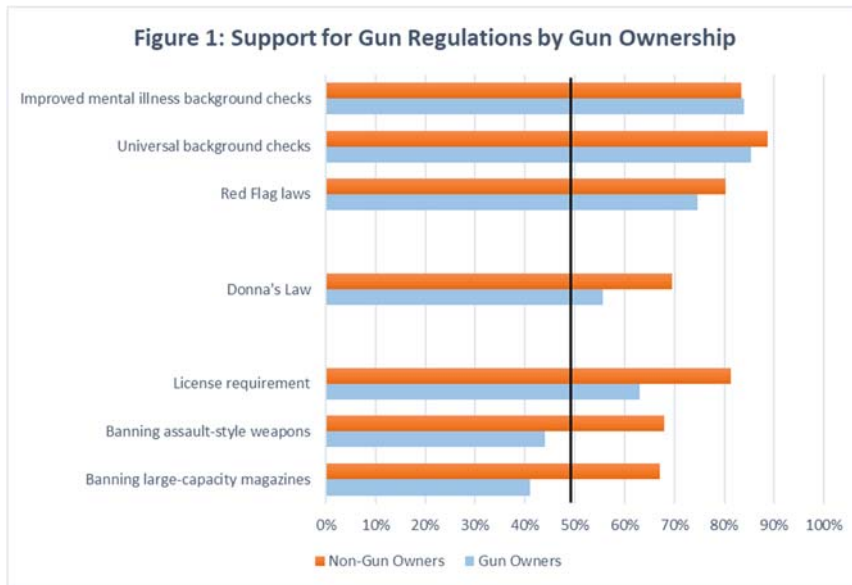
The majority of both gun owners and non-gun owners support Donna's Law (see Figure 1). Gun owners support Donna's Law at a lower level than non-gun owners (55.9% vs. 69.6%), but that difference is not statistically significant after controlling for other variables ( $p = 19.3\%$ ).

---

(May 13, 2016, 1:37 PM), <https://today.yougov.com/topics/finance/articles-reports/2016/05/13/pew-research-yougov>.

<sup>32</sup> YouGov survey data on file with authors.





#### D. Political Party Affiliation

A majority of Republicans favor many types of gun control legislation.<sup>33</sup> That is not a typo, but a fact that has been observed by opinion polls over recent years.<sup>34</sup> It is true, of course, that an even higher percentage of Democrats favor gun control, but the difference is not statistically significant for many policies.<sup>35</sup> In the instances in which level of support does vary significantly by political party, very often something other than party affiliation is doing the work. For example, a 2019 statistical analysis found that, after controlling for age, education, gender, race, rural area, and gun in the household, being a Republican did not significantly lower support for background checks on private sales, tougher gun crime penalties, limits on semiautomatic firearms, or illegalizing carrying a gun while drunk.<sup>36</sup> On the other hand, being a Republican did

<sup>33</sup> Steven V. Miller, *What Americans Think About Gun Control: Evidence from the General Social Survey, 1972–2016*, 100 *SOC. SCI. Q.* 272, 279–80 (2019).

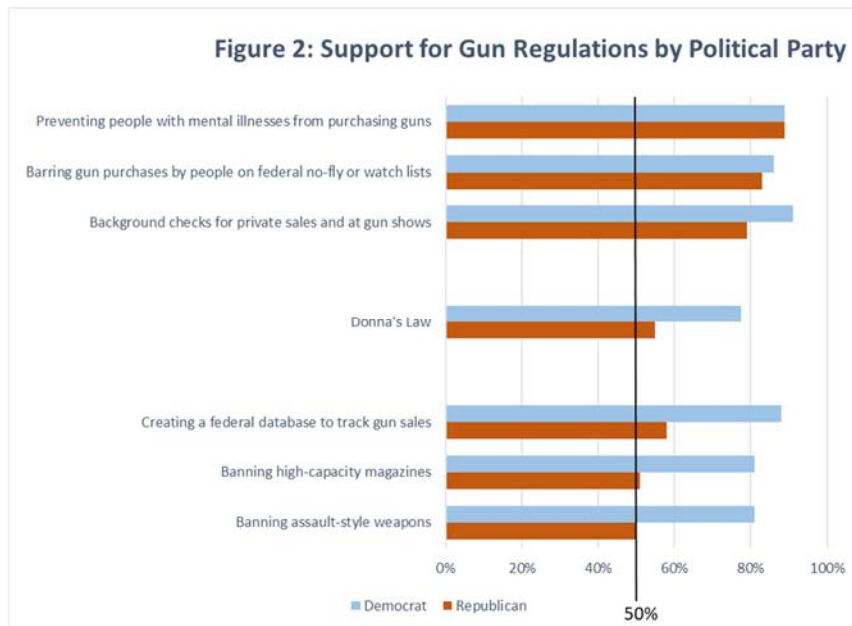
<sup>34</sup> See, e.g., Kim Parker et al., *America's Complex Relationship with Guns: Views on Gun Policy*, PEW RES. CTR. (June 22, 2017), <https://www.pewsocialtrends.org/2017/06/22/views-on-gun-policy/>; *Gun Policy Remains Divisive, but Several Proposals Still Draw Bipartisan Support*, PEW RES. CTR. (Oct. 18, 2018), <https://www.people-press.org/2018/10/18/gun-policy-remains-divisive-but-several-proposals-still-draw-bipartisan-support/>.

<sup>35</sup> *Gun Policy Remains Divisive*, *supra* note 34.

<sup>36</sup> Miller, *supra* note 33, at 278 tbl.1.

significantly reduce support for a permit requirement and for tougher gun laws after the 9/11 attacks.<sup>37</sup>

We hypothesized that support for Donna's Law would be high for both Democrats and Republicans and that the disparity in support by party affiliation would be relatively small. The following figure places our raw findings in the context of six other gun control measures.<sup>38</sup>



The major finding is that majorities of both Democrats and Republicans support Donna's Law. Democrats were more supportive than Republicans by approximately 22 percentage points (78% vs. 55%) and this difference was statistically significant ( $p < 0.1\%$ ). This partisan disparity was greater than we expected. This difference was almost as great as the disparity on creating a federal database to track gun sales. It may well have been the case that Republican respondents believed Donna's Law would similarly require the

<sup>37</sup> *Id.*

<sup>38</sup> *Gun Policy Remains Divisive*, *supra* note 34. It is worth noting that the 89% level of support for preventing gun sales to people with mental illness likely includes at least half of individuals with mental illness (commonly estimated at one-fifth of the adult population, <https://www.nimh.nih.gov/health/statistics/mental-illness.shtml>). This is broadly consistent with our findings elsewhere that nearly half of psychiatric patients said they'd sign up for Donna's Law and prohibit their own gun purchase.

creation of a new database and leave a record of gun transactions. If it were made clear that Donna's Law employs the existing National Instant Criminal Background Check System (NICS) database and destroys records to maintain confidentiality, then the partisan divide could well close the range observed for background checks on private sales.

Interestingly, we find that the effect of political party preference disappears after controlling for other variables. Voting for Donald Trump is the most powerful predictor of opposition to Donna's Law and presumably displaces the explanatory power of political party (see Table A2). Raw opinion polls hint at this result: Trump voters (48%) and "Strong Republicans" (52%) oppose gun regulation at essentially identical levels, but "Not Very Strong Republicans" do so at a significantly lower level (26%).<sup>39</sup> This result is also broadly consistent with research showing that partisanship intensified greatly during the Obama era.<sup>40</sup> Donald Trump in many ways ran as the anti-Obama on guns and most other issues. Clinton Republicans were much more supportive of Donna's Law than Trump Democrats, though the numbers were too small to achieve statistical significance.

### *E. Region*

Recent public opinion surveys find support for gun control highest among residents of the Northeast, even after controlling for standard variables like political ideology, partisanship, rural area, and gun ownership.<sup>41</sup> However, at least one study found no significant regional differences on three different gun control questions after controlling for more refined political ideology variables like libertarianism, belief that the country is on the wrong track, and opinion of the NRA.<sup>42</sup>

We hypothesized that support for Donna's Law would be highest in the Northeast, but regional differences would not be statistically significant. Strangely, support for Donna's Law was actually the lowest in the Northeast (61.8% for the Northeast vs. 65.8% for the rest of country) (see Table A2).

---

<sup>39</sup> [https://www.realclearpolitics.com/docs/190634\\_crosstabs\\_POLITICO\\_RVs\\_v3.pdf](https://www.realclearpolitics.com/docs/190634_crosstabs_POLITICO_RVs_v3.pdf) 131-34 Table POL8\_10

<sup>40</sup> Miller, *supra* note 33, at 282 ("[W]e are observing a growing rift between Democrats and Republicans on this issue that seems to have increased during the Obama Administration.").

<sup>41</sup> Kristin A. Goss, *The Socialization of Conflict and Its Limits: Gender and Gun Politics in America*, 98 SOC. SCI. Q. 455, 459 tbl.1 (2017) (overall gun control); Miller, *supra* note 33, at 283 fig.4 (permit requirement); Emeka Oraka et al., *supra* note 24, at 183 tbl.3 (permit requirement).

<sup>42</sup> Kevin H. Wozniak, *Public Opinion About Gun Control Post-Sandy Hook*, 28 CRIM. JUST. POL'Y REV. 255, 268 tbl.3, 269 tbl.4 (2017) (overall gun control, assault weapon ban, and background checks).

However, none of the regional differences were significant, either in raw form or in adjusted results. Donna's Law has national appeal.

### F. Gender

Majorities of both men and women supported Donna's Law. Non-veteran women were significantly more likely to support the proposal than men and veteran women ( $p < 0.1\%$ ). This is consistent with prior research on gender differences in support for gun control policies.<sup>43</sup> Interestingly, women veterans were significantly less likely than non-veteran women (60.9% vs. 72.9%;  $p = 9.5\%$ ) to support the proposal. The same pattern—significantly higher support among non-veterans and significantly lower support among veterans—was observed for retired and disabled individuals. It may be that veterans in relatively vulnerable groups view firearms as more essential for self-defense. We tested this hypothesis by re-running the regressions adding a dummy variable equal to one if self-defense was the reason given for gun possession. There was no significant impact and the pattern described above was unaffected.

### G. Veterans

Like the general population, veterans are highly supportive of many gun control measures.<sup>44</sup> Veterans are at elevated risk of suicide<sup>45</sup> and are often trained with firearms.<sup>46</sup> We were unsure how these two factors would impact support for Donna's Law. It turns out a majority of veterans in our study supported the measure. In the raw results, the version of Donna's Law that would prohibit both purchase and possession was less popular among veterans than the purchase-only version (51.9% vs. 58.5%). However, this difference was not statistically significant ( $p = 12.6\%$ ) after controlling for other variables, and a slight majority of veterans still supported the more restrictive version.

---

<sup>43</sup> Goss, *supra* note 41, at 468; Mary-Kate Lizotte, *Authoritarian Personality and Gender Differences in Gun Control Attitudes*, 40 J. WOMEN POL. & POL'Y 385, 387 (2019); Oraka et al., *supra* note 41, at 181; Tom W. Smith, *Public Opinion About Gun Policies*, 12 FUTURE CHILD. 155, 156 (2002); *Gun Policy Remains Divisive*, *supra* note 34.

<sup>44</sup> GLOB. STRATEGY GRP., CAP-ONLINE SURVEY OF VETERANS ON GUNS 3 (2013); Katie Glueck, *Vets Poll: 91 Percent Back Gun Checks*, POLITICO (Apr. 11, 2013, 6:08 AM), <https://www.politico.com/story/2013/04/veterans-gun-background-checks-poll-089930>.

<sup>45</sup> U.S. DEP'T OF VETERANS AFF., VA NATIONAL SUICIDE DATA REPORT 2005–2016, at 3–5 (2018).

<sup>46</sup> GLOB. STRATEGY GRP., *supra* note 43 (finding that 94% of veterans surveyed reported gun and weapons training).

### H. *Psychiatric Condition*

Firearm self-restriction was originally conceived as a way for people with mental illness to protect themselves against impulsive gun purchase during suicidal periods. Respondents reporting a psychiatric condition were in fact 44.9% more likely to support the policy, even after controlling for other respondent characteristics, and this result was statistically significant ( $p = 2.5\%$ ).

### I. *Age*

Age was not a significant predictor of support among non-veterans, but older veterans were less likely to be supportive. This was somewhat surprising because other studies have found support for gun control higher among older adults.<sup>47</sup>

### J. *Willingness to Participate*

Unsurprisingly, respondents who said they would sign up for the proposal almost uniformly supported adopting the proposal (26.9% of the total sample). But there were many people (38.1% of the total sample) who supported the policy even though they themselves would not take advantage of it. While 92.3% of those who said they would sign up supported having the proposal adopted, a majority (53.8%) of those who said they would not sign up still supported having their state enact the proposal. These nonparticipant supporters were more likely to be gun owners, white, older, from the South, Republicans or Independents, and veterans, and less likely to have a psychiatric condition.

## III. DISCUSSION

Gun owners support expanding the right not to bear arms by adopting Donna's Law. In hindsight, this should not have been surprising. Few gun owners would endorse the Kennesaw ordinance requiring everyone to own a gun. Most gun owners want to be left alone and do not want to impose their own preferences regarding guns on others.<sup>48</sup> Even the NRA recognizes that Donna's Law is different than traditional gun control. The Alabama chapter has signaled that it will not oppose Donna's Law.

---

<sup>47</sup> See, e.g., Lizotte, *supra* note 41, at 396; Oraka, *supra* note 40, at 180.

<sup>48</sup> It is even possible that some gun owners support Donna's Law to bolster the value of their own firearms. The logic would be that owning a firearm has greater self-defense value when fewer people own firearms. Donna's Law facilitates voluntary disarmament. To be the only one in the room with a gun is a distinct advantage for self-defense.

Donna's Law also has appeal across political party, region, gender, veteran status, and age. A majority of Republicans supported Donna's Law. Trump voters were essentially the only group in which support for Donna's Law dipped slightly below 50%. The absence of regional disparities was surprising. The Northeast and, to a lesser degree, the Midwest are generally more supportive of gun regulations. That tendency may have been counterbalanced by more libertarianism in the South and West. Donna's Law is voluntary and freedom-enhancing, which should appeal to libertarians.

These findings are significant because versions of Donna's Law have been introduced in eleven states across the country and efforts are underway in others. Advocates can point to the popularity of Donna's Law in support of these efforts. Politics and good policy converge. That has not always translated into action on gun policy—particularly at the federal level—but Donna's Law is qualitatively different than traditional gun control. It is a voluntary self-protection measure that people can choose or reject for themselves. Policymakers should follow public opinion and give us this new choice.

## APPENDIX

**Table A1. Sample and Population Proportions for Various Demographics**

	Non-Veteran Sample	Non-Veteran Population <sup>[7]</sup>	Veteran Sample	Veteran Population
<b>Gender<sup>[1]</sup></b>				
Male	48.8%	44.4%	91.9%	90.7%
Female	51.3%	55.6%	8.1%	9.3%
<b>Race<sup>[1]</sup></b>				
White	64.2%	62.8%	81.3%	77.5%
Black	12.0%	12.0%	11.3%	11.4%
Hispanic	15.5%	16.0%	4.9%	6.5%
Asian	2.8%	6.0%	0.0%	1.7%
Native American	0.6%	0.6%	0.4%	0.6%
Mixed	3.5%	2.3%	0.8%	2.1%
Other	1.4%	0.4%	1.3%	0.3%
<b>Age<sup>[1]</sup></b>				
Age 18-29	21.6%	22.8%	2.4%	8.1%
Age 30-44	25.1%	26.1%	11.6%	14.2%
Age 45-59	22.9%	26.2%	26.8%	22.0%
Age 60-74	24.7%	17.9%	35.7%	34.2%
Age 75+	5.8%	6.9%	23.6%	21.6%
<b>Marital Status<sup>[1]</sup></b>				
Married	46.0%	48.6%	65.6%	62.6%
Divorced	9.7%	11.2%	12.5%	15.2%
Separated	2.5%	6.0%	1.3%	7.4%
Widowed	4.2%	2.1%	6.5%	2.0%
Domestic/civil partnership	5.1%		3.9%	
Never married	32.5%	32.1%	10.2%	12.8%
<b>Region<sup>[1]</sup></b>				
Northeast	17.9%	18.2%	11.7%	14.2%
Midwest	21.1%	21.0%	20.5%	21.1%

	South	37.0%	37.2%	41.8%	42.2%
	West	24.1%	23.7%	26.0%	22.6%
<hr/>					
Education [1]					
	No HS	12.1%	13.3%	2.4%	6.0%
	High school graduate	27.5%	27.6%	30.7%	28.1%
	Some college	20.9%	22.5%	22.5%	27.8%
	2-year	11.9%	7.8%	16.6%	9.8%
	4-year	17.7%	18.3%	16.8%	17.0%
	Post-grad	9.9%	10.5%	10.9%	11.4%
<hr/>					
Employment Status					
	Full-time	40.3%		33.2%	
	Part-time	12.0%		5.5%	
	Unemployed	7.5%		2.3%	
	Retired	19.3%		45.5%	
	Student	6.0%		2.1%	
	Temporarily laid off	0.8%		0.3%	
	Permanently disabled	7.3%		8.9%	
	Homemaker	5.7%		1.5%	
	Other	1.1%		0.7%	
<hr/>					
Family Income <sup>[1]</sup>					
	Less than \$29,999	23.9%	22.8%	15.9%	20.4%
	\$30,000 - \$59,999	28.8%	23.4%	28.9%	26.6%
	\$60,000 - \$99,999	19.2%	23.5%	23.7%	25.5%
	At least \$100,000	14.0%	30.4%	19.6%	27.6%
	Prefer not to say	14.2%		11.9%	
<hr/>					



<hr/>					
Any psychiatric [2][3] condition					
	Yes	70.5%	46.4%	57.7%	25.0%
	No	29.6%	53.6%	42.3%	75.0%
<hr/>					
Personal Firearm Ownership [4]					
	Yes	26.6%	17.9%	53.1%	43.3%
	No	70.2%	79.5%	41.5%	49.1%
	Not sure	3.2%	2.6%	4.8%	7.6%
	Not asked	0.0%		0.6%	
<hr/>					
3 point party ID <sup>[5]</sup>					
	Democrat	34.6%	33.2%	24.6%	23.9%
	Independent	28.7%	41.0%	33.7%	42.9%
	Republican	24.9%	22.0%	33.7%	28.1%
	Other	4.5%	2.7%	6.9%	2.7%
	Not sure	7.3%	1.1%	1.1%	2.4%
<hr/>					
2016 President Vote Post Election <sup>[6]</sup>					
	Hillary Clinton	34.1%	35.6%	32.2%	27.1%
	Donald Trump	32.0%	31.3%	53.3%	47.8%
	Gary Johnson	1.7%		2.6%	
	Jill Stein	0.9%		0.4%	
	Evan McMullin	0.6%		0.3%	
	Other	1.2%	4.3%	1.4%	4.8%
	Did not vote for President	29.5%	28.9%	9.9%	20.3%
<hr/>					
N		1,000		1,000	

**Notes:**

[1] *American Community Survey 2016 1-year PUMS*, U.S. CENSUS BUREAU (2016), <https://data.census.gov/mdat/?#/search?ds=ACSPUMS1Y2016>.

[2] Ronald C. Kessler et al., *Lifetime Prevalence and Age-of-Onset Distributions of DSM-IV Disorders in the National Comorbidity Survey Replication*, 62 ARCHIVES GEN. PSYCHIATRY 593, 594 tbl.1, 596 tbl.2 (2005).

[3] Ranak K. Trivedi et al., *Prevalence, Comorbidity, and Prognosis of Mental Health Among US Veterans*, 105 AM. J. PUB. HEALTH 2564, 2566 tbl.1, 2567 tbl.2 (2015). The relatively high overall level of psychiatric disorder in our sample appears to have been driven by two factors: (1) higher than expected levels of depression (26.4% vs. 16.2%), Ronald C. Kessler et al., *The Epidemiology of Major Depressive Disorder: Results from the National Comorbidity Survey Replication (NCS-R)*, 289 J. AM. MED. ASS'N 3095, 3095 (2003), and (2) nearly a quarter of respondents reporting an unspecified "Other" psychiatric condition, which is not a category in population studies.

[4] Personal firearm ownership and party identification are sourced from General Social Survey 2016 data and are on file with the authors. Tome W. Smith et al., *General Social Surveys, 1972-2018 NORC* (2018), [gssdataexplorer.norc.org](http://gssdataexplorer.norc.org).

[5] Data on voter turnout is sourced from Current Population Survey IPUMS November 2016 data and is on file with the authors. Sarah Flood et al., *Integrated Public Use Microdata Series, Current Population Survey, IPUMS CPS* (2018), [https://cps.ipums.org/cps-action/variables/live\\_search](https://cps.ipums.org/cps-action/variables/live_search).

[6] 2016 Presidential Votes are based on CNN exit polls. *Exit Polls*, CNN (Nov. 23, 2016), <https://www.cnn.com/election/2016/results/exit-polls>.

[7] The proportion of non-veterans with mental illnesses is based on total population estimates, rather than non-veterans. All other statistics presented in the non-veteran population column are specific to non-veterans.

**Table A2. Logistic Regressions Predicting Support for Donna's Law**

VARIABLES	Non-Veterans	Veterans	Combined
Possess Option	1.305 (0.221)	0.792 (0.121)	1.232 (0.190)
Female = 1	1.666*** (0.298)	0.497** (0.169)	1.628*** (0.282)
Heterosexual = 1	1.388 (0.406)	2.142** (0.771)	1.419 (0.390)
Personal Gun Ownership = 1	0.780 (0.163)	0.955 (0.161)	0.786 (0.145)
Missing gun ownership question = 1	0.702 (0.299)	0.723 (0.239)	0.711 (0.264)
Suicide attempt question skipped = 0,	-	-	-
Prohibited from gun purchase = 1	0.588 (0.349)	1.910 (1.195)	0.668 (0.373)
Any psychiatric condition = 1, 1	1.422* (0.262)	1.566*** (0.250)	1.449*** (0.240)
7 alcoholic drinks per week = 1	1.218 (0.348)	1.196 (0.282)	1.233 (0.309)
mSBQ Score	1.007 (0.0311)	1.067* (0.0386)	1.009 (0.0291)
Attempted suicide = 1	1.103 (0.811)	0.838 (0.565)	1.120 (0.790)
2+ Suicide Attempts = 1	2.438 (2.445)	7.843* (8.530)	2.361 (2.257)
Family member died by suicide = 1	1.310 (0.330)	1.052 (0.274)	1.276 (0.292)
Air Force = 1		0.929 (0.193)	0.887 (0.206)
Navy = 1		1.101 (0.212)	1.024 (0.215)
Marines = 1		1.306 (0.362)	1.258 (0.365)
Coast Guard/Other = 1		2.753 (1.902)	2.396 (1.609)
Active duty = 1		1.202 (0.432)	1.050 (0.449)
Deployed = 1		0.951 (0.173)	0.997 (0.205)
Saw combat = 1		0.746 (0.152)	0.788 (0.169)
Injured in Combat = 1		0.946	0.802

		(0.184)	(0.177)
Injured in Combat Skipped = 1			1.012
			(0.449)
Passed over for promotion = 1		0.802	0.876
		(0.158)	(0.196)
Demoted = 1		1.331	1.395
		(0.358)	(0.403)
Court martial = 1		1.332	1.713
		(0.610)	(0.906)
Age 18-30 = 1	1.309	1.100	1.222
	(0.708)	(0.737)	(0.558)
Age 31-45 = 1	1.243	0.676	1.144
	(0.615)	(0.238)	(0.463)
Age 46-60 = 1	1.053	0.503**	0.979
	(0.486)	(0.138)	(0.358)
Age 61-75 = 1	0.747	0.535***	0.735
	(0.299)	(0.117)	(0.219)
Black = 1	0.614*	1.343	0.659
	(0.173)	(0.447)	(0.173)
Hispanic = 1	1.319	0.420**	1.272
	(0.429)	(0.179)	(0.392)
Other Race = 1	0.780	0.442	0.770
	(0.239)	(0.241)	(0.223)
No HS = 1	0.506	0.570	0.543
	(0.227)	(0.305)	(0.230)
High school graduate = 1	0.380***	0.676	0.407***
	(0.115)	(0.191)	(0.110)
Some college = 1	0.648	0.779	0.674
	(0.205)	(0.223)	(0.190)
2-year degree = 1	0.494**	0.929	0.533**
	(0.171)	(0.267)	(0.163)
4-year degree = 1	0.807	0.759	0.819
	(0.249)	(0.215)	(0.225)
Married = 1	1.185	0.886	1.198
	(0.275)	(0.263)	(0.263)
Separated/divorced = 1	0.981	0.915	0.985
	(0.325)	(0.303)	(0.301)
Widow = 1	2.071*	0.611	1.830
	(0.910)	(0.255)	(0.690)
Part-time = 1	2.887***	0.826	2.680***
	(1.035)	(0.324)	(0.893)
Unemployed = 1	0.547	0.618	0.552*
	(0.202)	(0.365)	(0.196)
Retired = 1	1.643*	0.692*	1.471

	(0.489)	(0.154)	(0.388)
Disabled = 1	2.149**	0.479**	1.895**
	(0.783)	(0.147)	(0.613)
Other employment status = 1	1.044	1.576	1.049
	(0.336)	(0.777)	(0.325)
Family Income < \$30k = 1	1.142	1.574	1.172
	(0.337)	(0.474)	(0.319)
Family Income \$30k - \$60k = 1	1.191	1.123	1.184
	(0.328)	(0.287)	(0.296)
Family Income \$60k - \$100k = 1	1.346	1.354	1.322
	(0.418)	(0.347)	(0.368)
Family Income > \$100k = 1	0.635	1.308	0.691
	(0.199)	(0.363)	(0.196)
Republican = 1	0.901	1.030	0.897
	(0.290)	(0.312)	(0.266)
Independent = 1	0.764	0.899	0.764
	(0.206)	(0.247)	(0.191)
Other Party = 1	0.414*	1.160	0.463*
	(0.194)	(0.398)	(0.197)
Unknown Party = 1	0.476*	2.993	0.491*
	(0.210)	(3.494)	(0.209)
Midwest = 1	1.045	0.663	1.018
	(0.277)	(0.188)	(0.249)
South = 1	1.224	0.987	1.218
	(0.314)	(0.256)	(0.290)
West = 1	1.319	0.846	1.269
	(0.367)	(0.236)	(0.327)
Donald Trump = 1	0.330***	0.234***	0.331***
	(0.0966)	(0.0610)	(0.0880)
Did not vote = 1	0.602*	0.356***	0.592*
	(0.185)	(0.114)	(0.172)
Gary Johnson = 1	1.153	0.262***	0.945
	(0.828)	(0.110)	(0.554)
Other candidate = 1	0.646	0.415*	0.622
	(0.343)	(0.199)	(0.304)
Catholic = 1	1.563*	0.955	1.478*
	(0.388)	(0.207)	(0.332)
Not Religious = 1	1.992***	1.045	1.842***
	(0.437)	(0.218)	(0.365)
Other Religion = 1	2.706***	1.294	2.436***
	(0.818)	(0.323)	(0.663)
Constant	1.102	2.934	1.191
	(0.688)	(2.203)	(0.792)

2020]

THE RIGHT NOT TO BEAR ARMS

1151

Observations

1,000

997

1,997

Robust seeform in parentheses  
\*\*\* p<0.01, \*\* p<0.05, \* p<0.1