

# **EXHIBIT 2**

**Exhibit 2 - 1**

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## **Expert Report of John J. Donohue**

*Flanagan v. Becerra*, United States District Court (C.D. Cal.), Case No. 2:16-cv-06164-JAK-AS

June 1, 2017

### **BACKGROUND AND QUALIFICATIONS**

1. I, John J. Donohue, am the C. Wendell and Edith M. Carlsmith Professor of Law at Stanford Law School. After earning a law degree from Harvard and a Ph.D. in economics from Yale, I have been a member of the legal academy since 1986. I have previously held tenured positions as a chaired professor at both Yale Law School and Northwestern Law School. I have also been a visiting professor at a number of prominent law schools, including Harvard, Yale, the University of Chicago, Cornell, the University of Virginia, Oxford, Toon University (Tokyo), St. Gallens (Switzerland), and Renmin University (Beijing).
2. For a number of years I have been teaching at Stanford a course on empirical law and economics issues involving crime and criminal justice, and I have previously taught similar courses at Yale Law School, Tel Aviv University Law School, the Gerzensee Study Center in Switzerland, and St. Gallen University School of Law in Switzerland. I have consistently taught courses on law and statistics for two decades.
3. I am a Research Associate of the National Bureau of Economic Research, and a member of the American Academy of Arts and Sciences. I was a Fellow at the Center for Advanced Studies in Behavioral Sciences in 2000-01, and served as the co-editor (handling empirical articles) of the *American Law and Economics Review* for six years. I have also served as the President of the American Law and Economics Association and as Co-President of the Society of Empirical Legal Studies.
4. I am also a member of the Committee on Law and Justice of the National Research Council ("NRC"), which "reviews, synthesizes, and proposes research related to crime, law enforcement, and the administration of justice, and provides an intellectual resource for federal agencies and private groups." (See <http://www7.national-academies.org/claj/> online for more information about the NRC.)
5. My research and writing uses empirical analysis to determine the impact of law and public policy in a wide range of areas, and I have written extensively about the relationship between rates of violent crime and firearms regulation. My complete credentials and list of publications are stated in my curriculum vitae, a true and correct copy of which is attached as Exhibit A.
6. I filed an expert declaration in each of two cases involving a National Rifle Association ("NRA") challenge to city restrictions on the possession of high-capacity magazines:  
*Fyock v. City of Sunnyvale*, United States District Court (N.D. Cal.), January 2014.  
*Herrera v. San Francisco*, United States District Court (N.D. Cal.), January 2014.  
I also filed an expert declaration in a case involving a challenge by NRA to Maryland's restrictions on assault weapons and high-capacity magazines:  
*Tardy v. O'Malley*, United States District Court (District of Maryland), February 2014.

In all cases, the relevant gun regulations have (ultimately) been sustained in the relevant federal appellate courts.

7. I am charging a total of \$21,250 to the California Department of Justice for preparation of this expert report. I will charge \$850 per hour for deposition testimony, and \$500 per hour for trial testimony, in connection with being an expert witness in the above-entitled case.

## SUMMARY OF CONCLUSIONS

1. A considerable body of credible statistical evidence based on both panel data analysis and the use of synthetic controls finds that the adoption of right-to-carry (“RTC”) laws (sometimes called “concealed-carry laws” or “CCW laws”), permitting individuals otherwise allowed to possess firearms to carry them concealed on their bodies in public places, leads to increases in overall violent crime.<sup>1</sup> Earlier panel data studies that purported to find different results are less reliable because they have not analyzed the full array of data through 2014, which I have analyzed, or because the earlier panel data studies are marred by specification or other econometric problems.<sup>2</sup>

2. Given that the best statistical evidence suggests that the adoption of right to carry laws leads to statistically significant increases in violent crime, it is a sound, evidenced-based, and longstanding crime-fighting strategy for U.S. state and local governments to place substantial limits on the carrying of concealed weapons in public.<sup>3</sup>

3. While the vast bulk of the empirical literature on the impact of gun carrying on crime has focused on laws facilitating the concealed carry of weapons, one can use this literature to draw inferences about the likely consequences of allowing the open carry of guns. In general, there is no reason to think that the social harm from gun carrying imposed by RTC laws that was just referenced would be lower under a regime allowing open carry of guns. Indeed, there are valid reasons to believe that a policy of lawful open carry could impose even greater social costs in terms of further facilitating criminal activity, burdening the police, and elevating citizen fear and anxiety.

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<sup>1</sup> Panel data analysis has been the primary tool for evaluating the impact of law and policy interventions for at least the last 30 years. Synthetic controls is a newer technique designed to better approximate the type of treatment and control analysis that would be found in a randomized study. Further details of both are discussed below.

<sup>2</sup> To generate credible results, panel data evaluations must be conducted according to sound statistical practices. If the models used do not have the appropriate mathematical form or do not capture the appropriate explanatory variables, then they would not be deemed to have an appropriate “specification.” Since much of the development of the elements of modern panel data analysis came from economists who were trying to perfect these tools, any violations of the best practices in conducting such studies are often referred to as “econometric” problems.

<sup>3</sup> All of our estimates of the impact of RTC laws on crime are accompanied by measures designed to gauge whether the results are likely to be caused by chance variations as opposed to a true causal effect of the RTC law. If the estimated effect is large relative to the likely chance variation in crime, then we deem the estimate to be “statistically significant.”

## DISCUSSION

### Background on Panel Data Models

1. There is a very substantial literature on the issue of the impact of laws allowing citizens to carry concealed handguns. My first published article in this literature appeared 18 years ago,<sup>4</sup> and the latest of my 11 articles in this area was just issued as a National Bureau of Economic Research working paper this month (attached as Exhibit B).<sup>5</sup>
2. Virtually all of the published literature on this question has employed an econometric approach referred to as a panel data model with state and year fixed effects. Panel data refers to the fact that the researcher will have crime data over a period of years for many different states (or counties or cities), which can then be analyzed to test whether some legal or policy intervention (such as the adoption of an RTC law) leads to a change in crime that is not seen in states that do not experience that legal or policy intervention (i.e., do not adopt RTC laws).<sup>6</sup>
3. Panel data models can be useful to examine a change adopted by selected states (preferably at different times) so that one can compare what happens in the states that adopt the legal change to the states that do not adopt the legal change. This is an appealing empirical strategy because it allows the researcher to separate the data into the treated group, which is the set of states that adopts the law during the relevant data period, and the set of all other states, which serves as a type of control. Nonetheless, it is now well-known that panel data crime estimates of crime can be inaccurate if they are not undertaken with meticulous care and substantial econometric sophistication.

### The Most Up-to-Date Panel Data Estimates of the Impact of RTC Laws on Violent Crime

4. Despite some initial claims that RTC laws could actually reduce violent crime, the 2004 report of a special committee the National Research Council ("NRC"; with only one dissenter out of 16 committee members) emphatically rejected this conclusion based on the committee's review of the then-current information with data through 2000.<sup>7</sup> Noting that the estimated effects of RTC laws were highly sensitive to the particular choice of explanatory variables, the report concluded that the evidence was too uncertain to determine the impact of these permissive gun laws on crime. The

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<sup>4</sup> Ian Ayres and John Donohue, "Nondiscretionary Concealed Weapons Law: A Case Study of Statistics, Standards of Proof, and Public Policy," *American Law and Economics Review* 436 (1999).

<sup>5</sup> John Donohue, Abhay Aneja, and Kyle Weber, "Right-to-Carry Laws and Violent Crime: A Comprehensive Assessment Using Panel Data and a State-Level Synthetic Controls Analysis," *NBER Working Paper* ("DAW") May 2017. A true and correct copy of this working paper is attached as Exhibit B. We plan to have the article published in a peer-reviewed journal.

<sup>6</sup> The state fixed effects simply capture the fact that some states have enduringly lower or higher rates of violent crime (for reasons that may not be fully reflected in the explanatory variables that are available to the researcher). The year fixed effects are designed to capture the common movements that occur in all states each year owing to factors that operate nationally (and which again may not be fully reflected in the explanatory variables that are available to the researcher).

<sup>7</sup> National Research Council. *Firearms and Violence: A Critical Review* (Washington: National Academies Press, 2004).

Committee suggested that more data and new and better statistical techniques would be necessary to resolve this uncertainty.

5. Since then, 14 more years of data with 11 more states adopting RTC laws have improved the previous panel data estimates. In addition, new statistical techniques have enabled much more compelling and consistent evidence on the impact of RTC laws on crime to emerge.

6. The best evidence now shows that RTC laws substantially increase violent crime rates, so that, ten years after adoption, an RTC state is estimated to have a 13-15 percent higher rate of violent crime than it would have had if no RTC law had been adopted. A violent crime increase of this magnitude is obviously a major burden on a state and its citizens, and given current estimates of the elasticity of incarceration with respect to crime, a state would need to double its prison population to offset the violent crime increase imposed by RTC laws.<sup>8</sup>

7. Many of the early studies that tried to estimate the impact of RTC laws – typically using panel data for all states across an extended period of time – were undermined by the fact that the period from 1985 through the early 1990s was anomalous. Over that span, violent crime rose sharply in certain areas, such as California, New York, and the District of Columbia, owing to the introduction of crack cocaine. Since all three of those jurisdictions and a number of other states with the worst crack problems did not adopt RTC laws, any panel data analysis that could not properly control for the criminogenic influence of crack would necessarily generate a biased estimate of the impact of RTC laws that would make them appear to be less harmful (or more beneficial) than they actually were in influencing crime.

8. This was a major problem for the original Lott and Mustard study and in fact plagues every panel data analysis of RTC laws, except for those that started after the impact of crack had been fully dissipated (in the very late 1990s or early 2000s).<sup>9</sup>

9. One quick but admittedly crude way to address this problem is to present a difference-in-differences comparison between the 37 states that adopted RTC laws over the period 1977-2014 and the nine states (including the District of Columbia) that did not adopt these laws. By comparing the change in violent crime from a period before crack emerged to a year after its impact had dissipated, one can eliminate the impact of crack on crime (although of course this simple comparison does not control for other influences on crime that differed over this period for the two sets of states).

Figure 1 shows that the nine non-RTC states enjoyed a 42.3 percent drop in their violent crime rate, while the 37 RTC-adopting states had a sharply smaller decline in violent crime over this period (a decline of only 8.7 percent over a 37-year period). The five states that had adopted RTC laws prior to 1977 similarly showed far smaller drops in crimes than the nine never-adopting states. This graphical display provides suggestive evidence that RTC laws tend to exacerbate violent crime (controlling for the influence of crack, albeit not for other explanatory variables).

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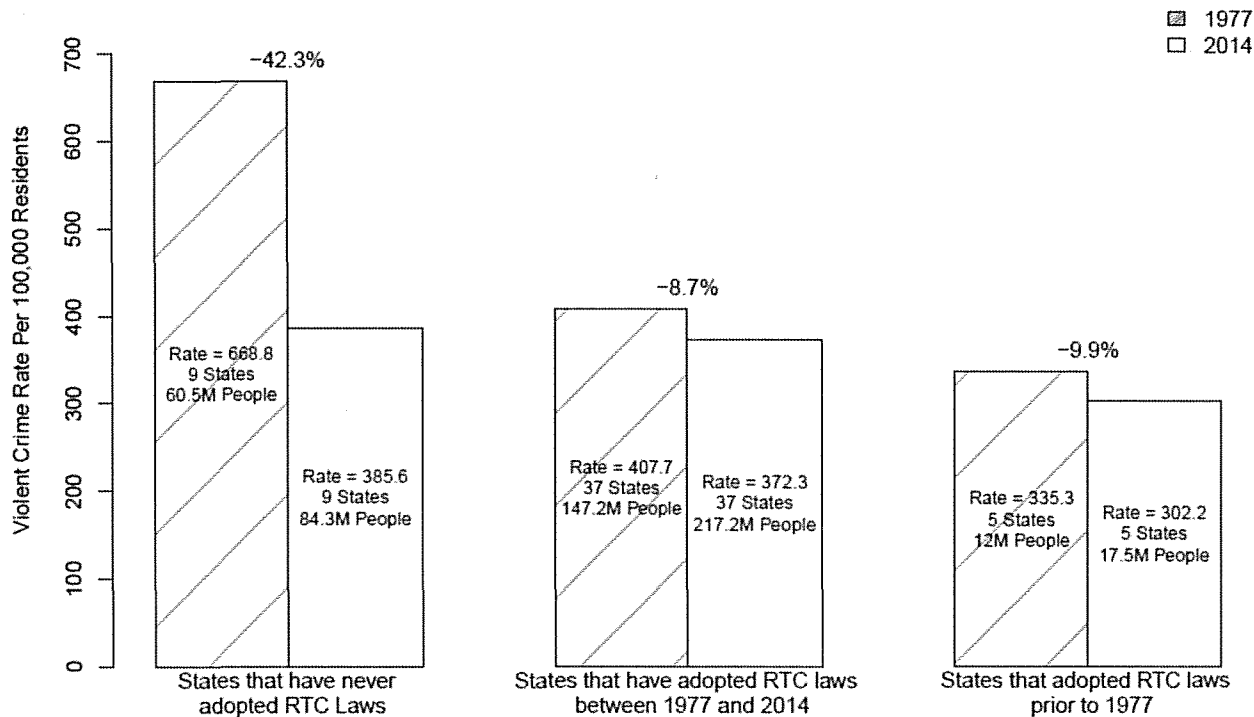
<sup>8</sup> Current consensus estimates suggest that doubling the incarceration rate will lead to a roughly 15 percent reduction in crime (which means the elasticity of crime with respect to incarceration is .15). Since RTC laws generate about a 15 percent increase in violent crime, one could offset this increase by doubling the prison population. See generally John J. Donohue, “Assessing the Relative Benefits of Incarceration: The Overall Change Over the Previous Decades and the Benefits on the Margin,” in Steven Raphael and Michael Stoll, eds., *Do Prisons Make Us Safer? The Benefits and Costs of the Prison Boom* 269-341 (2009).

<sup>9</sup> See the discussion of Zimmerman (2015) below, which supports my finding that RTC laws increase crime.

Figure 1

**The Decline in Violent Crime Rates has been Far Greater in States with No RTC Laws, 1977–2014**

Data Sources: UCR for crime rates; Census for state populations.



10. Obviously, Figure 1 would exaggerate the extent of the harm of RTC laws if, say, the non-adopting states had increased their per capita rates of either incarceration or police personnel more than the adopting states, thereby suppressing violent crime through those mechanisms (which could then potentially explain the relatively better experience with violent crime over the 1977-2014 period in the non-adopting states). In fact, the opposite is true. The states adopting RTC laws in the 1977-2014 period had considerably *larger* percentage increases over this span in their rates of incarceration (259% vs. 205%) and police staffing (55% vs. 16%) relative to the non-adopting states.<sup>10</sup> The relatively better crime performance of non-adopting states in the raw comparison of Figure 1 would be even greater if one were to control for the influence on violent crime of both police and incarceration.

11. Of course, many factors in addition to police, incarceration, and crack influence crime and the challenge for researchers who seek to find the impact of a single factor such as RTC laws is to develop an appropriately specified statistical model that accounts for those factors that may also be

<sup>10</sup> The five states that had adopted RTC laws prior to 1977 had the largest percentage increase in their incarceration rate (262 percent), and a 38-percent growth in size of their police forces (per capita), which was more than double the growth in the police forces in the states not adopting RTC laws.



correlated with RTC adoption. DAW (see footnote 2, *supra*, for full citation) begin their study with a state panel data analysis that extended the NRC data by 14 years, during which time 11 additional states adopted RTC laws. Table 1, below (which reproduces Table 4 in DAW), provides state panel data estimates of the impact of RTC laws for the period 1979-2014 using state and year fixed effects, with both a dummy variable model (estimating a shift in the level of crime after RTC adoption) and a spline model (examining whether RTC laws induce a change in the trend of crime). Table 1 suggests that violent and property crime are both higher after adoption of RTC laws. Specifically, the dummy model suggests that violent crime is 9.5 percent higher after adoption of RTC laws, while the spline model results are not statistically significant.<sup>11</sup>

Table 1: Panel Data Estimates Suggesting that RTC Laws increase Violent and Property Crime: State and Year Fixed Effects, DAW Regressors, 1979-2014

	Murder Rate (1)	Murder Count (2)	Violent Crime Rate (3)	Property Crime Rate (4)
Dummy Variable Model	0.30 (5.35)	1.050 (0.052)	9.49*** (2.96)	6.76** (2.73)
Spline Model	-0.31 (0.53)	1.002 (0.004)	0.05 (0.64)	0.14 (0.38)

OLS estimations include year and state fixed effects and are weighted by state population. Robust standard errors (clustered at the state level) are provided next to point estimates in parentheses. Incidence Rate Ratios (IRR) estimated using Negative Binomial Regression, where state population is included as a control variable, are presented in Column 2. The null hypothesis is that the IRR equals 1. The source of all the crime rates is the Uniform Crime Reports (UCR). Six demographic variables (based on different age-sex-race categories) are included as controls in the regression above. Other controls include the lagged incarceration rate, the lagged police employee rate, real per capita personal income, the unemployment rate, poverty rate, beer, and percentage of the population living in MSAs. \*  $p < .1$ , \*\*  $p < .05$ , \*\*\*  $p < .01$ . All figures reported in percentage terms.

12. DAW then show that if one conducts a panel data analysis over this extended data period from 1979-2014 based on another major crime study that uses different but still plausible explanatory variables, one generates almost identical results. Specifically, taking the variables from the 2015 Brennan Center report (BC) on the crime decline and using the longer data time frame of

<sup>11</sup> Both models control for the same additional factors that influence crime, such as police, incarceration, state income and unemployment, the demographics of the population, etc. (The full array of variables are set forth in DAW, Table 3.) The dummy variable model of Table 1 – a dummy variable is just an indicator of whether a state has an RTC law or not – estimates that on average crime is 9.49 percent higher after RTC adoption, holding other factors constant. The spline model of Table 1 is harder to interpret because it suggests that for each year over the entire 36-year data period, RTC states were experiencing a relative increase in violent crime relative to non-RTC states for reasons not well captured by the panel data model (and that this enduringly worse crime performance did not get significantly worse after adoption). It seems unlikely that an adverse linear trend could be projected to continue for so long without being buttressed by further exacerbating factors, which implies that the spline model is not informative about how much of the post-treatment increases in violent crime is caused by the consequences of RTC laws versus pre-existing but unknown attributes of the 33 states that happen to go on to adopt RTC laws. This suggests that the more precise identification of appropriate control comparisons for each treated (RTC-adopting) state that the synthetic controls approach provides is likely to yield superior pre-treatment equivalence, thereby better facilitating superior insight into the causal impact of RTC laws on crime.

the DAW data period generates almost identical results, predicting an 11.0 percent increase in the rate of violent crime with the dummy variable model employed by BC.<sup>12</sup> These results are shown in Table 2.

**Table 2: Panel Data Estimates Suggesting that RTC Laws increase Violent and Property Crime: State and Year Fixed Effects, BC Regressors, 1978-2014**

	Murder Rate (1)	Murder Count (2)	Violent Crime Rate (3)	Property Crime Rate (4)
Dummy Variable Model	3.45 (5.67)	1.050 (0.051)	10.98*** (3.65)	6.86** (3.26)
Spline Model	-0.49 (0.51)	1.003 (0.004)	0.19 (0.66)	0.12 (0.35)

OLS estimations include year and state fixed effects and are weighted by state population. Robust standard errors (clustered at the state level) are provided next to point estimates in parentheses. Incidence Rate Ratios (IRR) estimated using Negative Binomial Regression, where state population is included as a control variable, are presented in Column 2. The null hypothesis is that the IRR equals 1. The source of all the crime rates is the Uniform Crime Reports (UCR). Four demographic variables (percent black, percent aged 15-19, percent aged 20-24, and percent aged 25-29) are included. Other controls include log of the lagged incarceration rate, lagged police employment per resident population, the unemployment rate, nominal per capita income, lagged number of executions, gallons of beer consumed per capita. \*  $p < .1$ , \*\*  $p < .05$ , \*\*\*  $p < .01$ . All figures reported in percentage terms.

13. Another post-NRC panel data crime study that also finds an association of RTC laws with higher rates of violent crime is Zimmerman (2015), which uses a state panel data set from 1999-2010. The advantage of using this data period to explore the impact of RTC laws is that it largely avoids the problem of omitted variable bias owing to the crack phenomenon, since the crack effect had ended by 1999.<sup>13</sup> The disadvantage is that one has less data and can derive estimates based only on the eight states that adopted RTC laws over that twelve-year spell.<sup>14</sup> Zimmerman describes his finding as follows: “The shall-issue coefficient takes a positive sign in all regressions save for the rape model and is statistically significant in the murder, robbery, assault, burglary, and larceny

<sup>12</sup> See Donohue, Aneja, and Weber, *supra*, Table 5.A (the same as Table 2 here). The official citation for the Brennan Center (the “BC”) report is Roeder, et al., “What Caused the Crime Decline?,” *Columbia Business School Research Paper No. 15-28* (Feb. 12, 2015). It conducted its analysis on the abbreviated period from 1990-2013, while we use more complete data from the late 1970s through 2014. Although the BC report did not estimate a spline model, Table 2 shows spline model estimates for four crime measures and again shows the same statistically insignificant results of the DAW model that are discussed in footnote 11.

<sup>13</sup> Because crack caused sharp crime increases in largely non-RTC states starting in the mid-1980s, and we do not have good measures to control for the criminogenic influence of crack, this variable is omitted from the Table 1 and 2 panel data estimates and likely biases the results in a way that obscures the criminogenic effects of RTC laws.

<sup>14</sup> The relatively short time span makes the assumption of state fixed effects more plausible, but also limits the amount of pre-adoption data for an early adopter such as Michigan (2001), with only one year of data prior to adoption, and the amount of post-adoption data for the late adopters Nebraska and Kansas (both 2007), leaving only three years after adoption to estimate the impact of the law.



models. These latter findings may imply that the passage of shall-issue laws increases the propensity for crime, as some recent research (e.g., Aneja, Donohue, & Zhang, 2012) has suggested.”<sup>15</sup>

14. The next two tables (both part of Table 3) show further panel data confirmation of the Zimmerman findings using the DAW and BC specifications to estimate the impact of RTC laws on crime over the 2000-2014 period. Both tables buttress the view that the states adopting RTC laws after 2000 suffered from relatively higher violent crime in the aftermath of doing so.

**Table 3: Panel Data Estimates of the Impact of RTC Laws Using DAW and BC specifications, 2000 - 2014**

<i>Panel A: Panel Data Estimates Suggesting that RTC Laws increase Murder: State and Year Fixed Effects, DAW Regressors, 2000-2014</i>				
	Murder Rate (1)	Murder Count (2)	Violent Crime Rate (3)	Property Crime Rate (4)
Dummy Variable Model	5.70 (3.59)	1.021 (0.043)	4.96 (3.49)	-1.52 (2.25)
Spline Model	1.12** (0.56)	1.013** (0.006)	0.53 (1.11)	0.40 (0.42)

<i>Panel B: Panel Data Estimates Suggesting that RTC Laws increase Violent Crime: State and Year Fixed Effects, Brennan Center Regressors, 2000-2014</i>				
	Murder Rate (1)	Murder Count (2)	Violent Crime Rate (3)	Property Crime Rate (4)
Dummy Variable Model	7.29* (4.10)	1.031 (0.042)	7.97** (3.56)	-1.90 (2.44)
Spline Model	0.98 (0.65)	1.012* (0.006)	0.59 (1.29)	0.35 (0.45)

### **Synthetic Controls Estimates of the Impact of RTC Laws on Violent Crime**

15. In addition to the benefit from having more years of data and more RTC adoptions to provide further evidence of the true impact of RTC laws on crime, we now have a powerful new and already widely implemented statistical tool to assess the impact of a legal change – the synthetic controls analysis, first introduced in Abadie and Gardeazabal (2003) and expanded in Abadie, et al. (2010) and Abadie, et al. (2014).<sup>16</sup> We have already alluded to some of the difficulties with the panel data methodology because of the inability to effectively control for the influence of crack and other

<sup>15</sup> DAW also found that running their preferred model on post-crack-era data from 2000-2014 generated an estimate that murder rates rose about 1.1 percentage points each year that an RTC law was in effect.

<sup>16</sup> A. Abadie, A. Diamond, and J. Hainmueller, “Synthetic Control Methods for Comparative Case Studies: Estimating the Effect of California’s Tobacco Control Program,” 105 *Journal of the American Statistical Association* 490, 493–505 (2010).

(known and unknown) explanatory variables that influence crime.<sup>17</sup> The synthetic controls approach is designed to address some of the challenges posed by panel data methods. The goal of this research is to find a set of states that do not have RTC laws that can be used to generate a good approximation of the pattern of crime prior to year X for a state that adopts a RTC law during that year. The pattern of crime for the synthetic control after year X can then be compared with the actual pattern of crime for the adopting state to generate an estimate of the causal impact of the RTC law adoption.

16. Figures 2 through 5 illustrate the synthetic controls estimates of the impact of RTC laws on violent crime for four different states, beginning with Texas. As one can see in Figure 2, a weighted average of three states – California, Wisconsin, and Nebraska – mimics the time-series of violent crime in Texas rather well over the period from 1977 through adoption of the Texas RTC law in 1996. Although all states were benefitting from crime reductions in the 1990s, the fact that California, Wisconsin, and Nebraska did not have RTC laws led to their better performance in reducing violent crime. It is the comparison between the better performance of the synthetic control (the composite of California, Wisconsin, and Nebraska) with the actual performance of the state itself that generates the synthetic controls estimate that Texas's RTC law elevated crime by 16.6 percent above what it would have been if the state had not been burdened by an RTC law.

17. Similar results can be seen in the successive figures for Pennsylvania, North Carolina and Mississippi. It is worth noting in Figure 3 that Pennsylvania adopted its RTC laws in two phases (as indicated in the two vertical lines), with the second phase extending RTC to Philadelphia in 1996. Note that violent crime noticeably moved in an adverse direction in the wake of that legislative enactment. The attached paper by DAW (see Appendix D) also shows that when in 2003 Alaska moved from an RTC permitting system to a regime of unencumbered RTC, violent crime jumped noticeably.

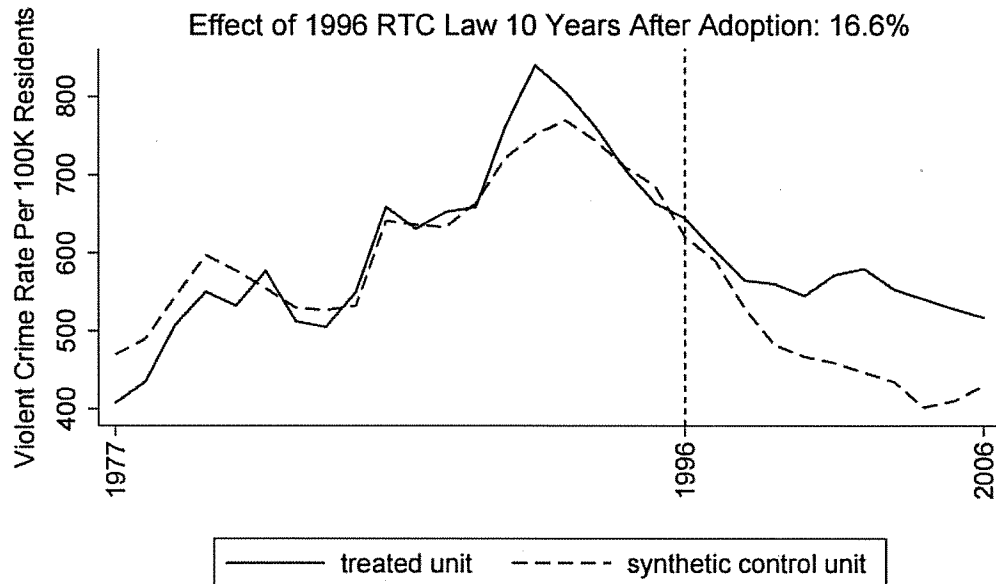
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<sup>17</sup> As alluded to above, the assumptions of panel data analyses needed to ensure validity can be demanding. One can question whether it is plausible to assume implicitly that states like New York can serve as good controls for treatment states like South Dakota, that state fixed effects remain fixed over a 36-year data period, and that linear trends can be projected far into the future (as in the spline models run on the full 36-year period).

**Figure 2**

**Texas: Violent Crime Rate**

Effect of 1996 RTC Law 10 Years After Adoption: 16.6%

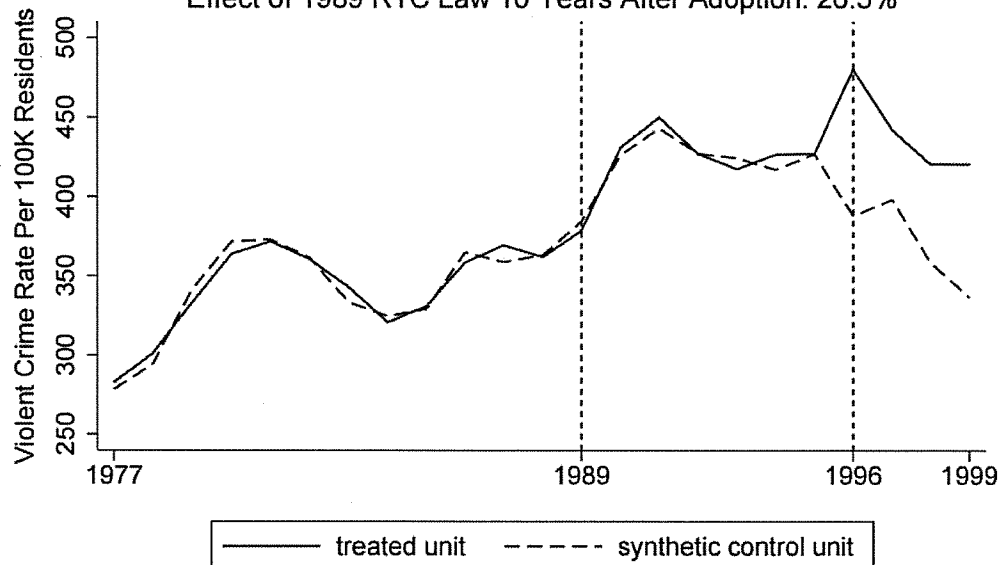


Composition of SC: CA (57.8%), NE (8.6%), WI (33.6%)  
 States Never Passing RTC Laws Included in Synthetic Control: CA  
 RTC-Adopting States Included In Synthetic Control: NE (2007), WI (2012)

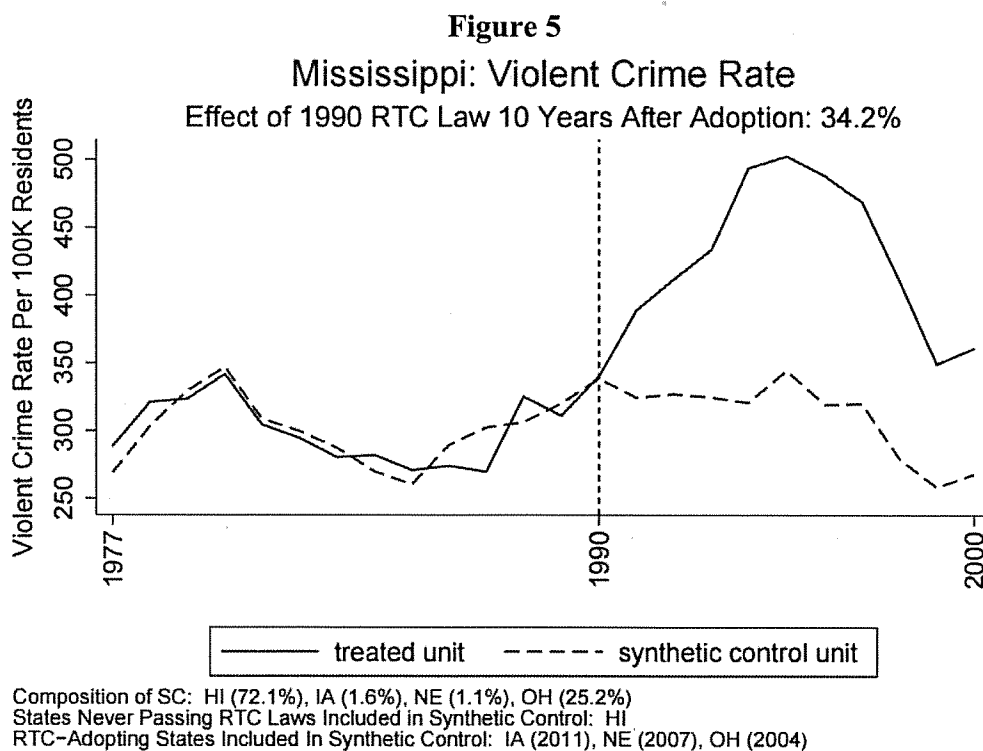
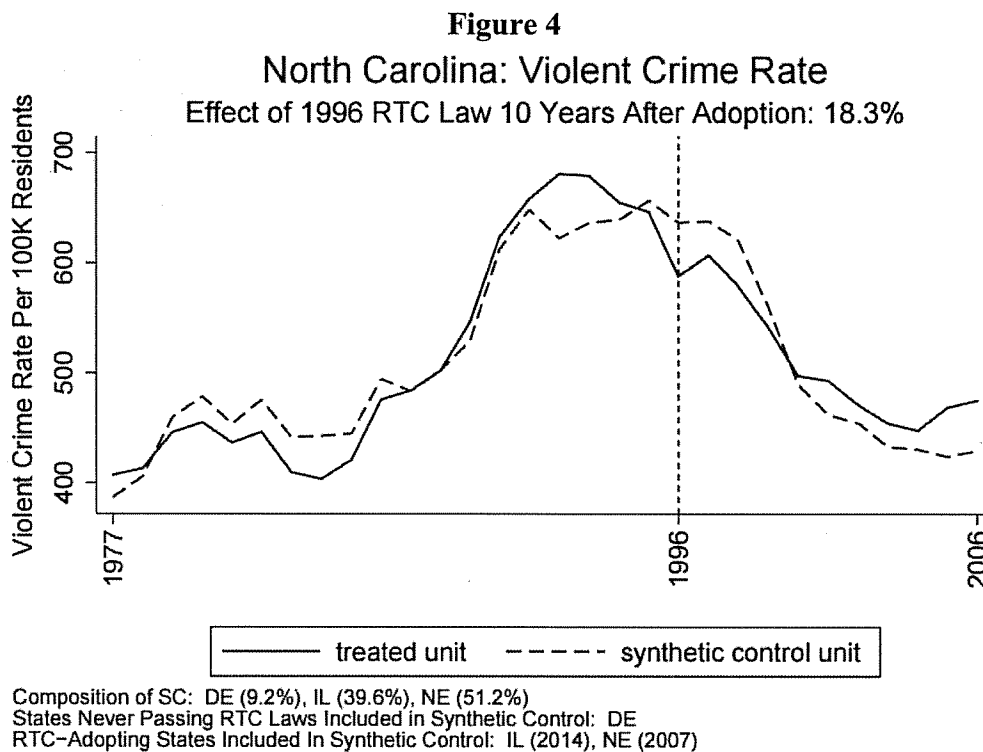
**Figure 3**

**Pennsylvania: Violent Crime Rate**

Effect of 1989 RTC Law 10 Years After Adoption: 26.5%



Composition of SC: DE (7.7%), HI (10.6%), NE (4.3%), NJ (17.0%), OH (25.6%), WI (34.8%)  
 States Never Passing RTC Laws Included in Synthetic Control: DE, HI, NJ  
 RTC-Adopting States Included In Synthetic Control: NE (2007), OH (2004), WI (2012)



18. While the individual state synthetic controls estimates are interesting, a more useful estimate comes from generating an average estimated effect of RTC laws on crime, since the average across 33 states will eliminate some of the noise (or random variation) in the state-specific estimates.<sup>18</sup> DAW use the synthetic controls approach over the full 1979-2014 period and find that, on average, RTC laws increase violent crime by 13-15 percent ten years after adoption. Importantly, the synthetic controls estimates do not show the sensitivity to specification changes that concerned the NRC panel. Whether one uses the specification of DAW, the BC, Lott and Mustard, or Moody and Marvel, the synthetic controls estimate that RTC laws generate large increases in violent crime is highly robust. These results strongly support the panel data estimates cited above, so a body of evidence using the most complete data and different statistical approaches has now emerged that RTC laws tend to cause harmful increases in violent crime in the first ten years after adoption.

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<sup>18</sup> As Nate Silver writes, “The signal is the truth. The noise is what distracts us from the truth.” *The Signal and the Noise* 17 (New York: Penguin Press, 2012). Thus, the average across over 30 estimates will bring us closer to the truth than any single observation because averaging cancels out some noise, allowing the signal to emerge more clearly.



**Table 4: The Impact of RTC Laws on the Violent Crime Rate, DAW covariates, 1977-2014**

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Average Normalized TEP	0.139 (1.122)	2.748** (1.331)	3.676* (1.862)	4.912** (1.986)	6.989*** (2.524)	7.719** (3.057)	10.802*** (2.739)	13.224*** (3.752)	14.445*** (3.577)	14.730*** (2.957)
N	33	33	33	33	33	33	33	31	31	31
Pseudo P-Value	0.954	0.262	0.202	0.158	0.088	0.082	0.046	0.036	0.024	0.032
Proportion of Corresponding Placebo Estimates Significant at .10 Level	0.158	0.192	0.186	0.192	0.188	0.196	0.212	0.234	0.232	0.234
Proportion of Corresponding Placebo Estimates Significant at .05 Level	0.086	0.100	0.108	0.106	0.128	0.138	0.138	0.144	0.138	0.142
Proportion of Corresponding Placebo Estimates Significant at .01 Level	0.022	0.030	0.024	0.038	0.038	0.044	0.062	0.058	0.070	0.058

Standard errors in parentheses

Column numbers indicate post-passage year under consideration; N = number of states in sample

Dependent variable is the difference between the percentage difference in the violent crime rate in treatment and synthetic control states at given post-treatment interval and at time of the treatment

Results reported for the constant term resulting from this regression

States in group: AK AR AZ CO FL GA ID KS KY LA ME MI MN MO MS MT NC ND NE NM NV OH OK OR PA SC SD TN TX UT VA WV WY

The synthetic controls used to generate the placebo estimates in the table above were generated using the regression methodology described in the main text.

\*  $p < 0.10$ , \*\*  $p < 0.05$ , \*\*\*  $p < 0.01$

**Table 5: The Impact of RTC Laws on the Violent Crime Rate, BC covariates, 1977-2014**

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Average Normalized TEP	-0.247 (1.107)	3.045** (1.488)	4.014* (1.990)	4.204** (2.016)	6.278** (2.458)	6.750** (3.080)	9.489*** (3.184)	12.616*** (4.046)	13.077*** (3.828)	13.327*** (3.402)
N	33	33	33	33	33	33	33	31	31	31

Standard errors in parentheses

Column numbers indicate post-passage year under consideration; N = number of states in sample

Dependent variable is the difference between the percentage difference in the violent crime rate in treatment and synthetic control states at given post-treatment interval and at time of the treatment

Results reported for the constant term resulting from this regression

States in group: AK AR AZ CO FL GA ID KS KY LA ME MI MN MO MS MT NC ND NE NM NV OH OK OR PA SC SD TN TX UT VA WV WY

\*  $p < 0.10$ , \*\*  $p < 0.05$ , \*\*\*  $p < 0.01$

**Table 6: The Impact of RTC Laws on the Violent Crime Rate, LM covariates, 1977-2014**

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Average Normalized TEP	-0.031 (1.247)	2.519 (1.623)	4.236** (2.077)	4.599* (2.298)	7.097** (2.618)	7.687** (3.211)	10.984*** (3.185)	12.592*** (3.864)	12.986*** (3.699)	12.801*** (2.723)
N	33	33	33	33	33	33	33	31	31	31

Standard errors in parentheses

Column numbers indicate post-passage year under consideration; N = number of states in sample

Dependent variable is the difference between the percentage difference in the violent crime rate in treatment and synthetic control states at given post-treatment interval and at time of the treatment

Results reported for the constant term resulting from this regression

States in group: AK AR AZ CO FL GA ID KS KY LA ME MI MN MO MS MT NC ND NE NM NV OH OK OR PA SC SD TN TX UT VA WV WY

\*  $p < 0.10$ , \*\*  $p < 0.05$ , \*\*\*  $p < 0.01$

**Table 7: The Impact of RTC Laws on the Violent Crime Rate, MM covariates, 1977-2014**

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Average Normalized TEP	0.067 (1.186)	1.634 (1.535)	3.116* (1.833)	4.708* (2.366)	7.575** (2.832)	8.196** (3.171)	11.282*** (3.236)	13.434*** (3.999)	14.689*** (4.246)	15.290*** (3.796)
N	33	33	33	33	33	33	33	31	31	31

Standard errors in parentheses

Column numbers indicate post-passage year under consideration; N = number of states in sample

Dependent variable is the difference between the percentage difference in the violent crime rate in treatment and synthetic control states at given post-treatment interval and at time of the treatment

Results reported for the constant term resulting from this regression

States in group: AK AR AZ CO FL GA ID KS KY LA ME MI MN MO MS MT NC ND NE NM NV OH OK OR PA SC SD TN TX UT VA WV WY

\*  $p < 0.10$ , \*\*  $p < 0.05$ , \*\*\*  $p < 0.01$

### **The Mechanisms by Which RTC Laws Increase Violent Crime**

19. The prior discussion of the panel data evidence and particularly the consistent synthetic controls analysis illustrates that, on balance, RTC laws seem to increase violent crime. This implies that even if there are any benefits from private gun carrying, they are substantially outweighed by their costs. It is important to understand some of the mechanisms by which adoption of RTC laws lead to increased crime, which the statistical studies do not directly address.

20. First, the supporters of RTC laws frequently cite evidence that permit holders are arrested for violent crimes at relatively low rates. Since permit holders have been screened to try to remove known felons, it is not surprising that they will tend to have overall lower crime rates than the broader population that does include convicted felons. But claims about the prevalence of misconduct by permit holders need to be understood in context. For example, the fact that NRA-sponsored laws have been passed to shield information about the permit status even of arrested criminals has made it hard to fully assess how often permit holders engage in criminal activity.

21. Advocates for more permissive gun-carrying – even among government officials – are often highly inaccurate in their claims about the behavior of permit holders. For example, in a 2013 speech, Sacramento County Sheriff Scott Jones told his audience that no one has ever “been shot by a holder of a concealed weapons permit issued by this office.” Yet only a few months earlier, on October 31, 2012, a letter signed by Jones revoked the permit his office had granted to Hun Chu Saelee, after Saelee had shot a college student in the head at a Halloween party a few days earlier.<sup>19</sup> Indeed, since incidents involving the unlawful use of weapons, shootings, killings, and other violent crime by permit holders in California are not systematically collected and reported, any claims about the frequency of these events in California based on a reported number is necessarily an undercount of the true incidence.

22. The evidence that we do have from some early work in Texas when the number of RTC permits was far lower than it is today suggests that the involvement of permit holders in aggravated assault and murder is many times higher than we might expect for a group with their demographic configuration.<sup>20</sup> RTC permit holders in the early days in Texas had very low levels of criminal disposition as shown by their low arrest rates for rape -- 0.3 per 100,000 CHL holders, compared to 12 per 100,000 people for total Texas -- and for robbery -- 0.7 per 100,000 CHL holders, compared to 35 per 100,000 people for total Texas. In other words, the criminal propensity in the permit-holding group was about 1/36 the average Texan (if we use rape as the baseline or even lower if we

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<sup>19</sup> John Donohue, “Be Skeptical About Claims Of Benefits Of Concealed Carry Permits,” *Sacramento Bee* (Oct. 6, 2016) (available online at <<http://www.sacbee.com/opinion/op-ed/soapbox/article106329677.html>>).

<sup>20</sup> Sturdevant, “An Analysis Of The Arrest Rate Of Texas Concealed Handgun License Holders,” (2000) documents the arrest record for Texas concealed handgun license holders in the initial four years after Texas adopted its RTC law in 1996. See <http://concealedguns.procon.org/sourcefiles/arrest-rate-texas.pdf>.

use robbery). But now consider the involvement of these otherwise law-abiding citizens for the two crimes in which guns can play the biggest role: aggravated assault and murder. The arrest rate for aggravated assault in the Texas study was 56 per 100,000 permit holders, compared to 121 per 100,000 people for total Texas. Since  $1/36$  of  $121 = 3.4$  per 100,000, it is clear that RTC permit holders commit assault at a highly disproportionate rate compared to the crime of rape. Specifically, early Texas permit holders committed aggravated assault at about 17 times the rate we would expect from their preferred demographic (as reflected by their underlying likelihood of criminality for the crime of rape).

23. Similarly, for the period of 1996-1999, there were 27 arrests of Texas permit holders for murder – a rate of 4 arrests per 100,000 permit holders. In comparison, the total Texas arrest rate for murder during the same time period was 5.2 per 100,000 people. Since  $1/36$  of  $5.2 = .144$ , we see that early Texas RTC permit holders were 27.7 times more likely to commit murder than we would expect based on their underlying level of criminality.

24. Some advocates of RTC cite the low numbers of revocations of licenses as proof that the concealed carry permit holder are exceptionally law-abiding and no threat to anyone. But revocations will clearly understate the misconduct of permit holders since many crimes are never solved. Moreover, the cases in which RTC permit holders have been killed during criminal behavior (thereby obviating the need to revoke their permits) shows that permit revocation and/or arrest is not a flawless reflection of misconduct. For example, on September 18, 2013, two Michigan drivers with RTC permits -- James Pullum (43 years old), driving with his wife and mother, and Robert Taylor (56) – were angered over a tailgating dispute. They pulled into a nearby car wash, stepped out of their cars and exchanged fire. Both were hit and died at the same hospital later that day. Neither of their RTC permits were revoked by the State of Michigan.<sup>21</sup>

25. Inaccurate claims are often made that permit holders play an important role in stopping mass shootings, but a 2013 FBI study of 160 “active shootings” over a 13-year period when RTC laws were prevalent found that only one was stopped by an armed individual who was neither a police officer nor a security guard. But even this case in 2008 in a Nevada bar was not any average permit holder but an active-duty Marine, who was able to kill the shooter who had stopped to reload. Note, also, that the FBI study found that 21 times unarmed citizens disarmed the shooter.

26. Since 2007, the website Concealed Carry Killers has documented 885 homicides, accidental deaths, and suicides attributed to permit holders, including 29 mass shootings that killed 139 individuals, including the Orlando shooter who murdered 49. How many more deaths were caused by permit holders is difficult to know because the NRA-backed secrecy laws are designed to keep the public from knowing the full extent of this mayhem.

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<sup>21</sup> Hunter Stuart, “Two Concealed Carry Holders Kill Each Other In Road Rage Incident,” *Huffington Post*, Sept. 19, 2013 (available online at <[http://www.huffingtonpost.com/2013/09/19/michigan-concealed-carry-road-rage-two-dead\\_n\\_3956491.html?ncid=txtlnkushpmg00000037&ir=Politics](http://www.huffingtonpost.com/2013/09/19/michigan-concealed-carry-road-rage-two-dead_n_3956491.html?ncid=txtlnkushpmg00000037&ir=Politics)>).

27. A second critical consideration must also be acknowledged: since the statistical evidence shows that RTC laws increase crime by an amount larger than that committed by RTC permit holders, then RTC laws must be increasing crime in many ways even if the permit holders are not committing it. The ability to carry a gun may embolden some permit holders to engage in provocative behavior inciting criminal responses in others, as some have alleged happened in the well-known George Zimmerman case leading to the death of Trayvon Martin. Criminals may also be more likely to carry weapons in response to RTC adoption and more likely to be aggressive towards their victims if they fear armed opposition. Guns carried outside the home because of RTC laws are potentially more likely to be lost or stolen, which is a major pathway to arming criminals.

28. Finally, the presence of more guns can complicate the job of police and simply take up more police time as they process applications and check for permit validity when they confront armed citizens.<sup>22</sup>

29. The primary cause of death to police officers from intentional assaults is from guns (which is the plurality cause of death for police officers), and the nature of the threat is reflected in the fact that states with high rates of civilian gun ownership are more dangerous for the police. A study published in the *American Journal of Public Health* examined data on the number of homicidal deaths of police in two groups of states with roughly equal number of police officers – the eight states with the lowest levels of gun ownership and the 23 states with the highest rate of gun ownership.<sup>23</sup> The study found that, over the period from 1996 to 2010, the rate of police homicide in the high-gun-prevalence states was three times as high as the rate of police homicide in the low-gun-prevalence states. Specifically, in the states with low-gun-ownership rates, there were 0.31 officer fatalities for every 10,000 employed officers over the study period, and contrasted with 0.95 fatalities per 10,000 officers in the high-gun-ownership states. Not surprisingly, only one of the low-gun-prevalence states had an RTC law during the study period (Connecticut), while 21 of the 23 states with the high level of murders of police had RTC laws during all or part of the study period (and the other two – Iowa and Wisconsin – both adopted RTC laws in 2011).<sup>24</sup>

30. Anything that impairs police productivity or that serves as an effective “tax” on police serves to elevate criminal behavior, and RTC laws do both as police have to spend valuable time processing permits and contending with armed citizens. The more fear that police have, the greater the threat

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<sup>22</sup> Christopher Ingraham, “More Police Officers Die On The Job In States With More Guns,” *Wash. Post*, Jul. 8, 2016, (available online at <[https://www.washingtonpost.com/news/wonk/wp/2016/07/08/more-police-officers-die-on-the-job-in-states-with-more-guns/?utm\\_term=.caa47153ae95](https://www.washingtonpost.com/news/wonk/wp/2016/07/08/more-police-officers-die-on-the-job-in-states-with-more-guns/?utm_term=.caa47153ae95)>).

<sup>23</sup> Note that, since the low-gun-ownership states had higher populations, the effort to equalize the numbers of police in the two groups required looking at more high-gun-ownership states, which tended to have lower populations.

<sup>24</sup> As the authors note: “Because the low-prevalence states were typically more highly populated and had many more officers than the high-prevalence states, the final 2-by-2 analysis had 8 low-prevalence states and 23 high-prevalence states, covering approximately 2.75 million LEO-years per group.” David I. Swedler, et al., “Firearm Prevalence and Homicides of Law Enforcement Officers in the United States,” 105 *American Journal of Public Health* 2042 (Oct. 2015).

they will pose to the community, which can strain the bonds that are needed for effective law enforcement.

### Open Carry Versus Concealed Carry

32. While the empirical literature discussed above has largely focused on the impact of laws allowing citizens to carry concealed guns, this literature can be used to make informed predictions about the likely impact of allowing citizens to carry arms openly.

33. The concealed carry of guns has a potential advantage of deterring criminal conduct if it leads criminals to fear that someone they are considering to mistreat may be armed. But the prior discussion shows that whatever deterrence is generated by RTC laws, it is apparently outweighed by the factors just discussed that tend to encourage violent crime. These facts suggest that open carry of guns would be less socially desirable than concealed carry since the latter at least has the prospect of a deterrence since the criminals cannot know who is carrying weapons.

34. Open carry might conceivably confer a benefit if it could dissuade potential criminals from targeting certain individuals if they or someone nearby has a weapon, but in general the greatest effect of open carry would likely only be to move crime away from the armed target to an unarmed target. In general, spending resources that shift burdens of crime from one group to another without reducing the overall burden is a net waste of resources. Indeed, the billions of dollars that are spent each year buying guns for self-protection without any statistical support for the claim that they diminish crime could easily confer substantial crime-reducing benefits if the money were directed to known crime-reducing expenditures.<sup>25</sup>

35. Moreover, as we saw in the Boston Marathon bombing case, criminals can easily target open carriers of guns, either to eliminate the threat from gun carriers or to help the criminals secure a weapon (as the Boston bombers hoped to do when they killed an MIT policemen to obtain his gun).

36. In addition, open carry of guns can spread fear and alarm in the community. An openly displayed gun in public also gives a muddy signal about the gun toter and could draw undue attention from police officers, directing law-enforcement resources inefficiently, which again makes law enforcement less effective, thereby further promoting crime.

Respectfully submitted,



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<sup>25</sup> John Donohue, "Fighting Crime: An Economist's View," 7 *The Milken Institute Review* 46 (2005).



Exhibit A

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**EMPLOYMENT**

**Full-time Positions**

- Stanford Law School, C. Wendell and Edith M. Carlsmith Professor of Law, September 2010 to the present.
- Yale Law School, Leighton Homer Surbeck Professor of Law, July 2004 to August 2010.
- Stanford Law School, Professor of Law, September 1995 to June 2004.
- William H. Neukom Professor of Law, February 2002 – June 2004.
- John A. Wilson Distinguished Faculty Scholar, March 1997 – January 2002.
- Academic Associate Dean for Research, since July 2001 – July 2003.
- Stanford University Fellow, September 2001 – May 2003.
- Northwestern University School of Law:
  - Class of 1967 James B. Haddad Professor of Law, September 1994-August 1995
  - Harry B. Reese Teaching Professor, 1994-1995
  - Professor of Law, May 1991-September 1994
  - Associate Professor, May 1989-May 1991
  - Assistant Professor, September 1986-May 1989.
- Research Fellow, American Bar Foundation, September 1986-August 1995.
- Associate Attorney, Covington & Burling, Washington, D.C., October 1978-July 1981 (including last six months as Attorney, Neighborhood Legal Services)
- Law Clerk to Chief Justice T. Emmet Clarie, U.S. District Court, Hartford, Connecticut, September 1977-August 1978.

**Temporary Appointments**

- Fellow of the Society for Empirical Legal Studies, 2015-2016
- Visiting Professor, Bocconi University, Milan, Italy, October- November 2012, April 2014, and June 2015.

- 2011 Faculty Scholar in Residence, University of Denver Sturm College of Law, April 21-22, 2011.
- Visiting Fellow, The Milton Friedman Institute for Research in Economics, University of Chicago, October 2009
- Schmidheiny Visiting Professor of Law and Economics, St. Gallen University, November – December, 2007.
- Visiting Lecturer in Law and Economics, Gerzensee Study Center, Switzerland, June 2007.
- Visiting Professor, Tel Aviv University School of Law, May 2007.
- Herbert Smith Visitor to the Law Faculty, University of Cambridge, England, February 2006.
- Visiting Professor, Harvard Law School, January 2003.
- Fellow, Center for Advanced Studies in the Behavioral Sciences, Stanford, California, Academic year 2000-01.
- Visiting Professor, Yale Law School, Fall, 1999.
- Professor, Center for the Study of American Law in China, Renmin University Law School, Beijing, July 1998.
- Visiting Professor of Law and Economics, University of Virginia, January 1997.
- Lecturer, Toin University School of Law, Yokohama, Japan, May-June 1996.
- Cornell Law School, Distinguished Visiting Fellow in Law and Economics, April 8-12, 1996 and September 25-29, 2000
- Visiting Professor, University of Chicago Law School, January 1992-June 1992.
- Visiting Professor of Law and Economics, University of Virginia Law School, January 1990-May 1990.
- Fellow, Yale Law School Program in Civil Liability, July 1985-August 1986.
- Private Practice (part-time), New Haven, Connecticut, September 1981-August 1986.
- Instructor in Economics, Yale College, September 1983-August 1985.
- Summer Associate, Donovan Leisure Newton & Irvine, New York, Summer 1982.
- Summer Associate, Perkins, Coie, Stone, Olsen & Williams, Seattle, Washington, Summer 1976.
- Research Assistant, Prof. Laurence Lynn, Kennedy School of Government, Harvard University, Summer 1975.
- LSAT Tutor, Stanley Kaplan Education Center, Boston, Massachusetts; Research Assistant, Prof. Philip Heymann, Harvard Law School; Research Assistant, Prof. Gordon Chase, Harvard School of Public Health. (During Law School).

## **EDUCATION**

### **Yale University, 1981-1986**

- University Fellow in Economics; M.A. 1982, M. Phil. 1984, Ph.D. 1986.
- Dissertation: "A Continuous-Time Stochastic Model of Job Mobility: A Comparison of Male-Female Hazard Rates of Young Workers." Awarded with Distinction by Yale.
- Winner of the Michael E. Borus Award for best social science dissertation in the last three years making substantial use of the National Longitudinal Surveys--awarded by the Center for Human Research at Ohio State University on October 24, 1988.
- National Research Service Award, National Institute of Health.
- Member, Graduate Executive Committee; Graduate Affiliate, Jonathan Edwards College.

### **Harvard Law School, 1974-1977 (J.D.)**

- Graduated Cum Laude.
- Activities: Law Clerk (Volunteer) for Judge John Forte, Appellate Division of the District Court of Central Middlesex; Civil Rights, Civil Liberties Law Review; Intramural Athletics; Clinical Placement (Third Year): (a) First Semester: Massachusetts Advocacy Center; (b) Second Semester: Massachusetts Attorney General's Office--Civil Rights and Consumer Protection Divisions. Drafted comments for the Massachusetts Attorney General on the proposed U.S. Department of Justice settlement of its case against Bechtel Corporation's adherence to the Arab Boycott of Israeli companies.

### **Hamilton College, 1970-1974 (B.A.)**

- Departmental Honors in both Economics and Mathematics
- Phi Beta Kappa (Junior Year)
- Graduated fourth in class with the following academic awards:
  - Brockway Prize
  - Edwin Huntington Memorial Mathematical Scholarship
  - Fayerweather Prize Scholarship
  - Oren Root Prize Scholarship in Mathematics
- President, Root-Jessup Public Affairs Council.

## PUBLICATIONS

### Books and Edited Volumes:

- Law and Economics of Discrimination, Edward Elgar Publishing, 2013.
- Employment Discrimination: Law and Theory, Foundation Press, 2005, 2009 (2d edition) (with George Rutherglen).
- Economics of Labor and Employment Law: Volumes I and II, Edward Elgar Publishing, 2007. [http://www.e-elgar.co.uk/bookentry\\_main.lasso?id=4070](http://www.e-elgar.co.uk/bookentry_main.lasso?id=4070).
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### Book Chapters:

- “Drug Prohibitions and Its Alternatives.” Chapter 2 in Cook, Philip J., Stephen Machin, Olivier Marie, and Giovanni Mastrobuoni, eds, Lessons from the Economics of Crime: What Reduces Offending? MIT Press. 45-66 (2013).
- “The Death Penalty,” Chapter in Encyclopedia of Law and Economics, Spring (2013).
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- “Assessing the Relative Benefits of Incarceration: The Overall Change Over the Previous Decades and the Benefits on the Margin,” in Steven Raphael and Michael Stoll, eds., Do Prisons Make Us Safer? The Benefits and Costs of the Prison Boom, pp. 269-341 (2009).
- “Does Greater Managerial Freedom to Sacrifice Profits Lead to Higher Social Welfare?” In Bruce Hay, Robert Stavins, and Richard Vietor, eds., Environmental Protection and the Social Responsibility of Firms: Perspectives from Law, Economics, and Business (2005).
- “The Evolution of Employment Discrimination Law in the 1990s: A Preliminary Empirical Evaluation” (with Peter Siegelman), in Laura Beth Nielsen and Robert L. Nelson, eds., Handbook of Employment Discrimination Research (2005).
- “Divining the Impact of Concealed Carry Laws,” in Jens Ludwig and Philip Cook, Evaluating Gun Policy: Effects on Crime and Violence (Washington D.C.: Brookings, 2003).

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- “Right-to-Carry Laws and Violent Crime: A Comprehensive Assessment Using Panel Data and a State-Level Synthetic Controls Analysis” NBER Working Paper. May 2017 (with Abhay Aneja, and Kyle Weber).
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**Blog Posts:**

- "Moore v. Texas and the Pathologies that Still Mar Capital Punishment in the U.S.," March 29, 2017, <https://law.stanford.edu/2017/03/29/moore-v-texas-and-the-pathologies-that-mar-capital-punishment-in-the-u-s/>
- "Trump and Gun Policy," *Stanford Law School Legal Aggregate Blog*, November 12, 2016, <http://stanford.io/2eoWnna>
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- "When will America wake up to gun violence?," *CNN.com*, July 20, 2012, <http://www.cnn.com/2012/07/20/opinion/donohue-gun-control/index.html>
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- "Have 'Woman-Protective' Studies Resolved the Abortion Debate? Don't Bet on It," <http://balkin.blogspot.com/2008/09/have-woman-protective-studies-resolved.html> (September 2008).

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## WORKSHOPS AND ADDRESSES

- “Comey, Trump, and the Puzzling Pattern of Crime in 2015 and Beyond,” **University of Texas School of Law and Economics Seminar**, April 24, 2017; Faculty Workshop, **UC Davis School of Law**, April 10, 2017; Law and Social Science Seminar, **Texas A&M University School of Law**, March 6, 2017; Quantlaw, **University of Arizona Law School**, February 17, 2017.
- Debate with Kent Scheidegger on Capital Punishment, Philosophy of Punishment Seminar, **JFK University School of Law**, March 18, 2017.
- “The Evidence on Guns and Gun Laws,” **Federal Bar Council Program on Guns and Gun Laws -- Rancho Mirage, California**, February 23, 2017.
- “Guns, Crime and Race in America,” Stanford’s Center for Population Health Sciences, **Stanford Medical School**, October 17, 2016.
- “Evaluating the Death Penalty,” Forum on California Propositions 62 and 66, **Stanford Law School**, September 14, 2016.
- “Empirical Analysis and the Fate of Capital Punishment,” Colloquium, Presley Center for Crime and Justice Studies; **University of California, Riverside**, October 24, 2016.
- “Gun Violence and Mental Illness,” Department of Psychiatry, **Stanford University**, August 25, 2016.
- “The Battle Over Gun Policy In America,” Physicians and Social Responsibility” seminar; **Stanford Medical School**, October 3, 2016; **Bioethics Committee of the San Mateo County Medical Association**, April 27, 2016; **The League of Women Voters of Palo Alto**, April 19, 2016; Human Rights and Health Seminar, **Stanford University**, April 12, 2016; Bechtel International Center, **Stanford University**, February 23, 2016; Stanford in Government Seminar, Haas Center, **Stanford University**, February 2, 2016.

- American Economic Association Continuing Education Course “The Economics of Crime” (with Jens Ludwig), **AEA Annual Meeting**, San Francisco, January 5-7, 2016.
- “Race and Arbitrariness in the Connecticut Death Penalty,” **University of Connecticut School of Law**, Nov. 20, 2015.
- “*Connecticut v. Santiago* and the Demise of the Connecticut Death Penalty,” Faculty Workshop, **Stanford Law School**, August 19, 2015.
- “Do Handguns Make Us Safer? A State-Level Synthetic Controls Analysis of Right-to-Carry Laws,” Second Amendment Conference, **Covington and Burling, New York**, May 14, 2015; **NBER Summer Institute**, Cambridge, MA, July 23, 2015; Faculty Workshop, **Stanford Law School**, November 11, 2015.
- “U.S. Criminal Justice Under Siege: Will Becker or Beccaria Prevail?” Faculty Seminar, **Bocconi University School of Law, Milan, Italy**, June 18, 2015.
- “Can You Believe Econometric Evaluations of Law, Policy, and Medicine?,” **Stanford Law School**, Legal Theory Workshop, March 1, 2007; Faculty Workshop, **Tel Aviv University School of Law**, May 14, 2007; Faculty Workshop, **University of Haifa Law School**, May 16, 2007; Law and Economics Workshop, **Georgetown Law School**, September 19, 2007; Law and Economics Workshop, **St. Gallen Law School**, Switzerland, November 29, 2007; and Yale Law School, February 25, 2008; Law and Economics Workshop, **Swiss Institute of Technology**, Zurich, Switzerland, May 21, 2008; Faculty Workshop, **University of Virginia Law School**, October 24, 2008; Plenary Session, Latin American and Caribbean Law and Economics Association, **Universitat Pompeu Fabra (Barcelona)**, June 15, 2009; **Google, Milan, Italy**, June 8, 2015.
- Commentator: ““Throw Away the Jail or Throw Away The Key? The Effect of Punishment on Recidivism and Social Cost,”” by Miguel F. P. de Figueiredo, American Law and Economics Association Meetings, **Columbia Law School**, May 15, 2015.
- “Broken Windows, Stop and Frisk, and Ferguson,” 2015 Justice Collaboratory Conference: Policing Post-Ferguson, **Yale Law School**, April 17, 2015.
- “Assessing the Development and Future of Empirical Legal Studies,” **Stanford Law School** course on Modern American Legal Thought, February 25, 2015.
- Commentator: “Payday Lending Restrictions and Crimes in the Neighborhood,” by Yilan Xu, 9<sup>th</sup> Annual Conference on Empirical Legal Studies, **Boalt Hall**, Berkeley, CA, November 7, 2014.



- “An Empirical Evaluation of the Connecticut Death Penalty Since 1973: Are There Unconstitutional Race, Gender and Geographic Disparities?,” Faculty Workshop, **Economics Department, Rice University**, Houston, TX, Feb. 18, 2014; Law and Economics Workshop, **University of Virginia Law School**, September 11, 2014; Faculty Colloquium, **University of San Diego School of Law**, October 3, 2014.
- “What’s Happening to the Death Penalty? A Look at the Battle in Connecticut,” **Hamilton College**, Clinton, New York, June 6, 2014.
- Panel Member, Research Methods Workshop, Conference for Junior Researchers on Law and Society, **Stanford Law School**, May 15, 2014.
- “Logit v. OLS: A Matter of Life and Death,” Annual Meeting of the American Law and Economics Association, **University of Chicago**, May 9, 2014.
- “Guns: Law, Policy, Econometrics,” Second Amendment Litigation and Jurisprudence Conference, **Jenner & Block**, Chicago, May 8, 2014.
- “The Impact of Antidiscrimination Law: The View 50 Years after the Civil Rights Act of 1964,” **Renaissance Weekend**, Liguna Niguel, CA, Feb. 15, 2014.
- “Concealed Carry and Stand Your Ground Law,” **Renaissance Weekend**, Liguna Niguel, CA, Feb. 15, 2014.
- “Reducing Gun Violence,” Forum on Gun Violence Reduction, Mountain View City Hall, Mountain View, CA, Feb. 8, 2014.
- “Gun Policy Debate,” **C-SPAN**. National Cable Satellite Corporation, Jan. 16, 2014. <<http://www.c-span.org/video/?317256-1/GunPoli>>.
- “Trial and Decision in the Connecticut Death Penalty Litigation,” Faculty Workshop, **Stanford Law School**, November 20, 2013.
- “Rethinking America’s Illegal Drug Policy,” Law and Economics Workshop, **Harvard Law School**, April 20, 2010; NBER Conference, “Economical Crime Control,” **Boalt Hall**, Berkeley, CA, January 16, 2010; **NBER Summer Institute** Pre-Conference “Economical Crime Control,” July 23, 2009; **Whitney Center** Lecture Series, Hamden, CT, October 5, 2009; Law and Economics Workshop, **University of Chicago Law School**, October 13, 2009; Seminar for Spanish Law Professors, **Harvard Law School**, October 23, 2009; The Criminal Law Society, **Stanford Law School**, March 31, 2011, **University of Denver Sturm College of Law**, April 21, 2011; Law and Economics

Workshop, **Boalt Hall**, Berkeley, CA, October 17, 2011; Shaking the Foundations Conference, **Stanford Law School**, November 2, 2013.

- “The Challenge to the Connecticut Death Penalty,” **Yale Law School**, Death Penalty Clinic, November 5, 2007; Graduate Student Seminar, November 11, 2009; Stanford Program in International Legal Studies Seminar, **Stanford Law School**, Nov. 11, 2010; Faculty Workshop, **Stanford Law School**, June 8, 2011; Faculty workshop, **Duke Law School**, April 13, 2012; Program on Public Policy, **Stanford University**, May 2, 2012; Annual Meeting of the American Law and Economics Association, **Vanderbilt Law School**, Nashville, TN, May 18, 2013; Faculty Workshop, **University of Arizona Law School**, October 17, 2013; 8th Annual Conference on Empirical Legal Studies, **University of Pennsylvania Law School**, October 26, 2013.
- Commentator: “How to Lie with Rape Statistics” by Corey Rayburn Yung, 8th Annual Conference on Empirical Legal Studies, **University of Pennsylvania Law School**, October 2013.
- “An Empirical Look at Gun Violence in the U.S.,” **University of Arizona Law School**, October 17, 2013
- Discussant, “Sex Offender Registration and Plea Bargaining,” **NBER Labor Summer Institute**, Cambridge, MA, July 25, 2013.
- “What Works in the War Against Crime?” **Renaissance Weekend**, Jackson Hole, Wyoming, July 5, 2013.
- Seminar Presentation, “Statistics and the Streets – Curbing Crime, Realities of the Death Penalty, and Successes in Public Safety,” **Renaissance Weekend**, Jackson Hole, Wyoming, July 5, 2013.
- Flashes of Genius (Glimpses of Extra-ordinarily Novel Thinking) -- “Stemming Gun Violence,” **Renaissance Weekend**, Jackson Hole, Wyoming, July 5, 2013.
- “Can Laws Reduce Crime?,” Safe Oakland Speakers Series, Holy Names University, Oakland, CA, May 1, 2013, <http://www.ustream.tv/channel/safe-oakland-speaker-series>
- Presentation on “The Death Penalty in America” on a panel on “human rights and criminal justice systems in the world,” Science for Peace conference at Bocconi University in Milan, Italy, November 15, 2012. <http://www.fondazioneveronesi.it/scienceforpeace2012/>

- Seminar Presentation, “America’s Criminal Justice System,” **Renaissance Weekend**, Santa Monica, CA., Feb. 19, 2012.
- “Statistical Inference, Regression Analysis and Common Mistakes in Empirical Research,” SPILLS Fellow’s Workshop, **Stanford Law School**, February 2, 2012.
- “New Evidence in the ‘More Guns, Less Crime’ Debate: A Synthetic Controls Approach,” Conference on Empirical Legal Studies, **Northwestern Law School**, November 4, 2011.
- “Drug Legalization and its Alternatives,” *Lessons from the Economics of Crime: What Works in Reducing Offending?* **CESifo Venice Summer Institute Workshop**, July 22, 2011.
- “Incapacitating Addictions: Drug Policy and American Criminal Justice,” in Rethinking the War on Drugs through the US-Mexico Prism,” **Yale Center for the Study of Globalization**, May 12, 2011.
- Plenary Session: Flashes of Genius (Glimpses of Extra-ordinarily Novel Thinking) -- “Has Legalized Abortion Reduced Crime,?” **Renaissance Weekend**, Liguna Niguel, CA., Feb. 18, 2011.
- “An Evidence-Based Look at the More Guns, Less Crime Theory (after Tucson)” The American Constitution Society for Law and Policy (ACS), **Stanford Law School**, January 25, 2011; **Renaissance Weekend**, Liguna Niguel, CA., Feb. 19, 2011; “Faculty Forum” at the External Relations Office, **Stanford Law School**, April 5, 2011.
- “Empirical Evaluation of Law: The Dream and the Nightmare,” SPILS Fellows Lecture, **Stanford Law School**, January 15, 2015; Legal Studies Workshop, **Stanford Law School**, Feb. 7, 2011; **Renaissance Weekend**, Liguna Niguel, CA., Feb. 20, 2011; **University of Denver Sturm College of Law**, April 22, 2011; Presidential Address, Annual Meeting of the American Law and Economics Association, **Columbia University**, May 20, 2011.
- Death Sentencing in Connecticut,” **American Society of Criminology Annual Meeting**, San Francisco, Nov. 17, 2010.
- “The Impact of Right to Carry Laws and the NRC Report: Lessons for the Empirical Evaluation of Law and Policy,” Conference on Empirical Legal Studies, **Yale Law School**, Nov. 6, 2010.
- Comment on Bushway and Gelbach, “Testing for Racial Discrimination in Bail Setting Using Nonparametric Estimation of a Parametric Model,” Conference on Empirical Legal Studies, **Yale Law School**, Nov. 6, 2010.

- Commentator, “A Test of Racial Bias in Capital Sentencing,” **NBER Political Economy Program Meeting**, April 23, 2010.
- “The (Lack of a) Deterrent Effect of Capital Punishment,” Faculty Workshop, **University of Chicago Economics Department**, October 21, 2009.
- Keynote Address, “The Evolution of Econometric Evaluation of Crime and Deterrence,” 1st Paris& Bonn Workshop on Law and Economics: The Empirics of Crime and Deterrence, **University of Paris Ouest Nanterre**, September 24, 2009.
- Comment on Cook, Ludwig, and Samaha, “Gun Control after *Heller*: Litigating Against Regulation,” NBER Regulation and Litigation Conference, **The Boulders**, Carefree, Arizona, September 11, 2009.
- “Impact of the Death Penalty on Murder in the US,” Faculty Workshop, Law School, **Universitat Pompeu Fabra (Barcelona)**, June 18, 2009.
- Comment on Joanna Shepherd’s “The Politics of Judicial Opposition,” Journal of Institutional and Theoretical Economics Conference, **Kloster Eberbach, Germany**, June 12, 2009.
- “The Great American Crime Drop of the ‘90s: Some Thoughts on Abortion Legalization, Guns, Prisons, and the Death Penalty,” **Hamilton College**, Clinton, NY, June 5, 2009.
- “The Impact of the ADA on the Employment and Earnings of the Disabled,” **American Law and Economics Association Meetings**, University of San Diego, May 15, 2009.
- “Crime and Punishment in the United States,” **Eastern State Penitentiary, Yale Alumni Event**, Philadelphia, PA, April 26, 2009.
- “Measuring Culpability in Death Penalty Cases,” Conference on Applications of Economic Analysis in Law, **Fuqua School of Business, Duke University**, April 18, 2009.
- “Autopsy of a Financial Crisis,” Workshop on New International Rules and Bodies for Regulating Financial Markets, **State University of Milan**, March 23, 2009.
- “Yet Another Refutation of the More Guns, Less Crime Hypothesis – With Some Help From Moody and Marvell,” Law and Economics Workshop, **NYU Law School**, March 10, 2009.
- Intelligence-Squared Debate: “Guns Reduce Crime,” **Rockefeller University**, New York, October 28, 2008.
- “The D.C. Handgun Controls: Did the Supreme Court’s Decision Make the City Safer?” Debate, **The Contemporary Club of Albemarle**, Charlottesville, VA, October 23, 2008.

- “Evaluating the Empirical Claims of the Woman-Protective Anti-Abortion Movement,” Panel on The Facts of the Matter: Science, Public Health, and Counseling, Yale Conference on the Future of Sexual and Reproductive Rights, **Yale Law School**, October 11, 2008.
- “Empirical Evaluation of Gun Policy,” **Harvard Law School**, October 9, 2008.
- “Assessing the Relative Benefits of Incarceration: The Overall Change Over the Previous Decades and the Benefits on the Margin,” **Russell Sage Foundation**, New York, May 3, 2007; Law and Economics Workshop, **Tel Aviv University School of Law**, May 28, 2008.
- Death Penalty Debate with Orin Kerr, Bloggingheads, April 11, 2008.
- “Evaluating Connecticut’s Death Penalty Regime,” Faculty Public Interest Conversation, **Yale Law School**, April 9, 2008.
- “The Death Penalty in Connecticut and the United States,” **The Whitney Center**, Hamden, CT, November 5, 2007; Seminar on Advanced Criminal Law: Criminal Sentencing and the Death Penalty, **Fordham Law School**, April 8, 2008; Law and Economics Workshop, **Swiss Institute of Technology**, Zurich, Switzerland, May 20, 2008.
- Radio Interview, “The Death of Capital Punishment?” Morning Edition: Where We Live. WNPR. Connecticut, March 10, 2008.
- Comment on Thomas Dee’s “Born to Be Mild: Motorcycle Helmets and Traffic Safety,” **American Economics Association Meetings**, New Orleans, Louisiana, January 4, 2008.
- “The Empirical Revolution in Law and Policy: Jubilation and Tribulation,” **Keynote Address, Conference on Empirical Legal Studies, NYU Law School**, November 9, 2007.
- “The Optimal Rate of Incarceration,” **Harvard Law School**, October 26, 2007.
- “Empirical Evaluation of Law: The Impact on U.S Crime Rates of Incarceration, the Death Penalty, Guns, and Abortion,” Law and Economics Workshop, **St. Gallen Law School, Switzerland**, June 25, 2007.
- Comment on Eric Baumer’s “A Comprehensive Assessment of the Contemporary Crime Trends Puzzle,” Committee on Law and Justice Workshop on Understanding Crime Trends, **National Academy of Sciences**, Washington, D.C., April 25, 2007.
- Comment on Bernard Harcourt, Third Annual Criminal Justice Roundtable Conference, **Yale Law School**, “Rethinking the Incarceration Revolution Part II: State Level Analysis,” April 14, 2006.

- “Corporate Governance in America: The Disney Case,” **Catholic University Law School**, Milan, Italy, March 19, 2007.
- “The U.S Tort System,” (Latin American) Linkages Program, **Yale Law School**, February 13, 2007.
- Panel Member, “Guns and Violence in the U.S.,” **Yale University, International Center**, January 24, 2007.
- “Economic Models of Crime and Punishment,” Punishment: The U.S. Record: A Social Research Conference at **The New School**, New York City, Nov. 30, 2006
- Comment on Baldus et al., “Equal Justice and the Death Penalty: The Experience of the United States Armed Forces, Conference on Empirical Legal Studies, **University of Texas Law School**, Austin, Texas, October 27, 2006.
- “Empirical Evaluation of Law: The Promise and the Peril,” **Harvard Law School**, October 26, 2006.
- “Estimating the Impact of the Death Penalty on Murder,” Law and Economics Workshop, **Harvard Law School**, September 12, 2006; Conference on Empirical Legal Studies, **University of Texas Law School**, October 28, 2006; Joint Workshop, Maryland Population Research Center and School of Public Policy, **University of Maryland**, March 9, 2007.
- “Why Are Auto Fatalities Dropping so Sharply?,” **Faculty Workshop, Wharton**, Philadelphia, PA, April 19, 2006.
- “The Law of Racial Profiling,” Law and Economic Perspectives on Profiling Workshop, **Northwestern University Department of Economics**, April 7, 2006.
- “Landmines and Goldmines: Why It’s Hard to Find Truth and Easy To Peddle Falsehood in Empirical Evaluation of Law and Policy,” **Rosenthal Lectures, Northwestern University School of Law**, April 4-6, 2006.
- “The Impact of Legalized Abortion on Crime,” **American Enterprise Institute**, March 28, 2006.
- “The Impact of Damage Caps on Malpractice Claims: Randomization Inference with Difference-in-Differences,” **Conference on Medical Malpractice, The Rand Corporation**, March 11, 2006.
- “Powerful Evidence the Death Penalty Deters?,” **Leighton Homer Surbeck Chair Lecture, Yale Law School**, March 7, 2006.
- “Uses and Abuses of Empirical Evidence in the Death Penalty Debate,” Faculty Workshop, **University of Connecticut Law School**, October 18, 2005; Faculty Workshop, **UCLA Law School**, February 3, 2006; Law and Economics Workshop,



**Stanford Law School**, February 16, 2006; ; Law Faculty, **University of Cambridge, Cambridge, England**, February 28, 2006; **University of Illinois College of Law**, Law and Economics Workshop, March 2, 2006; Faculty Workshop, **Florida State University Law School**, March 30, 2006; **ALEA**, Berkeley, CA May 6, 2006; **University of Chicago Law School**, Law and Economics Workshop, May 9, 2006.

- “Is Gun Control Illiberal?,” Federalist Society Debate with Dan Kahan at Yale Law School, January 31, 2006.
- “Witness to Deception: An Insider’s Look at the Disney Trial,” **2005-2006 Distinguished Lecture, Boston University School of Law**, November 10, 2005; Center for the Study of Corporate Law, **Yale Law School**, November 3, 2005; **Law Offices of Herbert Smith, London, England**, February 23, 2006; Law Faculty, **University of Cambridge, Cambridge, England**, February 27, 2006.
- “Understanding the Surprising Fall in Crime in the 1990s,” **Rotary Club**, Orange, CT, August 5, 2005; Faculty Workshop, **Yale School of Management**, September 21, 2005.
- Panel Member, “The Board’s Role in Corporate Strategy,” The Yale Global Governance Forum, **Yale School of Management**, September 8, 2005.
- “Crime and Abortion,” **Museo de la Ciudad de Mexico**, Mexico City, October 20, 2003.
- “Allocating Resources towards Social Problems and Away From Incarceration as a Means of Reducing Crime,” **MacArthur Foundation Research Network on Adolescent Development and Juvenile Justice**, San Francisco, CA, February 28, 2003.
- “Shooting Down the More Guns, Less Crime Hypothesis,” **Stanford Law School**, Law and Economics Seminar, January 28, 2003; Faculty Workshop, Center for the Study of Law and Society, **Boalt Hall**, University of California, Berkeley, Feb. 24, 2003; Development Workshop, **Stanford Law School**, April 25, 2003; Faculty Workshop, **Stanford Law School**, July 2, 2003; Law and Public Affairs Program Workshop, **Princeton University**, September 29, 2003; Stanford Alumni Weekend, **Stanford University**, October 17, 2003; Faculty Workshop, **CIDE**, Mexico City, October 20, 2003.
- “The Impact of Legalized Abortion on Teen Childbearing,” **NBER Labor Summer Institute**, Cambridge, MA, July 30, 2002.
- “Do Concealed Handgun Laws Reduce Crime?,” Faculty Workshop, **Stanford Law School**, October 4, 2000; First-Year Orientation, **Stanford Law School**, September 5, 2001; Faculty Workshop, **Harvard Law School**, April 26, 2002; Faculty Workshop, **Columbia Law School**, April 29, 2002.
- “The Evolution of Employment Discrimination Law in the 1990s: An Empirical Investigation,” Fellows Workshop, American Bar Foundation, February 11, 2002.

- “The Role of Discounting in Evaluating Social Programs Impacting on Future Generations: Comment on Arrow and Revesz,” Colloquium on Distributive Justice, **Stanford Law School**, Oct. 18, 2001.
- “The Impact of Wrongful Discharge Laws,” **NBER Labor Summer Institute**, Cambridge, MA, July 30, 2001; Labor and Employment Seminar, **NYU Law School**, October 16, 2001; Faculty Workshop, **Stanford Law School**, September 18, 2002; **Yale Law School**, January, 2004.
- “Racial Profiling: Defining the Problem, Understanding the Cause, Finding the Solution,” **American Society of Criminology Conference**, San Francisco, CA, November 15, 2000.
- “Institutional Architecture for Building Private Markets,” Conference on “Latin America and The New Economy” at **Diego Portales University** in Santiago, Chile, October 26, 2000.
- “The History and Current Status of Employment Discrimination Law in the United States,” Unicapital School of Law, (Centro Universitario Capital), Sao Paulo, Brazil, March 10, 2000.
- “Corporate Governance in Developing Countries: Opportunities and Dangers,” Conference on Neoliberal Policies for Development: Analysis and Criticism,” University of Sao Paulo Law School, March 13, 2000
- “Legalized Abortion and Crime,” Law and Economics Workshop, **University of Pennsylvania Law School**, September 21, 1999; Faculty Workshop, **Yale Law School**, September 27, 1999; **John Jay College of Criminal Justice**, October 7, 1999; Faculty Workshop, **Quinnipiac Law School**, October 13, 1999; Faculty Workshop, **University of Connecticut Law School**, October 19, 1999; **University of Virginia Law School**, October 25, 1999; Faculty Workshop, **Baruch College**, November 9, 1999; MacArthur Foundation Social Interactions and Economic Inequality Network Meeting, **Brookings Institution**, December 4, 1999; Faculty Workshop, **NYU Law School**, January 21, 2000; Faculty Workshop, **University of San Diego Law School**, February 18, 2000; Public Economics Workshop, Department of Economics, **Stanford University**, April 28, 2000; Law and Economics Workshop, **University of California at Berkeley Law School**, September 18, 2000; Faculty Workshop, **Cornell Law School**, September 26, 2000; OB-GYN Grand Rounds, **Stanford Medical School**, October 2, 2000; **Center for Advanced Studies in the Behavioral Sciences**, October 11, 2000; Faculty Workshop, **Graduate School of Business**, February 5, 2002.
- Panel member, Session on Executive Compensation, Director’s College, **Stanford Law School**, March 23, 1999.
- “Exploring the Link Between Legalization of Abortion in the 1970s and Falling Crime in the 1990s,” Law and Economics Workshop, **Harvard Law School**, March 16, 1999; Law

and Economics Workshop, **University of Chicago Law School**, April 27, 1999; Faculty Workshop, **Stanford Law School**, June 30, 1999.

- “Is the Increasing Reliance on Incarceration a Cost-Effective Strategy of Fighting Crime?” Faculty Workshop, **University of Wisconsin School of Social Science**, February 19, 1999.
- “What Do We Know About Options Compensation?” Institutional Investors Forum, **Stanford Law School**, May 29, 1998.
- Commentator on Orlando Patterson’s presentation on “The Ordeal of Integration,” **Stanford Economics Department**, May 20, 1998.
- “Understanding The Time Path of Crime,” Presentation at Conference on Why is Crime Decreasing?, **Northwestern University School of Law**, March 28, 1998; Faculty Workshop, **Stanford Law School**, September 16, 1998; Faculty Workshop, **University of Michigan Law School**, February 18, 1999.
- Commentator, Conference on Public and Private Penalties, the **University of Chicago Law School**, Dec. 13-14, 1997.
- “Some Thoughts on Affirmative Action,” Presentation at a conference on Rethinking Equality in the Global Society, **Washington University School of Law**, November 10, 1997.
- Commentator on Chris Jencks’ Presentation on Welfare Policy, **Stanford Economics Department**, October 8, 1997.
- “The Impact of Race on Policing, Arrest Patterns, and Crime,” Faculty Workshop, **Stanford Law School**, September 10, 1997; Law and Economics Workshop, **University of Southern California Law School**, October 23, 1997; Law and Economics Workshop, **Columbia University Law School**, November 24, 1997; Law and Economics Workshop, Haas School of Business, **University of California at Berkeley**, February 19, 1998; Annual Meeting of the American Law and Economics Association, **University of California at Berkeley**, May 8, 1998; Conference on the Economics of Law Enforcement, **Harvard Law School**, October 17, 1998.
- “Crime in America: Understanding Trends, Evaluating Policy,” **Stanford Sierra Camp**, August 1997.
- “Executive Compensation: What Do We Know?” TIAA-CREF Committees on Corporate Governance and Social Responsibility, Center for Economic Policy Research, **Stanford University**, June 27, 1997; NASDAQ Director’s Day, **Stanford University**, June 30, 1997.

- Panel Chair, Criminal Law (Theory), Criminal Law (Empirical), and Labor/Discrimination/Family Law, American Law and Economics Association, **University of Toronto Law School**, May 9-10, 1997.
- Commentator, "Diversity in Law School Hiring," **Stanford Law School**, February 25, 1997.
- Keynote Speaker, "The Optimal Rate of Crime," 11th Annual Conference, **The Oklahoma Academy for State Goals**, Tulsa, Oklahoma, May 7, 1996.
- Panel member, Session on Executive Compensation, Director's College, **Stanford Law School**, March 28-29, 1996.
- "The Power of Law: Can Law Make a Difference in Improving the Position of Women and Minorities in the Labor Market?" The Fellows of the **American Bar Foundation**, Baltimore, Maryland, February 3, 1996.
- "Public Action, Private Choice and Philanthropy: Understanding the Sources of Improvement in Black Schooling Quality in Georgia, 1911-1960," **Stanford Faculty Workshop**, January 24, 1996; Faculty Workshop, **University of Virginia Law School**, January 22, 1997; **National Bureau of Economic Research**, Cambridge, Massachusetts, Labor Studies Conference, April 3, 1998.
- Commentator, "The Effect of Increased Incarceration on Crime," Meetings of the **American Economics Association**, San Francisco, January 6, 1996.
- Commentator, Symposium on Labor Law, **University of Texas Law School**, November 10-11, 1995.
- Panel Member, Symposium on Criminal Justice, **Stanford Law School**, October 6-7, 1995.
- Commentator, "The Litigious Plaintiff Hypothesis," Industrial and Labor Relations Conference, **Cornell University**, May 19, 1995.
- Commentator on Keith Hylton's, "Fee Shifting and Predictability of Law," Faculty Workshop, **Northwestern University School of Law**, February 27, 1995.
- "The Selection of Employment Discrimination Disputes for Litigation: Using Business Cycle Effects to Test the Priest/Klein Hypothesis," **Stanford University**, Law and Economics Seminars, October 31, 1994.
- "Is the United States at the Optimal Rate of Crime?" Faculty Workshop, **Indiana University School of Law**, Indianapolis, November 18, 1993; Faculty Workshop, **Northwestern University School of Law**, April 18, 1994; Law and Economics Workshop, **Stanford Law School**, April 28, 1994; Meetings of the American Law and Economics Association, **Stanford Law School**, May 13, 1994; **American Bar**

**Foundation**, September 7, 1994; Faculty Workshop, **DePaul Law School**, September 21, 1994; Law and Economics Workshop, **University of Chicago Law School**, October 11, 1994; Faculty Seminar, **Stanford Law School**, October 31, 1994; Law and Economics Luncheon, **Stanford Law School**, November 1, 1994; Faculty Seminar Workshop, **University of Illinois College of Law**, Champaign, November 22, 1994; Law and Economics Workshop, **Harvard Law School**, November 29, 1994; School Alumni Luncheon, Chicago Club, December 13, 1994; **Northwestern Law School**; Law and Economics Workshop, **Yale Law School**, February 1, 1996; Faculty Workshop, **Cornell Law School**, April 10, 1996; Faculty Workshop, **Tokyo University Law School**, June 4, 1996; Panel on "The Economics of Crime," **Western Economics Association Meeting**, San Francisco, July 1, 1996.

- "The Broad Path of Law and Economics," Chair Ceremony, **Northwestern University School of Law**, September 30, 1994.
- Commentator on Paul Robinson's "A Failure of Moral Conviction," **Northwestern University School of Law**, September 20, 1994.
- "The Do's of Diversity, The Don'ts of Discrimination," Kellogg School of Business, **Northwestern University**, May 17, 1994.
- "Does Law Matter in the Realm of Discrimination?" **Law and Society Summer Institute**, Pala Mesa Lodge, Fallbrook, California, June 25, 1993.
- Commentator, "The Double Minority: Race and Sex Interactions in the Job Market," Society for the Advancement of Socio-Economics, **New School for Social Research**, March 28, 1993.
- "The Effects of Joint and Several Liability on Settlement Rates: Mathematical Symmetries and Meta-Issues in the Analysis of Rational Litigant Behavior," Economic Analysis of Civil Procedure, **University of Virginia School of Law**, March 26, 1993.
- Debate with Richard Epstein on Employment Discrimination Law, **Chicago Federalist Society**, February 23, 1993.
- Panel Chair, "Optimal Sanctions and Legal Rules in Tort and Criminal Law," Meetings of Annual Association of Law and Economics, **Yale Law School**, May 15, 1992.
- Panel Member, "The Law and Economics of Employment at Will," **The Institute For Humane Studies**, Fairfax, Virginia, March 27, 1992.
- "The Efficacy of Title VII," Debate with Professor Richard Epstein, **University of Chicago Law School**, February 26, 1992.
- Moderator, "Using Testers to Demonstrate Racial Discrimination," **University of Chicago Law School**, February 13, 1992.

- "Law & Macroeconomics: The Effect of the Business Cycle on Employment Discrimination Litigation," Law and Society Workshop, **Indiana University**, November 6, 1991; Faculty Workshop, **University of North Carolina Law School**, Chapel Hill, November 8, 1991; Faculty Workshop, **Northwestern University School of Law**, December 11, 1991; Law and Economics Conference, **Duquesne Law School**, March 14, 1992; **University of Chicago Law School**, April 2, 1992.
- Panel Chair and Commentator, "New Perspectives on Law and Economics," **Society for the Advancement of Socioeconomics**, Stockholm, June 17, 1991; **Law and Society Meetings**, Amsterdam, June 29, 1991.
- Panel Chair, "Regulation of International Capital Markets," **Law and Society Meetings**, Amsterdam, June 27, 1991.
- Panel Chair, "The Law and Economics of Discrimination," American Association of Law and Economics, **University of Illinois Law School**, May 24, 1991.
- "The Economics of Employment Discrimination Law," **Industrial Relations Research Association**, Chicago, Illinois, March 4, 1991.
- "Does Current Employment Discrimination Law Help or Hinder Minority Economic Empowerment?" Debate with Professor Richard Epstein, The Federalist Society, **Northwestern Law School**, February 26, 1991.
- Panel Member, "The Law and Economics of Employment Discrimination," **AALS Annual Meeting**, Washington, D.C., January 6, 1991.
- "Re-Evaluating Federal Civil Rights Policy," Conference on the Law and Economics of Racial Discrimination in Employment, **Georgetown University Law Center**, November 30, 1990.
- "Opting for the British Rule," Faculty Seminar, **Northwestern Law School**, September 11, 1990; Faculty Seminar, **University of Virginia Law School**, September 14, 1990; Law and Economics Seminar, **University of Michigan Law School**, October 18, 1990; Faculty Workshop, **NYU Law School**, November 14, 1990; Faculty Workshop, **University of Florida Law School**, March 18, 1991.
- "The Effects of Fee Shifting on the Settlement Rate: Theoretical Observations on Costs, Conflicts, and Contingency Fees," at the **Yale Law School Conference "Modern Civil Procedure: Issues in Controversy,"** June 16, 1990.
- "Studying the Iceberg From Its Tip?: An Analysis of the Differences Between Published and Unpublished Employment Discrimination Cases," **Law and Society Meetings**, Berkeley, California, May 31, 1990.
- Panel Discussion on Tort Reform, **University of Pennsylvania Law School**, April 27, 1990.



- Panel Discussion of "The Role of Government in Closing the Socio-Economic Gap for Minorities," at the Federalist Society National Symposium on "The Future of Civil Rights Law," **Stanford Law School**, March 16, 1990.
- "Continuous versus Episodic Change: The Impact of Affirmative Action and Civil Rights Policy on the Economic Status of Blacks," **University of Virginia Economics Department**, February 15, 1990; **Princeton University Department of Economics**, February 21, 1990 (with James Heckman); Law & Economics Workshop, **University of Toronto Law School**, October 8, 1991.
- "Sex Discrimination in the Workplace: An Economic Perspective," Fellows Seminar, **American Bar Foundation**, October 16, 1989.
- "The Changing Nature of Employment Discrimination Litigation," Law and Economics Workshop, **Columbia Law School**, March 23, 1989; Faculty Seminar, **University of Virginia Law School**, March 24, 1989; Law and Economics Workshop, **University of Chicago**, April 25, 1989; **Law & Society Meeting**; Madison, Wisconsin, June 8, 1989; Labor Economics Workshop, **University of Illinois**, Chicago, November 1, 1989; Law & Economics Workshop, **University of Pennsylvania Law School**, November 9, 1989; Law and Economics Seminar, **University of California at Berkeley**, October 4, 1990; Law and Social Science Workshop, **Northwestern University**, February 3, 1991; Law and Economics Seminar, **Stanford Law School**, March 21, 1991; Faculty Workshop, **Cornell Law School**, April 3, 1991; Visiting Committee, **Northwestern Law School**, April 5, 1991.
- "Law & Economics: The Third Phase," The Association of General Counsel, **Northwestern University School of Law**, October 14, 1988.
- "Employment Discrimination Litigation," **Northwestern Law School** Alumni Monthly Loop Luncheon. **Chicago Bar Association**, May 31, 1988.
- "The Morality of the Death Penalty." A debate with Ernest Van Den Haag. **Northwestern University School of Law**, April 19, 1988.
- "Models of Deregulation of International Capital Markets." A presentation with David Van Zandt, Faculty Seminar, **Northwestern University School of Law**, April 1, 1988; Visiting Committee, May 5, 1988.
- "Is Title VII Efficient?" A debate with Judge Richard Posner, Faculty Seminar, **Northwestern University School of Law**, November 20, 1987.
- "The Senate's Role in Confirming Supreme Court Nominees: The Historical Record," **Northwestern University School of Law**, September 22, 1987.
- "Diverting the Coasean River: Incentive Schemes to Reduce Unemployment Spells," **Yale Law School** Civil Liability Workshop, March 30, 1987; Faculty Seminar,

**Northwestern University School of Law**, March 18, 1987; **University of Southern California Law Center**, May 1, 1987; and Seminar in Law and Politics, Department of Political Science, **Northwestern University**, May 8, 1987; Labor Workshop, Department of Economics, **Northwestern University**, October 27, 1987; **AALS Annual Meeting**, New Orleans, January 7, 1989.

- "Women in the Labor Market--Are Things Getting Better or Worse?," **Hamilton College**, February 23, 1987.
- "The Changing Relative Quit Rates of Young Male and Female Workers," **Hamilton-Colgate Joint Faculty Economics Seminar**, February 23, 1987.
- "Living on Borrowed Money and Time -- U.S. Fiscal Policy and the Prospect of Explosive Public Debt," **Orange Rotary Club**, February 22, 1985.
- "Capital Punishment in the Eighties," **Hamilton College**, April 6, 1981.
- "Terms and Conditions of Sale Under the Uniform Commercial Code," Executive Sales Conference, **National Machine Tool Builders' Association**, May 12, 1980.

## **PROFESSIONAL ACTIVITIES**

- Member, Committee on Law and Justice, National Research Council, October 2011 – present.
- Co-Editor (with Steven Shavell), American Law and Economics Review, May 2006 – August 2012.
- President, American Law and Economics Association, May 2011 – May 2012.
- Co-President, Society for Empirical Legal Studies, November 2011 – August 2012. Member, Board of Directors from November 2011 – November 2014.
- Testified before the Connecticut Legislature in Support of Senate Bill 1035 and House Bill 6425 (A Bill to Eliminate the Death Penalty), March 7, 2011; Testified again before the Connecticut Judiciary Committee on March 14, 2012.
- Member of the Special Committee on ALI Young Scholars Medal, October 2009 – February 2011.
- Vice-President/President Elect, American Law and Economics Association, June 2010 – May 2011.
- Secretary-Treasurer, American Law and Economics Association, June 2009 – May 2010.
- Board of Advisors, Yale Law School Center for the Study of Corporate Law, July 2004 – August 2010.

- Evaluated the Connecticut death penalty system: “Capital Punishment in Connecticut, 1973-2007: A Comprehensive Evaluation from 4600 murders to One Execution,” [http://works.bepress.com/john\\_donohue/137/](http://works.bepress.com/john_donohue/137/)
- Member, Panel on Methods for Assessing Discrimination, National Academy of Sciences, September 2001 – June 2004. Resulting Publication: National Research Council, Measuring Racial Discrimination (2004), <http://www.nap.edu/catalog/10887.html>
- Member, National Science Foundation Review Panel, Law and Social Sciences, September, 1999 – April 2001.
- Editorial Board, Journal of Empirical Legal Studies, July 2003 – present.
- Editorial Board, International Review of Law and Economics, October 1999 – present.
- Editorial Board, Law and Social Inquiry, February 2000 – present.
- Board of Editors, American Law and Economics Review, August 1998 – April 2013.
- Consultant, Planning Meeting on Measuring the Crime Control Effectiveness of Criminal Justice Sanctions, National Academy of Sciences, Washington, D.C., June 11, 1998
- Member, Board of Directors, American Law and Economics Association, June 1994 – May 1997. Member, ALEA Nominating Committee, July 1995-May 1996. Member, Program Committee, July 1996-May 1998 and July 2000 – May 2002.
- Statistical Consultant, 7th Circuit Court of Appeals Settlement Conference Project (December, 1994).
- Testified before U.S. Senate Labor Committee on evaluating the Job Corps, October 4, 1994.
- Assisted the American Bar Association Standing Committee on the Federal Judiciary in evaluating the qualifications of Ruth Bader Ginsburg (June 1993) and David Souter (June, 1990).
- Chair, AALS Section on Law and Economics, January 1990 – January 1991.
- Economic Consultant to Federal Courts Study Committee. Analyzing the role of the federal courts and projected caseload for Judge Richard Posner’s subcommittee. February 1989 – March 1990.
- Member, 1990 AALS Scholarly Papers Committee.
- Member, Advisory Board, Corporate Counsel Center, Northwestern University School of Law. Since December 1987.
- Associate Editor, Law and Social Inquiry. Summer 1987 – December 1989.

- Interviewed Administrative Law Judge candidates for U.S. Office of Personnel Management. Chicago, Illinois. May 23, 1988.
- Member, Congressman Bruce Morrison's Military Academy Selection Committee. Fall 1983.
- 1982 Candidate for Democratic Nomination, Connecticut State Senate, 14th District (Milford, Orange, West Haven).

#### **PRO BONO LEGAL WORK**

- Death Penalty case: Heath v. Alabama. Fall 1986-Fall 1989.
- Wrote brief opposing death sentence in Navy spy case. Court ruled in favor of defendant on September 13, 1985.
- Staff Attorney, Neighborhood Legal Services, January-July 1981.
- Appealed sentence of death for Georgia defendant to the United States Supreme Court. Sentence vacated on May 27, 1980. Baker v. Georgia.
- Court-appointed representation of indigent criminal defendant in District of Columbia Superior Court, February-July 1980.

#### **RESEARCH GRANTS**

- Stanford University Research Fund, January 1997 and January 1998.
- The National Science Foundation (project with James Heckman), December 1992; (project with Steve Levitt), July 1997.
- Fund for Labor Relations Studies, University of Michigan Law School, March 1988.

#### **BAR ADMISSIONS**

- Connecticut - October 1977; District of Columbia - March 1978 (Currently Inactive Status); United States Supreme Court - November 1980; U.S. District Court for the District of Connecticut – February 14, 1978.

## **PROFESSIONAL AND HONORARY ASSOCIATIONS**

- American Academy of Arts and Sciences (since April 2009).
- Research Associate, National Bureau of Economic Research (since October 1996) – in Law and Economics and Labor Studies.
- American Law Institute (since September 29, 2010).
- American Bar Association
- American Economic Association
- American Law and Economics Association

## **PERSONAL**

- Born: January 30, 1953.