Race, threat, and firearms: analysis of state-level self-defense and "Stand your ground" laws

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Race, Threat, and Firearms: Analysis of State-Level Self-Defense and "Stand Your Ground" Laws

By

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A Dissertation

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Abstract

This study explores the expansion of state-level self-defense laws between 2005 and 2010 using a threat theory framework. Unlike prior historical changes in self-defense law, which were largely made through judicial avenues and were localized at the state-level, the recent expansions of self-defense have been driven by state legislatures to produce notable patterns of change, including protections of criminal immunity and codifications of presumption of reasonable fear. Threat theory would predict that the strengthening of informal social controls to use violence in self-defense is a response by the dominant group to perceived threats to power from a subordinate group. In the US context, the subordinate groups are minorities, most especially blacks and Hispanics. In keeping with prior work, the relative size of the black and Hispanic populations within a state are operationalized as measures of threat.

To establish the theoretical grounds for testing threat theory in the context of self-defense expansion, I discuss the history of self-defense, firearms, and race in the US context. This also serves to situate the research in historical context. Given that other plausible explanations of self-defense expansion exist, such as crime rates, partisanship, firearm prevalence, and special interest lobbying, the historical patterns discussed enhance the threat theory conjecture. To test threat theory while controlling for other relevant considerations, I employ discrete-time event-history analyses that capture state-years between 2005 and 2010.

Results indicate an overall lack of support for the threat perspective. Although a particular kind of self-defense expansion, described as a "criminal immunity" protection, is predicted by a curvilinear black threat relationship, the preponderance of the evidence suggests that self-defense expansion can be attributed to the state-level strength of the Republican Party, homicide rates, and economic inequality. No support for the threat perspective was discovered
regarding Hispanic threat. Additionally, results suggest that black threat's impact on self-defense expansion is consistently explained by the relationship between the state-level relative size of the black population and state-level homicide rates. Implications for the threat perspective are discussed in light of these findings.
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Chapter 1: Introduction

This project explores the expansion of state-level self-defense laws between 2005 and 2010 using a threat theory framework. The event-history analyses to follow specifically test if states with larger black and Hispanic populations, relative to the size of the white population, were more likely to expand their self-defense codes during the timeframe. Additionally, the analyses examine the impact of firearm prevalence and political opportunity structures at the state-level on passage of self-defense expansion. This introductory chapter proceeds with four basic purposes in mind. First, I provide a general introduction to the topic, including a brief overview of the legal nature of the self-defense expansions. Next, I discuss the rationale for the research before moving on to my primary research objectives and the unique contributions of this dissertation. Finally, I provide a general overview of the chapters to come.

Self-Defense and Firearms

Although governments in the modern age make strong claims on the monopoly of the legitimate use of violence, state actors legally permitted to use violence, like police, cannot be present at all times and all places to ensure public safety. Because there are not enough police officers to thwart criminal victimizations that may take place abruptly and unexpectedly, citizens may use self-defense, including the application of deadly force, under a variety of legally protected situations and circumstances. The specifics of these legal allowances vary across time and place, and some governments grant broader self-defense protections than others, but self-defense is typically understood by governments and the public to be a last resort to conflict resolution and dangerous situations.

The motivations for granting self-defense protections are generally the same regardless of place and have their roots in moral philosophy and political practicality (Ferzan 2008). To
prohibit individuals who have done nothing wrong in the moral and criminal sense from protecting themselves, their families, and, in some situations, their property from criminal harm and violence contradicts core values of the social contract, such as giving up certain freedoms and liberties in exchange for social harmony, peace, and protection. The moral imperative in self-defense is evident in linguistic choices, such as the "Castle Doctrine" and the "true man," which are given further attention in chapter 3. The legal difficulty for states is to strike a balance between reasonable self-defense law and reasonable expectations of what constitutes an imminently threatening situation (Markovitz 2015). Self-defense laws that are too broad in scope may inadvertently lead to a Hobbesian social order, while laws that require a heavy burden of justification on self-defense users or claimants may embolden criminals and dishearten victims.

Technological developments pertaining to armaments complicate the nature of self-defense law. Nation states must determine which arms are permitted for use and possession among members of the public and how arms may be used for the purposes of self-defense. Although arms have also been used historically for subsistence purposes, such as through hunting, governments have had to balance livelihood arguments against the reality that some arms serve little subsistence function. Further, the more abundant tools of violence become in a society, the more threatening any individual may appear to another. Thus, the use of self-defense and the access to weapons used for such purposes becomes a political matter battled over in legal realms.

This battle is evident in the US historical context, where access to firearms has been restricted and relaxed as changes in the social order occur. Along with variations in firearm laws and firearm ownership, self-defense law has similarly evolved through time. The recent legal changes in state-level self-defense codes are the primary focus of this project. The National Rifle
Association (NRA) and the American Legislative Exchange Council (ALEC) played an instrumental role in the development and proliferation of what have come to be called Stand Your Ground (SYG) laws that codify, clarify, and sometimes expand the self-defense protections available to citizens. Although a lengthy exploration of these laws is necessary and is presented in chapters 3 and 5, one could generally claim that these laws remove the duty to retreat when faced with force, change the dynamics of the burden of proof for those who use force for the purposes of self-defense, and presume reasonable fear in specific situations for those who make self-defense claims.

Using a threat theory framework, I offer a reasonable conjecture of why states began expanding self-defense in patterned ways, starting in 2005. Although expansions to self-defense may be motivated by increases in inter-personal crime, threat theory offers an alternative explanation, stressing that the politically and economically dominant group in a society manipulates the legal order to benefit its members relative to the members of subordinate groups (Blalock 1967). Given that whites dominate the polity and have more material wealth than "large" minority groups, like African Americans and Hispanics, threat theory would predict that the legal manipulation of self-defense law will be a response to the threat minority groups pose to power. In sum, the unequal distribution of access to firearms and to legitimate self-defense use reflects the power differentials of whites relative to blacks and Hispanics in the United States.

Rationale for the Research

Compared with other post-industrial nations, the United States has much higher rates of firearm ownership and homicide (Small Arms Survey 2007; van Zanden et al. [eds.] 2014). Although much scholarly attention has been paid to explaining why the US is unique in this regard, the majority of this attention focuses on cultural characteristics and specific structural
differences, especially regarding social inequalities. For sociologists, far less attention has been given to the roles of legal codes and political opportunity structures that foster increased firearm ownership and violent responses to perceived threats. Legal scholars have written extensively about how the nature of US law helps explain the place of the US among the global North as homicidal in particular and violent in general (Brown 1993). Sociologists and others have added to this body of work by bringing in the profound role racial ideologies have played throughout US history—a role which often accounts for legal changes and violence (e.g., Beck and Tolnay 1990; Behrens et al. 2003; Jacobs and O'Brien 1998).

Threat theories have been particularly useful for explaining how dominant groups in the US manipulate the legal order to preserve their power, and threat theorists generally place racial boundaries as the central divide between group lines (e.g., Jacobs et al. 2005; Jacobs and Carmichael 2001). Although little cross-national work has been done, the logical implications of the theory are clear if predictions of the theory are true at the within-country level: the more homogenous a society is along race, ethnic, and class lines, the less likely a minority group is going to pose some threat to a dominant group's power over the economy and polity. Simply comparing US states, counties, and cities regarding "threat" variables is sufficient to test the major predictions of the theory, and the vast majority of the threat literature therefore compares and contrasts using these levels of aggregation in a US context.

The approach that a dominant group may take to neutralize threats to its power and to the realization of its goals varies by culture, and the US has a culture favorable to formal social controls and violence, especially in the South (e.g., Cao et al. 2002, Cohen 1996, Gastil 1971, Lee et al. 2007). The tough on crime ethos that has dominated US politics since at least the Nixon administration's war on drugs is the same sentiment that condones citizens to use violence
against "criminals" (see Cullen et al. 2000 for a review of American public opinion on this). Responsible citizens are, for all intents and purposes, deputized to protect law-abiders, and it is not coincidental that US residents generally view police killings as reasonable and justified, as evident from the remarkably few officers each year convicted of homicide given the number of on-duty fatalities perpetrated by police (see Elinson and Palazzolo 2014). A pervasive cultural attitude is that anyone willing to commit a crime of his own free will is not worthy to live in society, and the willingness of police officers and the white public to kill black citizens in particular reflects the belief among many whites that this group is especially unworthy and threatening (see Peffley et al. 1996 for a demonstration of this).

US history reveals that whites have not only had disproportionate access to arms, but have had disproportionate access to self-defense, especially when compared to blacks (Cottrol and Diamond 1991; 1995; Johnson 2014; Winkler 2013). This is especially evident on the matter of state-violence—throughout US history, blacks have not been able to use self-defense against illegal, violent policing (Ferzan 2008). This occurs not only at the individual-level, but at the community-level as well. For example, a young black man who is illegally pulled-over by the police and who subsequently has his money taken from him through civil asset forfeiture, cannot use self-defense in the moment to protect himself or his property.¹ At the same time, if police brutality becomes patterned in a community, members of that community cannot simply defend themselves through violence.

¹ For a historical case illustrating the impact of arms on protections against the state, Halbrook (1984) noted that abolitionists prior to the Civil War relied on the right to keep and bear arms in their efforts to protect blacks brought to the North from the South who could be abducted legally under the authority of the Fugitive Slave Act of 1850.
That blacks are expected to address their grievances against the state through the political process instead of through violence further underscores the significance of the threat perspective, given that as the numeric minority compared with whites, blacks are limited in their ability to change the social structure. Although this limitation is of great importance in the threat theory literature, the implications for everyday legal behaviors have been given scant attention. Despite the broad application of threat theory in scholarly work, most of the research in this tradition has looked at things like criminalization, formal and informal increases in punishment severity, the number of police officers in an area, and the number incarcerated. These considerations implicitly treat the criminal justice system and the legal system more broadly as an institution separate from the rest of society—as a thing which either bows to public pressures or as a tail which wags the dog (see Jacobs and Carmichael 2001 for the latter).

Yet the common place of law should not be ignored. Individual citizens are given the power to use violence in a legally acceptable manner, and this capacity to use violence varies in degree across time and place. One can see this with domestic violence; before the 1970s, states did not treat spousal rape as rape in the criminal sense (Bergen 1999). Similarly, child abuse is a much broader category of behavior now than it was in the past. That states have expanded self-defense outside of the home while restricting the violence that men can use within the home suggests that the overall acceptability of violence in the US is not increasing, but the contextual acceptance of violence is evolving.

Despite variations across place and the nature of evolutionary processes, the recent self-defense changes have a clear beginning. The timeframe 2005-2010 is thus chosen for three basic reasons. First, Florida began the wave of self-defense expansion with its legal change, and the state bill there became model legislation for several other states. Prior to 2005 states only
sporadically amended their self-defense codes, and courts tended to be the drivers of change. Second, narrowing the timeframe alleviates the roles that diffusion and pushback may have on whether a state expanded self-defense should the analysis continue to the present (see Gruber 2014 for a look at repeal efforts; see Shipan and Volden 2008 for an overview of policy diffusion). Third, the statistical technique employed to assess threat theory, while accounting for alternative explanations, such as political opportunities, aims to capture the latent propensity of change; stretching the time-frame too far, therefore, diminishes the uniqueness of early adopters.

Given the historical fluidity of self-defense use and law, the current period of self-defense codification and expansion as a consequence of political organization suggests that asking the question "why now in particular?" (or something similar) may be a bit of a distraction when it comes to theoretical evaluation. Political organizations must do things to continue existing. For example, the NRA must keep expanding its own interests through policy proposals and media coverage in order to demonstrate to dues-paying members that the organization is getting work done. It just so happened that the NRA partnered with a powerful organization in ALEC at a time when marrying gun rights and self-defense made a lot of sense. The question is not really "why now?" but "why did some states make these changes and not others?" It is an oversimplification to say that the legislation passed where the NRA and ALEC were strongest, perhaps by measuring strength through membership size or money spent. The NRA and ALEC are strongest in some places because, I argue, such places have centrally important characteristics, such as racial/minority threats, high crime rates, high firearm ownership rates and laws favorable to carrying and ownership, and conservative cultural attitudes and beliefs.

Although the direct statistical applications begin in 2005, the prior development of self-defense in the United States is an important component to understanding why SYG-style laws
were enacted in the first place, and is therefore given ample attention in Chapter 3. Statistical analyses are certainly fruitful for testing specific hypotheses related to SYG, but these analyses also have a tendency to neglect the historical narrative that creates the social environment necessary or sufficient for a particular phenomenon to occur. Furthermore, a failure to grasp the history of state and federal law has led to publications on SYG laws that are, to be blunt, incapable of meaningful explanation because they often fail to realize what a legal change actually is and almost always fail to measure to what extent citizens are aware of their past and current legal protections and rights. Consider, for example, how unreasonable it may be to measure how the legal changes impacted crime rates without any consideration for the general public's awareness of the legal changes in the first place (e.g., McClellan and Tekin 2012 and Cheng and Hoekstra 2012). To reiterate, it is too easy to apply a theoretical model to a social pattern using statistics—enough tries will produce positive results by chance. The goal here is to demonstrate clearly that the conjecture regarding self-defense expansion is surrounded by a parallel history of racial subjugation and inequality. The history and the theory fit hand in glove and cannot be meaningfully separated.

In general, one can conclude that the expansions and codification of the castle doctrine that have occurred in several states since 2005 have many similarities with prior changes but also many important differences. The language of the statutes is similar to prior developments, but the social reasons for the changes reflect new approaches to threat neutralization in light of civil rights gains. The new changes were very rapid and reflected a highly organized network of state-level political actors who, with state government majorities or bipartisanship, often used legislation taken verbatim from a self-described educational business organization (ALEC) to codify and expand a common law tradition. The focus in the recent period has been on threats
and individual freedoms rather than on an ideology of "true man" or a context of vulnerability, as has been the case with some prior expansions. What remains to be seen is how public reaction to these laws will impact their future, particularly as media attention focuses on the adverse consequences of deadly self-defense in public and private spaces.

Primary Research Objectives and Unique Contributions

The primary objective of this project is to explain why some states passed SYG-style expansions to their self-defense codes while others did not. I test several hypotheses derived specifically from threat theory to determine to what extent race and ethnicity predict whether a state amended and expanded its self-defense law, net of other effects. Determining the root causes of these legal changes is important given the finality of using firearms for the purposes of self-defense. Furthermore, if racial motivations played a pivotal role in expansion, then it is imperative that policy-makers and the public be aware of the potentially disparate impact that self-defense law may have on Americans from historically marginalized groups. This is especially relevant given the reality that no state provided a racial impact statement prior to passage, despite numerous states requiring such reports on similar kinds of legislation (Barnes 2015).

Unlike most of the limited empirical work on SYG-laws, this project does not test whether self-defense expansions had a positive or negative impact on crime rates or rates of justifiable homicide. The main unique contribution of this project is to explain at a macro-level of analysis what led to these changes in the first place. Understanding this is important if criminologists and other scholars want a more complete picture of what the US will look like in the future in terms of violence, especially if much violence is pardoned, and perhaps even condoned, by the state.
Turning to the future in the US context also means taking the growth and size of the Hispanic population more seriously. As the largest minority group in the United States, the neglect of Hispanics in the threat theory literature is a shortcoming that cannot be sustained if real theoretical gains are to be made. Although much of the neglect of Hispanic "threat" can be attributed to the geographic concentration of Hispanics at the state-level and to the sharply differing experiences of blacks and Hispanics in the US context, a failure of prior findings in the threat literature to replicate with large and growing Hispanic populations is a potential indictment on the universality and validity of the threat perspective. This project therefore serves to extend patterns of threat to Hispanics in the US or to demonstrate that black and Hispanic experiences continue to differ, if some evidence of threat hypotheses exist for self-defense expansion at all.

Given the breadth of threat theory iterations and derivations, a second primary objective of this project is to coherently synthesize the major predictions, propositions, and findings of threat theory research. Despite its great explanatory power and utility, threat theory is a mish-mash of competing ideas, predictions, and propositions. In part, this has resulted from a lack of appreciation and care for its original authors and their ambitions, most especially William Graham Sumner, who coined numerous terms used extensively in the theory such as ethnocentrism, ingroup, and outgroup (Sumner 1906; LeVine and Campbell 1972). The majority of scholarship using threat theory in some form or fashion does not even cite Sumner. Similarly, Hubert Blalock's (1967) attempt to begin a complete theory of group relations has been treated in the work of sociologists and criminologists as a near-finished explanation, with little theoretical development in the sixty years since its publication. Therefore, Chapter 2 ends with a brief clarification of the major pillars of threat theory and their relevance to this project.
In addition to exploring the continued role of group threat and its utility as a theory of group relations, this project is also useful for understanding the dynamics involving race, self-defense, firearms, and crime. Given that felony convictions for all intents and purposes deprive individuals of their right to legally own firearms in the US and that blacks are disproportionately affected by this, it is peculiar that more attention from sociologists has not been given to the racial implications of arming the white populace with all sorts of guns while the law has simultaneously given individuals more power to use those guns for the purposes of self-defense. Although this project will not specifically test whether whites are more likely to use deadly self-defense than blacks (and are more likely to use this violence against blacks rather than whites), it is likely that if threat theory is supported in the models that such behavior will be found true in the future (consider that justifiable homicides roughly doubled between 2000 and 2010 [Palazzalo and Barry 2012]).

The above description of unique contributions leads the way for an additional contribution, and this is methodological in nature. The event history analyses to be used in this project will require me to construct a dataset from a variety of sources and with several measures of important concepts and constructs, including census data, UCR data, data on elections and campaign contributions, a careful reading of state codes, and firearms measures. To my knowledge, no other dataset has previously used suicides by firearms as a proxy for firearm availability regarding whether this measure predicts legal changes, independent of control variables. If this measure fits the data well in this case, it may prove useful in a variety of other work, especially because there are no reliable and recent measures of household gun ownership rates (Siegel et al. 2014).
Finally, this project situates SYG laws in their historical and legal contexts. Rather than simply testing whether threat theory contributes to an explanation of these legal changes, this project takes the additional step of setting-up the political and legal spaces conducive to these changes. No other work has yet done so. Tracing the historical and legal context of the SYG phenomenon will allow future work to explore how these laws are applied in practice at the state-level and county-level, especially when it comes to prosecution, where preliminary work has been done for Florida (Ackerman et al. 2015; Murphy 2017; Wagner, Kim and Hagler 2016). The project will also be useful for scholars interested in legal consciousness—to what extent, for example, are individuals aware of these laws and what these laws do? Situating these laws in their historical and legal contexts will provide a pathway for predicting future legislation. For example, if the NRA defines organizational success as legislative in nature, then one can reasonably expect that as individuals are allowed to carry guns in more places, the law will expand to allow them to use deadly self-defense in those places. If there were racial motivations for passing these SYG laws in the first place, then one could likewise reasonably expect that racial motivations will continue to play a role in self-defense expansion.

Much media attention has already been given to how these laws are applied disparately in practice along racial lines. The most covered incident concerned the shooting death of Trayvon Martin by George Zimmerman in Sanford, Florida (Gruber 2014; Lave 2013; Markovitz 2015; Ward 2015). That Zimmerman (often described as a white Hispanic) was not convicted in the death of a young black man has often been contrasted with Marissa Alexander (who is a black woman) originally receiving a 20-year prison sentence for firing a warning shot in her own Jacksonville home toward a husband who had threatened to kill her (Karimi 2013; Carmon
2015). However, a handful of cases do not make for an empirical evaluation, and this is why I hope to continue this project in the future by exploring how the law works in practice. For now, I turn to a brief and general overview of the chapters to come.

*Layout of Chapters*

The second chapter of this project tackles the expansive threat theory literature in detail. The various iterations and derivations of threat theories are discussed, and the historical roots of these perspectives acknowledged. In addition to discussing the various kinds of social phenomenon related to intergroup conflict that threat theorists have aimed to explain using the framework, I provide a general critique of several methodological and theoretical decisions. The chapter ends with a general overview of the main components of the threat framework and their relevance to this project.

Following the theoretical chapter, I provide a legal and historical overview of self-defense law in the United States, beginning with British common law roots and arriving at the present period. Attention is paid to the self-defense expansions of analytic interest in this dissertation. To clearly trace the logical connection between the theory developed in Chapter 2 and the phenomenon under study in the subsequent chapters, an additional discussion of the historical and legal significance of race in regard to self-defense and firearms is provided.

The fourth chapter further specifies the theoretical position used as an explanation of the self-defense expansions to set the stage for general hypotheses and several additional hypotheses.

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2 The Alexander case is illustrative of journalists misunderstanding the basic text of the law in Florida. Alexander was in her estranged husband's home and she had returned to the confrontation to fire a warning shot after she had retrieved her firearm from her vehicle. None of the new SYG protections in Florida's law permitted this kind of firearm use, however. In fact, the law specifically revokes the "reasonable fear" assumption when the defensive force is used against someone who is a lawful resident of the house.
derived from these. In Chapter 5, I discuss the various sources of data to be used in the statistical analyses while also describing the modeling strategy. The modeling approach is put to action in Chapter 6, wherein I present the results of the event-history analyses. This chapter provides a general overview of the findings, including a discussion of which hypotheses were supported. Chapter 7 concludes the dissertation, wherein I have a more thorough account of the analytic findings and explore their impact on threat theories, before turning attention to future work on the topic.
Chapter 2: Threat Theories

Introduction

The purpose of this chapter is to provide a comprehensive review of the expansive threat theory literature, a brief review of competing explanations, and a germane synthesis of contrasting propositions and conjectures relative to this specific dissertation project. The review of threat, including the historical roots of the theory, its empirical applications, and its key propositions and findings, will inform the hypotheses and methodological approach moving forward. An extensive review of this nature is necessary given the current fragmentation of the theory; it is important to understand why some measures and propositions are more useful and valid than others. Therefore, this chapter also provides a brief critique of the theoretical limitations and methodological decisions of some prior work to distinguish this project as an appropriate explanation of inter-group relations, with a focus on the conflict that occurs as groups compete to obtain and maintain power.

The Origins of Threat Theories

Perhaps one could most reasonably argue that the origins of the theories of inter-group conflict in the sociological vein (as opposed to the social-psychological branch) come from the writings of Karl Marx and what is commonly referred to as the conflict tradition (Collins 1994; Eitle et al. 2002). Marx defined societal history in terms of class conflict (Marx and Engels 1848). Thus, the central conflict of society operates through economic stratification; those at the top might be called capitalists, the ruling class, or the bourgeoisie, and those at the bottom might be called the subject class, the working class, the underclass, or the proletariat. In this framework, race, ethnicity, and any other group delimiter, like religious ideology, are all second to class (see Cox 1948; Perlo 1975; Szymanski 1981; 1983).
Threat theories build from the general principles of the Marxist-conflict model, even if they specifically distinguish themselves from the model (viz. Blalock). For example, threat theories see conflict as rooted in inequality (stratification). This inequality may encompass material resources, various kinds of power and status, rights, or most often a combination of these. Furthermore, threat theories recognize that those with power, resources, status, rights, and so forth will do whatever is in their interests to keep such power, while those at the bottom will aim to make gains upward. This means that subordinate groups pose a threat to what may broadly be described as power, especially power over the political economy. This threat need not be "real" to be perceived by the dominant group as such, although the two are almost always linked in theory and research (see LeVine and Campbell 1972). Because threats are also perceptions, the intensity of the perception increases relative to group size—a proposition to which I will return.

One fundamental difference between the Marxist-conflict model and threat theories as they are broadly defined is that not all threat theories place economic stratification as the central pillar all the time. For some tests of threat theory, the size of the subordinate group is what matters, whether gains on a dominant group's political or economic power are real or not. For other tests, the size of the subordinate group is irrelevant without actual gains on political or economic power. In short, unlike the Marxist-conflict model, threat theories often make claims that group identities other than class are more powerful explainers of social phenomena. For example, despite individual placement in the social hierarchy, members of a dominant racial or ethnic group will do what they can to neutralize the threat of a subordinate racial or ethnic group, even if doing so is against some of those members' individual political or economic interests (Quillian 1995).
What further complicates matters is that the Marxist-conflict model offers an explanation for racial and ethnic classification in the first place: these classifications serve the interests of capital (i.e., the interests of the elite). In other words, if the elite can convince those in the population who share certain traits (phenotypic traits, national origins, culture) that another group within the population is the true enemy (i.e., barrier to power; threat to culture), then the elite can continue their exploitation of workers. Instead of fighting against the capitalistic system or whatever political economy produces the stratification, exploited workers instead direct their response to a group whose members share in their exploitation.

If threat theory is going to offer a better explanation of inter-group relations and conflict, then it must not ignore the claims of the Marxist conflict-model. To do so may be to offer a weaker explanation in that racial and/or ethnic groups do not exist without class stratification, which is, again, the central pillar of the Marxist model but not necessarily of threat theories. One can reasonably question the claims made by the Marxist model, however, when it comes to racial and ethnic construction. First, the Marxist claim is not absolute; indeed, the claim is really that stratification enhances or exacerbates the inevitability of in-group/out-group formation. To put it another way, capitalists or other elites might simply benefit from an existing social phenomenon by re-purposing it for their own interests. The functions of in-group/out-group formation are well established by Durkheim (1893) and Sumner (1906), and can be found in even the simplest kinds of societies—id est, societies without much complexity in the division of labor. Numerous work has demonstrated the importance of in-group/out-group dynamics (for example, in Social Identity Theory: Tajfel and Turner 1979; Tajfel 1981, 1982; Turner 1982).

Cumulatively, this means that it is a social fact to say that in-group/out-group formation predates systematic social stratification, which occurs when a group evolves over time or when a
group develops a more complex division of labor. We can, therefore, propose that threat theories are bound neither by time nor place, in contrast to Marxist models. Threat theory can be a universal explanation of inter-group conflict, and it can offer a better explanation of this conflict than the Marxist model or other similar perspectives, such as Bonacich's (1972) split labor market. This is because the Marxist model requires a society to be in a certain state, and many societies predate this state. The society must be stratified along class lines, but many tribal societies are without classes. For example, in the simplest of societies, there is not even a division of labor along gendered lines. Therefore, there is unlikely to be any unequal distribution of resources, status, or power.

The Marxist model has been used to explain a wide-range of social phenomena that can be organized by topic—most especially law, crime, deviance, violence, and state-formation. Consider the work of George Vold and Ralph Dahrendorf, which began the revival of the conflict perspective in criminology during the 1950s, leading to the proliferation of neo-Marxist thinking. Others working in the Marxist model in criminology include Richard Quinney, Austin Turk, Steven Spitzer, and William Chambliss in the late 1960s and throughout the 1970s. Not all of these scholars were strict adherents to Marx's Base-Superstructure model, but the core of Marxist conflict remained—conflict was really defined along class lines, however one defined class. For example, Chambliss and Seidman's (1971) work is exemplary of the political-economy component of conflict theory through legal realism, and it built from Chambliss's (1964) prior work on vagrancy in Anglo-American common law. (Blauner [1972] is an exception to the neo-Marxist class boundary given his emphasis on colonialism and race.)

Yet, this body of work is insufficient when it comes to accounting for why workers and even elites, on occasion, act or behave in ways that are contrary to their material interests. For
Marx, the answer could be summed-up with false consciousness of class. For Gramsci (1992), the answer could be refined with the concept of hegemony. Both answers also make the general declaration that the elite are often inept—sometimes they just cannot get themselves organized. Later iterations borrowed from both answers, while still acknowledging that separate groups of elites may not be able to organize themselves together. Mills, for example, demonstrated this in *The Power Elite* (1956).

Threat theory ultimately offers a better, alternative explanation of inter-group conflict because it allows a given society to have different groups of primary importance at the aggregate level, without being bound by specific historical contingencies. Rather than class always being the most important group delimiter, threat theories recognize that societies evolve through several pathways that produce different kinds of group hierarchies. In some societies, the most important aggregate group may be religious in nature; in other societies, it may be class; in others, race; in others, nationality/ethnicity. Members in a society must learn which groups are important (through culture) and members may also encounter categorically different kinds of groups or societies, and this in turn may lead to a re-evaluation of which groups have primary importance.

One additional and noteworthy departure threat theories take from conventional Marxist explanations is a consideration for non-economic rewards those at the bottom of a dominant-group hierarchy have access to. Mainly, this concerns status (Blalock 1967). Rather than claiming that those without power have a false-consciousness, threat theories assert that status is a desirable reward for group members. Blalock tentatively proposed that those who could not achieve status through conventional means who were a part of the dominant group would be the most motivated to discriminate and presumably to engage in other kinds of behaviors analogous
to discrimination. These behaviors build status by denying such status to members of a subordinate group. Additional rewards could involve religious salvation or greater freedom and autonomy more generally. These advantages and rewards become even more central when considering broad kinds of formal social control. For example, a stop-and-frisk program that targets minorities permits a non-economic advantage to whites. Whites are not only advantaged because they are less likely to be caught for routine legal violations related to drug laws, but they are advantaged because they have fewer experiences with the ritual humiliation of police pat-downs and questioning.

**Threat Theory Development**

As noted in the preceding introductory chapter, threat theories are a broad range of explanations for inter-group conflict, and the groups in question are usually divided along racial and/or ethnic lines (Blalock 1967). The proposed consequences of inter-group conflict are equally broad, and various social patterns and phenomena are thus suitable to test various iterations of threat theories. These iterations and derivations go by several names in the literature: Group Threat Theory, Racial Threat Theory, Minority Threat Theory, Power-Differential Perspective, Defended Neighborhoods Perspective, Realistic Group Conflict Theory, Group-Position Model, Ethnic Competition Theory, and Power-Threat Hypothesis (see Eitle et al. 2002 for a brief review).

Regardless of the name used to describe the theoretical position, the scholars working in this tradition are above all concerned with social controls. The pathways to social control are products of social imagination, but generally include things like formal and informal increases in punishment severity, criminalization of specific behaviors, the number of police officers in an
area, and the number incarcerated. Many of these social controls thus involve legal changes, similar to the expansion of self-defense law.

In the constitutional monarchies and republics that dominate global political systems, legal changes inherently require group-level decisions. An emphasis on group dynamics is what separates a sociological approach to understanding and explaining racism, ethnocentrism, discrimination, xenophobia, and prejudice from a social-psychological approach, and therefore makes sociology especially capable of explaining legal changes. In American sociology, scholars since Sumner's formulation of in-group and out-group have recognized the importance of treating race-based prejudice as a property of groups within society, not as a property of individuals. For example, Blumer's (1958) "Race Prejudice as a Sense of Group Position" specifically contrasted a sociological approach to studying race prejudice with a social-psychological approach. In the case of the latter, individuals are believed to be prejudiced for a variety of reasons related to such things as personality and temperament, which foster several negative feelings, including hostility and hatred (Blumer 1958). In contrast with psychological links, Blumer emphasized the importance of group position, and he noted that experience shapes how an individual perceives her own group and how she perceives other groups. Experience gives people a sense of how to act and how to feel toward those of other races or ethnicities. Given the context of his writing, one could conclude that Blumer intended the concept of experience in the broad sense, including socialization in primary group settings. The importance of media and public discourse further shape how race prejudice comes to exist as a collective process. In this sense, individuals do not have to ever share any experiences with those of another racial group to harbor prejudice against them. Instead, the feelings of superiority and inferiority are often directed against abstractions (see Ojeda 2016).
In contrast to much of the threat literature to be discussed, Blumer did not argue that the hostilities between minority groups emerged from competition for scarce resources (Bobo and Hutchings 1996). The relationship between racial groups is historically contingent upon the initial circumstances of contact, but the perpetuation of prejudice requires group members to have a subjective understanding of which groups ought to occupy either the dominant or subordinate position (Blumer 1958; Bobo and Hutchings 1996). Threat emerges from the final of four general feelings members of the dominant group have toward the subordinate group: "a fear and suspicion that the subordinate race harbors designs on the prerogatives of the dominant race" (Blumer 1958:4). The other three feelings—which are mostly just variants of feeling superior—are not sufficient to produce race prejudice; the reasoning for this is that other societies have these feelings without producing race prejudice. Feudalistic societies, caste societies, and tribal societies were given as examples.

In addition to the work of Blumer, Blalock's *Toward a Theory of Minority-Group Relations* is likewise a major pillar of subsequent threat theory development. Although not a finished theory, Blalock offered a power-threat hypothesis, derived from some 97 separate propositions. Despite strongly emphasizing competition for economic resources, the explanation of group conflict Blalock proposed was broader and paid particular attention to goal attainment. Building on Bierstedt (1950), Blalock talked about the sources of power: numbers (group size), resources, social organization, and mobilization, and he conceptualized power as actually doing something, in contrast to simply having the ability to do something. Traditionally, tests of threat theories, especially those specifically referencing power-threat, therefore, tend to rely on measures of either group size or unemployment to assess threat. In and of itself, this is not problematic, so long as the measures are logically tailored to the test. For example, using the
unemployment rate is not an adequate measure of threat unless unemployment rates for the dominant group rise *because of* or at least are *perceived to be caused by* declining unemployment for the subordinate group—this would also be useful in the context of immigration. Relative group size, on the other hand, is a stronger test of threat and, as detailed below, is commonly used.

The majority of the work to be discussed in the next section builds on either the expectations and explanations of Blumer or Blalock, and the two are frequently cited together as though they compose a singular viewpoint. Additionally, some of the work discussed below offers counter-points to Blumer and/or Blalock with *supposedly* competing explanations and theoretical insights. I address these counter-points to build a general threat argument.

What complicates matters is that not all researchers working with these various iterations make unified predictions in the first place (see Liska 1987). To recap, what unifies these iterations is the general principle that when a group is dominant in some way over another group—whether politically, economically, numerically, and/or ideologically dominant—behaviors reinforcing of the dominance can be expected, especially when the dominant group feels threatened by the subordinate group (e.g., Behrens et al. 2003; Blumer 1958; Blalock 1967; Bobo 1983; Bobo and Hutchings 1996; Brief et al. 2005; Campbell et al. 2006; D'Alessio et al. 2002; Dixon 2006; Dixon and Rosenbaum 2004; Eitle et al. 2002; Feldmeyer and Ulmer 2011; Fossett and Kiecolt 1989; Giles and Hertz 1994; Hjerm 2007; Holmes 2000; Jacobs and O'Brien 1998; Jacobs and Tope 2007; Kent and Jacobs 2005; King 2007; King and Wheelock 2007; McLaren 2003; Myers 1990; Parker et al. 2005; Quillian 1995; Schlueter and Scheepers 2010; Schneider 2008; Staults and Baumer 2007).
In threat theory, where any two distinct groups exist together in a social space one will be dominant and the other subordinate. The dominant group is such for its ability to control the polity and the economy of the social system as a whole, and a dominant group need not be a numeric majority, although this is almost always the case. The holistic emphasis recognizes that a society's subordinate group may come to have more power than a dominant group at a particular, local level. Similarly, members of a subordinate group may have more power in some places than in other places. Blalock (1967), for example, compared blacks in Michigan with those in Mississippi, with the former at the time having more power than the latter. When a subordinate group makes gains in control of the polity or the economy, the dominant group will attempt to neutralize this threat to its power. Therefore, much of the threat literature operationalizes either gains made by the subordinate group on the polity or on the economy (relative losses by the dominant group are also used to measure threat). Independent of actual or perceived gains made by the subordinate group, the relative size of this group itself may constitute a threat to the dominant group. Therefore, an additional avenue of threat operationalization is to measure the subordinate group's size and how this changes over time and across place. Below, I summarize the literature for the three major operational definitions of threat, beginning with the most common, relative group size, before moving on to economic threat variables and political threat variables.

Operationalizations and Applications of Threat

Because the vast majority of threat theory work has focused either on the United States or Europe, the subordinate groups in question are always either racial or ethnic in nature (as opposed to religious groups or classes). Threat theorists take great care in operationalizing measures of threat, given that the unique effects of threat may evaporate once reasonable,
competing explanations are accounted for. Consider, for example, that changes in actual crime rates may be all that is necessary and sufficient to account for punitive policies or an expansion in police force size. When it comes to summarizing the operationalizations of threat and the findings of empirical work, the sheer volume of studies proves difficult the task of making sense of the importance of race and ethnicity over or beyond variables like class, age, and crime rates.

To demonstrate the complexity, Jacobs and various colleagues alone have found connections between: the size of a community's black population and the size of its police force (Kent and Jacobs 2005); minority threat and imprisonment rates (Jacobs and Carmichael 2001); disparities between white and black resources and the number of deadly police assaults (Jacobs and Carmichael 2002); economic inequality and the strength of a community's law-enforcement (Jacobs and Helms 1997); racial inequality and police killings, and recent increases in a city's black population and the recent killings of blacks by police (Jacobs and O'Brien 1998); Republican campaigns invoking racial resentments in conventionally Democratic voting areas and decreased support for liberal legislation among voters (Jacobs and Trope 2007); "economic rivalries"/political contentions and increased interracial violence (Jacobs and Wood 1999); and racial threat/history of lynchings and more death sentences (Jacobs et al. 2005).

As this demonstrates, threat has a great deal of range and validity as an explanatory tool of group conflict. Using the relative size of a subordinate group as a measure of threat has proved particularly useful. For example, Jackson (1989) found support for minority group threat theory in her analysis of US cities. She argued that during the law-and-order campaigns of the 1970s, which mobilized municipal police resources, the degree of mobilization depended in part on the size of the minority population. This was especially true for cities with historically strained relationships between minority and majority groups. Myers (1990) found similar results when
she explored the relationship between minority group size and incarceration in the state of Georgia, and Parker, Stults, and Rice (2005) found that explanations of white-black disparities in arrest are further served by including racial inequalities and immigration patterns in addition to minority group size. At the same time, threat may not fully explain the relationship between crime control and racial context, as Stults and Baumer (2007) concluded from their analyses, which still found general support for threat theory.

On the other hand, several other scholars have found mixed support or no support for threat theories using relative group size as the measure of threat. For example, in direct contradiction of threat theories, some studies even report fewer arrests for blacks in places with a large black population (Parker, Stults, and Rice 2005; Stolzenberg, D'Alessio, and Eitle 2004). Kent and Jacobs (2005) found support for racial threat theory in the United States regarding minority presence and police force size, but not in several other developed countries included in their analysis. Hjerm (2007) likewise questioned the application of threat theory in non-US contexts after survey data in Europe revealed that the size of the minority population (whether actual or perceived) did not impact anti-immigrant attitudes in twenty European countries. Similarly, racially disparate sentencing outcomes may not be dependent upon the size of the black population, as Britt (2000) and Weidner and Frase (2003) found.

Still, other work using relative size measures has found support for threat theory on the matter of immigration in Europe. Meuleman and colleagues (2009) looked at 17 European countries and discovered mixed support for economic conditions but greater support for group size on the matter of changing immigration attitudes over time. In the Netherlands, Schlueter and Scheepers (2010) found a relationship between immigrant group size and perceptions of threat, with additional support for contact theory (discussed more below).
Efforts have also been made to determine where and when immigration will be perceived as undesirable or threatening, with subsequent neutralizing actions following. For example, Semyonov and colleagues (2004) used German survey data to determine to what extent perceptions of the size of the foreign population matched with that group's actual size, finding that actual group size did not increase the perception of threat. However, perceptions of the size of the foreign population were linked with perceptions of threat, which mediated the relationship between size and attitudes of exclusion. Brown and Warner (1992) found stronger support for threat theory in their analysis of foreigners and rates of arrest for drunkenness in large U.S. cities in 1900.

Attitudes and feelings are an additional important component of threat theory, and white racial attitudes were explored by Fossett and Kiecolt (1989) in their analysis of General Social Surveys and the National Election Studies. Similar to the studies above that rely on the size of the subordinate group as the measure of threat, the authors found that status threats to whites as well as support for racial integration were affected by the percent black. Similarly, Quillian (1995) applied group size to an analysis of prejudicial attitudes for a dozen European countries, emphasizing attitudes toward racial minorities and immigrants, and found group threat explained the preponderance of the variation in average prejudice scores. Turning his attention to white racial attitudes in the United States, Quillian (1996) again made use of group size as a measure of threat, and found that, along with average per capita income, the percent black predicted racial attitudes.  

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3 Other work that has explored the relationship between race and attitudes concerning social control or firearms includes Johnson (2008), Johnson and Kuhns (2009), and O'Brien et al. (2013).
Threat may also be economic in nature, such as when unemployment for the dominant group increases or financial prospects for much of the group's membership are in decline. Economic threats may also correspond with reactions of social control against immigrant groups. King and colleagues (2012), for example, explored the relationship between deportations and unemployment, finding a strong association for a roughly forty-five-year period that began during World War II and an overall dramatic increase in the number of criminal deportations since the mid 1980s (these authors, however, were not using the threat theory framework specifically). Because deportations are a direct path to neutralize group threat, they are an especially important consideration in refining threat theory, particularly when the nature of deportations changes over time, such as when an increase in criminal deportations occurs. Deportations also offer an important contrast to Marxist-theorizing that claims policy is only in the last instance driven by the interests of capital (although see Jankovic [1977] for a more refined, neo-Marxist perspective). Those who own the means of production would, from an instrumentally rational perspective, not want cheap and unorganized labor to be forced from the country.

Although Beck and Tolnay (1990) found support with the conventional relative group size threat measure, they additionally explored the importance of changing economic conditions as a catalyst for mob violence by whites against blacks in the US South. They linked lynchings in the South to the value of cotton, noting that declines in cotton prices increased the perceived threat blacks posed to poor whites regarding social and economic position (Beck and Tolnay 1990). White elites, on the other hand, were "threatened" in a different manner: low cotton prices potentially created an opportunity for blacks and poor whites to coalesce against an economic system that disadvantaged both. Beck and Tolnay argued that the perceived threat, although
understood for different reasons varying by class, resulted ultimately in more lynchings when cotton prices fell.

Lynchings in the US South might also be explained by other kinds of threats, broadly understood, such as political threats (Reed 1972; Tolnay, Beck, and Massey 1989). However, in their analysis of Blalock's power threat hypothesis, Tolnay and colleagues (1989) did not find support for the hypothesis after correcting for numerous methodological weaknesses found in prior work. Although Reed (1972) did find support, Tolnay and colleagues argued that Reed's results should be discarded, in part due to a dependency on a very small number of counties in the analysis. That Beck and Tolnay treated Blalock as having two theories of group relations is puzzling, but it is surprisingly common in the literature for scholars to similarly pit threat theory iterations against each other, such as when competitive (economic) threat is pitted against power threat (see also Eitle et al. 2002).

Other work focuses on institutional changes rather than group or individual behaviors, like lynchings. Policies that appear to be race neutral or neutral as a matter of law may have a disparate impact on minorities or a particular racial group. Threat theories often go beyond this observation, however, and postulate that these "race neutral" policies were specifically crafted to limit or stifle the economic and/or political participation of minorities. In the US context, for example, Behrens and colleagues explored to what extent felon disenfranchisement can be attributed to race over time (Behrens, Uggen, and Manza 2003). An historical explanation is one avenue to demonstrate a link between race and policy. They noted, for example, citing Tindall (1949), that a South Carolina newspaper in 1894 called for changes to suffrage laws given that in the state the black voting population outnumbered the white by 40,000 (Behrens, Uggen, and Manza 2003). South Carolina subsequently "expanded its disenfranchisement law to include ex-
felons" during a state constitutional convention in 1895 (p. 569). Behrens and colleagues provided Alabama's constitutional convention in 1901 as an additional example, wherein John B. Knox, serving as president of the convention, argued in favor of expanding crimes eligible for felon disenfranchisement to thwart the political threat of blacks, and John Field Bunting, responsible for introducing the measure, claimed that including the crime of wife-beating would prohibit sixty percent of the state's black men from voting.

Behrens and colleagues noted that historically specific pathways may present the dominant group with an opportunity to neutralize different kinds of threats from the same racial group (Behrens, Uggen, and Manza 2003). For example, incarceration may be used as one technique or tool to minimize the criminal threat or the economic threat of a subordinate group. If the incarcerated population is still able to vote once incarcerated, however, their threat to political power remains, especially once individuals are released from jail or prison. Felon disenfranchisement, then, works to negate the political threat of a subordinate group only if the affected population is dominated by members of the subordinate group. This implies that the size of the subordinate population, in itself, may not be sufficient for disenfranchisement policies. In their statistical analyses, the authors found that indeed the size of the nonwhite prison population increased the odds of passing more restrictive felon disenfranchisement laws (Behrens, Uggen and Manza 2003). Furthermore, the authors found that states with low nonwhite prison and public populations were more likely to re-enfranchise voters.

Policies may also be put in place that demonstrate a weakening of the dominant group's power. These policies may result from the subordinate group simply overtaking the dominant group in terms of power, or the policies may result from cultural evolution that blurs the boundaries between groups and reduces the solidarity, organization, and resource control of the
dominant group. "Concessions" to the subordinate group do not fit with the arguments of threat theories, and so, using the framework, one would not argue that policy changes are concessions used deliberately by the dominant group to preserve its power in the long-term by placating the subordinate group in the short-term. Rather, what appear to be concessions only arise when a dominant group's solidarity, organization, resource control, and size diminish relative to a subordinate group's, or when a policy allows a dominant group to more easily accomplish its goals, or when the cost of fighting a policy is greater than the rewards from preventing it.

One such policy change given significant attention in the threat theory literature is hate crime legislation. Exploring hate crime legislation and implementation, however, is difficult. If comparisons are made across places, the number of hate crimes may reflect willingness to treat hate crimes seriously or reflect the actual number of hate crimes fitting a predetermined definition (King 2007). According to the threat perspective adopted by King (2007) and others working with the topic, all else equal, hate crimes will be greater in areas where the subordinate group is largest or where the subordinate group's size is increasing rapidly. Compliance with hate crime laws, however, will be reduced where the subordinate group is largest or where the subordinate group's size is increasing. Here again race is often used for analysis of this in the US context, and King (2007) found that the size of the black population correlated with hate crime law compliance, although this was contingent on region. Thus, a national "gain" made by the subordinate group may have less consequence in areas where group threat is most pronounced.

Other gains made by a subordinate group may be even more parochial in nature. For example, gains within the criminal justice system are likely to manifest more desirable outcomes for subordinate group members if they face disproportionate penal outcomes. When subordinate group members win elections, are appointed to public positions, or enter powerful legal
occupations, the overall impact on the subordinate group's power will be positive. King and colleagues (2010) explored the demography of the legal profession and demonstrated this. They found that as the number of black attorneys in a county increased, black-white sentencing disparities declined. Although their paper is not a test or a development of threat theory specifically, their findings offer useful direction for theoretical development. What remains to be seen is whether formerly subordinate groups who become dominant groups will begin to expand sentencing disparities in the other direction.

Other applications of threat theory to policy may be indirect (Oliver and Mendelberg 2000; Peffley and Hurwitz). For example, lack of support for a policy may stem from a belief that the policy benefits a subordinate group relative to a dominant group. Bobo and Kluegel (1993) distinguished between policies that aim for opportunity enhancement and those that aim for equality of outcomes, noting that (white) public opposition tends to be strong for policies that focus on increasing opportunities for blacks. Examples of such policies include affirmative action endeavors in employment and education, busing for school desegregation, and open housing laws (Bobo and Kluegel 1993; Bobo 1983; Schuman, Steeh, and Bobo 1985). Further, when policies have a racial component to them, white support declines even when the policy aims to enhance equal opportunities, not equal outcomes. Theoretically, policies that strengthen the economic or political power of the subordinate group will thus be seen as threatening.

To summarize, iterations of threat theory have been used to explain a variety of social changes and patterns directly connected to group relations. Although much of the scholarly attention has been given to social controls, variation in beliefs and attitudes have likewise proved a fruitful space to derive and test threat theory hypotheses. Given its relative ease in terms of measurement, threat has been repeatedly operationalized as the relative size of the subordinate
group. Criticisms of this and other measures are addressed in the next section, wherein I also discuss other methodological dilemmas, particularly those that arise when threat theories are pitted against competing ideas.

**Methodological Complications and Threat Versus Alternative Explanations**

Scholars have taken threat theories to task for being a mishmash of competing predictions and poorly constructed variables (Eitle et al. 2002). Liska (1987), for example, discusses the racial threat literature as disorganized and lacking in conceptual precision when it comes to concretely measuring racial threat. Eitle and colleagues (2002) likewise see the major measure of racial threat—relative minority group size—as problematic, noting that political mobilization and economic competition are conceptualizations of threat which should be translated into variables and indicators.

Complicating efforts to test the role threat (group size) plays in producing or inhibiting policy and other changes is the nature of ecological inference (Campbell et al. 2006). For example, if a state allows residents to directly vote on a proposition which one may reasonably argue benefits blacks relative to whites, then failure to pass such a measure may be seen as evidence in support of threat theories, even though no evidence of individual-level voting behavior has been used to support this. The logical assumption is that whites voted against the measure, but no direct evidence is used to demonstrate this. This *is* a very reasonable assumption, though, given that individuals within groups tend to vote in racially patterned ways. Consider that Barack Obama won 96 percent of the black vote in the 2008 Presidential election (Kuhn 2008) and 93 percent of the black vote in the 2012 Presidential election (Washington Post). It is unlikely that blacks would oppose policies which directly benefit them *as a group* or candidates who share in their group membership, given how historically
marginalized this group has been by the larger society and thereby building greater social solidarity among group members. Still, such assumptions may be empirically verified or not.

The ecological inference problem was handled directly by Campbell and colleagues (2006) in their analysis of three California ballot initiatives. The hierarchical linear models in their analysis allowed for comparisons between individual-level data and contextual variables at the county level. Building from a broader concept of threat (racial, economic, fiscal, and political) and the work of Key (1949), the authors did not find support for racial threat specifically considering the ballot initiatives, with the exception of Proposition 187. What is problematic about their analysis when it comes to the evaluation of racial (group) threat, however, is rather obvious in retrospect. All three propositions aimed to cut-back on already established policies which were intended to benefit minority groups. The fact that whites in California did not prevent the policies from existing in the first place is telling, especially since the authors' analyses specifically considered the white vote.

Other work that has tested threat theory against other kinds of explanation has had mixed results. Dixon and Rosenbaum (2004), for example, test Allport's ([1954] 1979) contact theory, Blumer's (1958) cultural theory, and Blalock's (1967) threat theories against each other when it comes to whites' stereotypes of Hispanics and blacks. Contact theory most distinguishes itself from threat theories in predicting declines in stereotypes and prejudice against minority groups when contact increases between group members under specific conditions (Pettigrew [1998] provides an overview of these conditions). In short, contact theory claims that negative stereotypes of minorities will decline when equal status individuals have more voluntary interactions. Selection bias, however, presents the greatest challenge in evaluating this theory, as it is difficult to determine if those who have associations with minorities are not simply the least
likely to hold minority stereotypes to begin with (see Gilliam Jr., Valentino, and Beckmann [2002] for additional support of contact theory over threat theory and Taylor [1998] for an opposing perspective).

Dixon and Rosenbaum's (2004) analysis of 2000 General Social Survey data found support for cultural and group threat theories when it comes to anti-black stereotypes, yet predictions of the contact perspective were likewise supported. For example, the size of the black population had a positive effect on stereotypes (in support of threat theory), while school and workplace contact had negative effects on stereotypes (in support of contact theory). Unfortunately, there is no way for Dixon and Rosenbaum to demonstrate that white individuals were not giving socially desirable responses and/or coming from families and communities that had existing positive attitudes and beliefs about minorities. In other words, there is no way to demonstrate that contact actually changed any white person's views on minorities for better or for worse.

Contact theories have also been pitted against threat theories on the matter of immigration, with mixed results and questionable methodological decisions (see, for example, Schneider [2008]). In McLaren's (2003) look at European perceptions of attitudes toward the expulsion of immigrants, she argued that "noneconomic questions regarding life satisfaction can be taken as indirect measures of perceived threat to the individual him- or herself" (918-919). She provides no justification for linking life satisfaction and immigrant threat. Numerous puzzling methodological decisions like this one in her analysis prove difficult the task of drawing meaningful conclusions.

Hopkins (2010) noted the importance of "politicized places" in determining anti-immigrant attitudes and anti-immigrant policies. Increasing levels of immigration alone may not
be sufficient to trigger a public or political response; when media outlets, such as newspapers and network news broadcasts, make immigration an issue in their coverage, places that have recently experienced an influx of immigrants are more likely to develop anti-immigration attitudes and policies. Hopkins (2010) argued that this is in contrast to the predictions of threat theories, wherein group size and scarcity of resources are of greater concern in driving anti-immigrant actions and attitudes.

Unfortunately, Hopkins is not relying on an accurate portrayal of threat theories, which have repeatedly made claims that increases in the subordinate group's size may result in hostility toward the group. Furthermore, the "politicized places" hypothesis is compatible with threat theories; it is perfectly within the threat theory framework to predict that those members of a dominant group who live closest to those of a subordinate group will be more likely to vocalize concerns and call other members to action. If this were not the case, then contact theory would likely be preferred. In order for a place to become politicized to begin with, group members must have some solidarity and organization; they must perceive that other groups threaten their power, as it is broadly defined. Because most media outlets are controlled by the dominant group, the extent to which the dominant group uses the media to further its interests is a reflection of organization, solidarity, and resource control. Although this gets more complicated once media outlets target specific subgroups based on the media and public's beliefs, values, and attitudes, it does not detract from the utility of threat theories as an explanation of anti-immigrant attitudes and actions.

Attitudes toward political movements have also been the subject of study in the context of threat theory, particularly in relation to race prejudice. Bobo (1988), for example, examined how group position influences attitudes toward black political movements, noting that whites
often have unfavorable attitudes toward such movements. Bobo's (1983) theoretical position of realistic group conflict can be contrasted with the theory of symbolic racism. In the case of the latter, whites are socialized to have negative attitudes about blacks, and these relate to white normative values of self-reliance, individualism, and work ethic (Kinder and Sears 1981; Sears and Kinder 1971; Sears 1988). Because negative attitudes are the driving force behind animosity toward policies and social movements that favor blacks, threat is no longer a necessary component for producing and perpetuating racist behaviors and policies. In other words, individual and group self-interests are inconsequential.

Realistic group conflict, on the other hand, is a conventional iteration of threat theory with strong ties to Blumer's (1958) original work and to other scholars inclined to reject purely psychological accounts of group conflict (Bobo 1983; Brief et al. 2005; Campbell 1965; LeVine and Campbell 1972; see also Sumner 1906). As the name suggests, the realistic perspective emphasizes real conflicts of interest between groups as the driver of group conflicts (LeVine and Campbell 1972; Bobo 1988). These real conflicts lead to real threats, and these real threats in turn foster solidarity among group members and hostility toward out-group members. Perceptions of threat still play a role above "objective" measures of threat, as perceptions emerge from real threats (Bobo 1983).

Although Sears and colleagues (Sears et al. 1979, 1980; Kinder and Sears 1981) found initial support for symbolic racism over self-interest and group-interest based explanations, Bobo (1983) called into question several of their assertions and methodological choices (see Green and Cowden [1992] for additional work on white self-interests and busing). Specifically, Bobo argued that Sears and colleagues "operate with an unjustifiably narrow concept of self-interests and group interests" and that they use a misguided scale of racial attitudes (1983: 1197).
Correcting for this, Bobo (1983) found support for the realistic group conflict perspective when it comes to whites' opposition to school busing. More recent work has likewise found support for realistic group conflict theory on whites' negative responses to workplace diversity (Brief et al. 2005).

*Foundations of Threat Theory*

This chapter so far has served several key purposes. First, the empirical work discussed above has shown that threat theory offers a useful framework for exploring policy changes. Second, the most abundant operational measure of threat—the relative size of the subordinate group—has proven capable repeatedly in statistical analyses of capturing threat. Third, relative group size in and of itself matters—it is not necessary for the size of the subordinate group to be increasing in order to produce policy changes, influence public attitudes, or demonstrate a disparate impact on penal outcomes and political participation. This is in direct contrast to some of the claims made by those proposing, for example, the defended neighborhoods perspective. Fourth, threat theory, when pitted against competing perspectives, generally fairs well with empirical support, and this is in spite of scholars occasionally misunderstanding iterations of threat theory as themselves competing. Finally, the review above demonstrates that bringing threat theory predictions and propositions together is an important step in drawing meaningful hypotheses, and this can be done rather simply by focusing on the big-picture of group relations while moving away from logically inconsistent postulates. With this in mind, the remainder of this chapter moves toward a synthesis of threat theory. This brief synthesis, along with the scholarly roots reviewed above, provides the necessary components for deriving the hypotheses and predictions found in chapter 4. Rather than list the hundreds of propositions already found in the work of Blalock (1967) and LeVine and Campbell (1972) in particular, I instead proceed by
breaking down the theory into its most basic elements. This requires placing emphasis on goal attainment and domination, as Blalock attempted to do in his theorizing.

First and foremost, groups should be the central focus of threat theory, and groups exist with varying degrees of size, organization, solidarity, and resource control (Bierstedt 1950). The totality of these components constitutes group strength. In this framework, organization replaces "mobilization" found previously in Blalock's work due to its greater breadth and depth and because mobilization is a component of organization. Organization includes the capacity to use violence, but violence is a resource that can be controlled. For example, weapons and fighting knowledge are both components of violence that are resources. Because groups vary by degree of size, organization, solidarity, and resource control, considering any two distinct groups, one is defined as dominant and the other subordinate. In the last instance, the dominant group would be more capable of realizing its primary and secondary goals (defined below) than the subordinate group if both groups required (competed for) the same finite pool of resources.

As a general rule, the primary goal of any group is to perpetuate the group's existence, as all other secondary goals cannot be completed without maintaining the group. Secondary goals may include anything from building infrastructure, to planning leisure, to creating art, to growing and storing food. Other groups pose a threat to the realization of a group's primary and secondary goals, even if this threat is only abstract in nature. Because of this, a group will engage in a variety of tactics and strategies to neutralize the potential and actual threats that other groups pose.

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4 Although it is not necessary to dive deeply into a full exploration of the topic, it is worth noting a logical connection here with Darwinian evolution. It is reasonable to assert that cultural developments were naturally selected for to build and strengthen group membership and boundaries (Harari 2018). Therefore, tribalism is an initial product of evolutionary forces and is likely deeply ingrained in the human psyche. To put it another way: humans are hard-wired with a neural apparatus that makes it easy to build tribal structures onto.
pose to the realization of its goals. Tactics may include forming alliances or signing treaties, but may also be adversarial in nature, such as in warfare.

Given that goal attainment nearly always requires the control of resources, groups will compete for social dominance, and dominant groups will aim to neutralize the threat that subordinate groups pose to their dominance, and thus their control of resources. Subordinate groups will aim to increase their group's strength relative to the dominant group in order to usurp power from the dominant group so that the subordinate group may realize its own goals more effectively.

When it comes to the components of group strength, solidarity is most important, organization follows, resource control is third, and group size is final. Without solidarity, the others are irrelevant (Social Identity Theory makes a similar claim regarding in-group/out-group perceptions; see Tajfel and Turner 1979; Tajfel 1981; 1982; and Turner 1982). In part, this is because group members will be prone to act in self-interested ways when it comes to the use of resources, and this makes goal attainment difficult in the short-term and impossible in the long term. Solidarity, whether bio-psychological or social in origin, permits organization (see Sherif and Sherif 1969; 1979 for a discussion). Solidarity also enables a more successful merger of Blumer and Blalock on theoretical grounds, as a cultural component of solidarity guides dominant group members in thinking that they are superior and subordinate group members in thinking that they are inferior (this is also aligned with social dominance theory; e.g., Pratto et al. [2006]). Group size is least important to goal attainment, unless growth is the group's most important secondary goal. Large or small groups may be unaware of other groups, and a group's capacity to organize itself, allocate resources, and connect its members through solidarity may be
made more difficult as membership grows (see the work of Michael Mann [e.g. 1984] for an exploration of this topic, particularly regarding societal development through warfare).

Further, the dominant group may already have various social controls in place that minimize the threat of the subordinate group no matter how large it becomes relative to the dominant group, such as in South Africa under apartheid and India under colonialism. This reality is generally ignored in the threat literature, particularly by those critical of threat theory (Eitle, D'Alessio, and Stolzenberg 2002). In this case, the threat is still something that actually exists at all times—if the various social controls were suddenly removed, then the dominant group would lose some or all of its social position. What we may infer from all this is that group size is the most conservative measure of group threat; it is the least important component of total threat. When strong-enough controls are already in place to neutralize a group's threat, increases in group size will not necessarily be meaningful. However, all else equal, an increase in the subordinate group's size is more likely to lead to behaviors, policies, and practices that neutralize the threat because group size has the greatest impact on perceptions of threat. For example, Quillian and Pager (2001) discovered that the percentage of young black men in a neighborhood was positively associated with perceptions of crime, even after controlling for actual crime rates.

Given this, most tests of threat theory are conservative. This dissertation project follows suit, given the difficulties inherent in measuring the organizational capacity, social solidarity, and resource control of very large groups—difficulties that Blalock (1967) likewise discussed.

The problem in the past with application and empirical testing is that threat theory has been treated as though it could explain all sorts of similar behaviors and social patterns, without

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5 The key word here is minimize, as both examples demonstrate eventual dramatic changes to the racial order of their society.
regard to the variation in the form of neutralizing threat. For example, the defended neighborhoods perspective has suffered from theoretical confusion because it derives from the threat perspective but it explores a cultural phenomenon, like hate crime, without addressing the connection between culture and strategies of threat neutralization. For example, Lyons writes: "Following the defended communities model, we would expect most hate crime to occur where (1) the incentive to protect identities rooted in racial homogeneity from the threat of racial invasion [...] coexists with (2) the social resources needed to exclude outsiders" (2007:825; citation omitted). The reality that some neighborhoods might neutralize threat with violence and others might neutralize threat in other ways is completely lost here. The fact that some white neighborhoods do not respond to increases in the black population with violence while others do is not evidence against threat theory.

Similarly, scholars must be careful in thinking about intentionality. For example, there might be a pattern of discrimination, but discrimination does not necessarily have anything to do with threat. Suppose that a city needs to fill some budget holes and to do so it decides to fine people exorbitant amounts of money for certain offenses. Perhaps those who are arrested are fined a great deal of money or are hit with other various kinds of legal fees. This policy may be discriminatory against blacks, for example, who are more likely to be arrested, but the discrimination may have nothing to do with neutralizing black threat. The same could be applied when police departments pressure officers to make more arrests for the sake of funding and/or image. It is likely that officers are going to arrest the people with the least amount of power, not because they necessarily want to neutralize the threat these individuals pose (if one exists), but simply to make their lives easier and to meet their goals. Therefore, biases may arise in the context of a society already organized around threat that in themselves are not a direct
consequence of threat. For example, Steffensmeier and Demuth (2000) found that Hispanics were penalized more harshly than whites in federal courts, especially when it came to drug crimes.

Intentionality is less of a concern when there are clear signs that a subordinate group is increasing in strength, such as when group size is increasing or when political participation and organization are expanding, and subsequent actions by the dominant group and its members are patterned. This would especially be the case with illegal immigration. Immigration itself deserves special attention, given that prior work has not addressed the full complexity of the relationship between threat and immigration. For example, labor can be viewed as a resource that the dominant group controls. In this context, immigration may not be seen as threatening to a dominant group—it may in fact be a contributor to group strength, so long as the labor group does not organize, has limited solidarity, and does not control any resources. In the extreme case, we would call this kind of labor-control slavery.

If the immigrant group becomes too large, however, the costs of maintaining the resource may become too great, particularly if the size of the subordinate group permits it to organize, build solidarity, and pool resources. To neutralize this threat, a dominant group may engage in a variety of behaviors, from direct violence against the subordinate group, to expulsion of the subordinate group, to absorption of the subordinate group into the dominant group (i.e., assimilation) if doing so furthers the goals of the dominant group.\(^6\)

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\(^6\) Assimilation is, as a general rule, the most difficult and least likely path given that it requires a tacit admission or realization that group boundaries are arbitrary. At the very least, it requires transcending cultural beliefs and values about which group ought to occupy the position of highest status. Given this, assimilation is more likely when a more potent or prominent group can be clearly identified as the "other," whose threat must be neutralized. This is easy enough to see in the United States as various European immigrant groups have been incorporated into the white
Conclusion

The above exploration of the origins, various iterations, empirical applications, criticisms, and synthesis of threat theory permits two important conclusions for the purposes of this project. First, operational measures of threat need to be logically consistent with the phenomenon in question. It does not follow that unemployment rates will serve as an operational measure of threat on the matter of self-defense expansion. It also does not follow that voting rates or ratios will serve as an operational measure of threat. Instead, the relative group size as a measure is both conservative and justified. In the US, the size of the black population has been found repeatedly to predict numerous social control outcomes. Building on threat literature that has been mixed on the matter of immigration, the size of the Hispanic population may also be a useful operational measure of threat in the US, and is therefore formally evaluated.

Second, any indictment against threat theory should give attention to its limited acknowledgement of cultural processes and structural developments. Without careful consideration of culture and structure, one risks applying the threat framework to situations and phenomena in an arbitrary manner. The hypothetical situation described above concerning disparate impact demonstrates this on the matter of intentionality. With this in mind, the following chapter aims to provide the groundwork necessary to apply threat theory to the recent expansion of state-level self-defense law in a reasonably justified manner. Historically, the United States has restricted blacks relative to whites to legally use both arms and violence.

category, especially when Northern cities experienced pronounced increases in black migration in the decades following the Civil War. Reversals in classification may also happen, such as when Mexican-Americans went from being legally white to legally non-white (Lopez 2006) in a kind of reverse assimilation.
Without demonstrating this historical pattern clearly, one runs the risk of finding a racial connection but drawing erroneous conclusions.
Chapter 3: Self-Defense, Race, and Firearms in Historical Context

Introduction

This chapter explores the links between self-defense, race, and firearms in the US historical context. I proceed in this exploration through four main sections. First, I describe the legal roots of American self-defense, its evolution over time, and the complexities of its application in legal decisions. Second, I provide an overview of the current expansion of state-level self-defense law, noting similarities and differences with prior historical phenomenon and legal developments. Next, I discuss the history of firearms in the US, with particular attention to legal codes and court cases. Finally, I connect the history of self-defense and firearm laws to racial stratification and social control.

American Self-Defense Law and Practice

What constitutes self-defense is socially constructed. As such, it is important to scrutinize this construction in the American context for the purposes of this project, particularly since any development of self-defense inherently reflects the interests of power-holders. Exploring the legal history of self-defense in the US first requires some background on English common law. I use "English common law" and "common law" below for the sake of simplicity, but in the American context the proper word choice would be Anglo-American common law. The castle doctrine is the major legal foundation of self-defense in the common law, and it derives from the provision that a property owner—in the historical context a man—was to defer to the state's power on matters regarding the threat of physical violence, the victimization of crime, and the procurement of justice through punishment everywhere except in his own home (Brown 1991; Carpenter 2003; Ferzan 2008; Headley and Alkadry; Lerner 2006; Levin 2010; Ward 2015). In
other words, a man had a duty to retreat from an attack until he could retreat no further and only then could he defend himself with force, but in his own home he had no such duty to retreat.

It is important to recognize that "force" for the purposes of this topic usually implies lethality. Individuals had a duty to retreat because the state or sovereign maintained a monopoly on the use of force, as this would provide a greater civil order to society and thwart vigilante behaviors. In part, the romantic association with not retreating in one's domicile came from the ideas that a man would be protecting his family and his property and that the space a person owned was sacred and separate from the rest of society. William Blackstone, a patriarch of common law, invoked the specific language of a man and his castle to promote use of force within the home, while another jurist, Edward Coke, also displayed the sentiment: "A man's house is his castle—from where shall a man be safe if it be not in his own house?" (Blackstone 1769; Coke 1669:162 [translation of the original Latin]).

Women did not have the kinds of legal protections afforded to men with respect to self-defense under the common law castle doctrine. The practice also saw murder by men and women in the domestic sphere differently. Blackstone maintained that although a man could kill his wife in his own home and it would be as though he had killed a stranger—a crime that would be punished accordingly—for a woman to kill her husband or master would be the equivalent of her killing the actual king. The punishment for such an offense: her body be drawn and burned (Blackstone 1769).

Blackstone regarded an intrusion of the home as a violation of a man's natural rights. As such, it could be considered a capital offense. At the same time, he and others who were instrumental in crafting the castle doctrine, such as Michael Foster, Edward Coke, Matthew Hale and William Labarde, acknowledged that retreating in public was a sign of deference to the rule
of law and the power of the state; the laws of the crown would *vindices injuriarum* (Ward 2015). This was distinguished from conflicts between nations, whereby an individual would be seen as a coward should he retreat from violence. In one's own country, peace was preferred and justice was served through the law. In war, the state was under threat, and engaging in acts of violence was under the order of the king (Weatherup 1975).

Historically, the castle doctrine has been intricately tied to a duty to retreat in general—to a deferment in disputes to the state's monopoly on force, and to a right to defend one's own home without repercussion, so long as the threat was immediate and the reaction of defense reasonable. Blackstone rejected Locke's idea that any man who engaged in violence or the threat of violence against another in a public space could be met with equal or greater force—that the individual aggressor had created a mini state of war. Locke was considered a radical in this regard, particularly when one keeps in mind that a claim of self-defense was usually met with skepticism among English judges and legal scholars. Juries tended not to be very sympathetic to the idea either (Ferzan 2008).

Castle doctrines did not remove the burden on the individual to demonstrate that he acted in self-defense while using force within his home. Anyone invoking the castle doctrine as a defense needed to demonstrate that his own life, or the life of others, was in immediate danger. The law did not truly apply to one's property, either, as life was always, in principle, thought to override the material. Unlike in the US, where eventually the duty to retreat from a violent confrontation would be partially abandoned, Britain continues to re-affirm the obligation. One can see this commitment to the duty to retreat as late as 1967 with the passage of the Criminal Law Act, over forty years after the United States Supreme Court had, without much direct
success since, set a new federal standard with respect to the duty to retreat in Brown v. United States (1921).

Although the American colonists brought English common law across the pond with them and wherever they scattered throughout the continent, some British legal scholars were more influential on the matter of self-defense than others, and the Americans had a general disdain for fleeing over fighting. In 1806, for example, the Massachusetts case, Commonwealth v. Selfridge, invoked the writings of England's Michael Foster who attempted a clarification on the writings of Blackstone and Hale that never gained traction in England. Foster maintained that an individual did not have an obligation to retreat from an immediate threat of violence, and the Massachusetts court agreed in favor of Selfridge (Brown 1991).

We can see this case as an early example of what would be the general trend to create or shape self-defense or castle doctrine laws. On the one hand, court cases at the state and federal level played an extremely important role in determining who could be found guilty of homicide when self-defense was invoked. At the same time, there was and continues to be a great deal of variation at the state level in terms of the actual legal codes on the matter of self-defense. Even jury instructions often sway legal outcomes in patterned ways (Lundsgaarde 1977). Historically, states closer to the frontier—west of the Appalachians but also the South, have been more likely to have castle doctrine laws that permit individuals to use force without a duty to retreat in a variety of settings (Brown 1991; see, for example, the Kansas case State v. Hatch 1896).

When it came to social equals, self-defense in the US had relative legal stability and consistency until the mid-19th century, and legal outcomes mostly reflected the conventional castle doctrine (Cottrol and Diamond 1995). There are some complications, however, given cultural variations. For example, dueling was much more common in the South, and the
relationship between the practice and self-defense is a bit muddied. Despite occasional court
decisions to the contrary, the general duty to retreat remained in place, with greater restrictions
on self-defense made for blacks relative to whites, especially in the South.

Several scholars have broken-down the history of American self-defense into prominent
turning points after the Civil War. Brown (1993) used three turning points in his exploration of
the specific no-duty-to-retreat Western frontier context, restricting his focus largely to the late
19th century and focusing on court cases. Drake (2008), on the other hand, used three turning
points in her exploration of self-defense law in Texas to make sense of the legal history there.
Suk (2008) continued the trend, and argued that the history of self-defense in the broader
American context can be described by three periods or turning points. Unlike previous work, Suk
(2008) argued that extensions to the common law castle doctrine in American history reveal a
specific relationship with gender roles and ideologies.

For the most part, there is consensus that the first turning point occurred in the late
nineteenth-century and early twentieth-century when the legal shift away from the duty to retreat
in self-defense cases was most thoroughly abandoned. The change reflected American values
and sensibilities, but it was a change that came with sharp criticisms. Joseph H. Beale, Jr., a legal
scholar at Harvard Law School, published furiously that standing one's ground was a "brutal
doctrine" and that state judges were relying errantly on the writings of Foster over those of Coke
and Hale (Beale 1902). Judicial leaders in Alabama likewise rebuked the abandonment of duty to
retreat, which had led to increases in homicide. A case in Mississippi, as one example cited by
Alabama lawyers cautioning against expansion, was thought most egregious. After two men had
engaged in a fight, one had killed the other and claimed self-defense at trial. The courts in
Mississippi agreed, maintaining that since both men were willing and mutual participants in the fight that neither could have been found guilty of murder (Brown 1991).

Belief in the "true man" was at the heart of several court cases that removed one's duty to retreat during this period (Brown 1991; 1993; Suk 2008; Ward 2015). Perhaps the first case to invoke this language was *Erwin v. Ohio* in 1876 (Brown 1993; Ward 2015). Here, a man found guilty of murder at the local level would come to have his sentence over-turned by a sympathetic judiciary that regarded the obligation to retreat as illegitimate. A similar case in Indiana followed shortly after. Soon, several state cases were removing the duty to retreat and, eventually, a United States Supreme Court case in 1921—mentioned above—provided a national guide (see Brown 1991; Headley and Alkadry 2016; Kopel 2000; Suk 2008; Ward 2015).

True man ideology held that an individual who had broken no laws and who occupied a place where he had the right to be was wronged by a law that mandated his retreat from a conflict wherein his physical being was threatened with violence (Brown 1991; 1993; Ward 2015). The true man was not a coward, and a brave man did not need to suffer the indignity of running until his back was against the wall—that is, until he could run no further (Suk 2008). Yet cultural values were also combined with even-tempered sensibilities, such as the reality that when faced with an immediate threat one is often incapable of making rational fight or flight decisions. Justice Holmes's reply for the court in the 1921 *Brown* case, for example, argued that "detached reflection cannot be demanded in the presence of an uplifted knife" (p. 256).

Although the Supreme Court had made its ruling, several states did not actively change their own laws to allow individuals to stand their ground in public places without first attempting to retreat. All states, however, continued to have no duty to retreat within the home, thereby maintaining the principles of the castle doctrine even if the doctrine was not formally on the
books, as it was a part of the common law. Thus, the self-defense rulings at the turn of the century showed a distinction between pure castle doctrine laws, which placed greater focus on the sacredness of one's own home, and early stand your ground or no retreat laws and rulings, which placed greater focus on an individual's right to defend himself anywhere he had a right to be.

There is no consensus that a cultural shift tells the whole, or even the majority, of the reasoning for the transition from a duty to retreat to no duty to retreat in the US. It may be the case as well that firearms were a part of the causal narrative. As weapons became more accurate, cheaper to manufacture, easier to carry and to shoot, more widely available, and so forth, perhaps fears of victimization became more serious, particularly when one was faced with the immediacy of a threatening situation involving a gun. Being threatened with a knife lacks the same life-threatening urgency as being threatened with a gun, in part because guns require little strength to use in a deadly manner but knives do require the strength to overcome a victim's response.⁷

Firearms are also a different matter because bullets can always travel faster than feet, and this sentiment was reflected in a Minnesota court decision in 1905 (*State v. Gardner*). When gun technology advanced so that multiple shots could be fired accurately and quickly, it may have been the case that the risk of death in a violent situation increased. Although these changes

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⁷ Despite the argument that guns are the great equalizer, some scholars have argued the opposite. Burkett (2008), for example, discussed how historically firearms were what gave individuals and groups advantages. The utility of having a gun or a better gun than your enemies was that one's capacity to win a violent conflict was greater. This was how colonial settlers were able to confiscate lands in America in the first place, as well as bring slaves from Africa. Further racial implications are discussed below. Johnson (2014) recounts dozens of instances throughout US history—but during the Jim Crow era in particular—of blacks defending themselves from whites with guns, repeatedly acknowledging that they did so with inferior firepower, often resulting in tragedy.
undoubtedly influenced changes in the castle doctrine, any reading of court cases relating to the matter of self-defense at the time will only discover minor attention to guns. The state court cases tended not to involve heinous accounts of victimization, so panic or fear regarding criminal threats does not seem plausible as a defining explanation. The language instead is usually enveloped with ideas like honor, dignity, liberty, and so forth. It is most reasonable to see the legal changes as reflecting a shift of opinion among several judges with the power to enact change. Legislators were not really interested in the matter, and the general public's concern for self-defense was also limited. Yet the current discourse surrounding SYG laws does often invoke the idea that because "bad" guys have guns, "good" guys need to have guns to protect themselves as well (Memmott 2012). This marks one clear shift in why self-defense laws have changed over time. Rather than legal cases, policy-makers are putting specific legislation in place to expand self-defense.

The good guy/bad guy terminology again invokes gender disparities and brings up what Suk (2008) and others have regarded as the second turning point or period in the history of American castle doctrine. In the late twentieth-century, what has come to be called "legal feminism" gained a more prominent voice in legal discourse, and several studies by social scientists and other scholars available to lawyers and judges demonstrated the need to amend the castle doctrine in a manner that protected women from abusive partners (Ogle and Jacobs 2002). The key question here regarding the castle doctrine is: What happens when both individuals have a right to be in a home? Although Blackstone's ideas concerning the "proper" role of women had become comical among policymakers and judges, the reality remained that women who defended themselves against abusers in their homes could be charged with murder. The general expectation before these relatively recent changes was that women were expected to leave the
home and notify the police, in part because a husband or boyfriend was not an intruder; he also had a right to be there. One example of prior court opinion involves a 1982 case in Florida that ruled that the castle doctrine did not apply to cohabiters (Carpenter 2003). This would be overturned in a 1999 case, *Weiand v. State*, granting greater protections to women in domestic violence situations.8

Research available to judges, lawyers, and policy-makers demonstrated that women were often incapable of leaving the home without risking their safety or their lives. A wife who attempts to run from a violent encounter to notify the police and is prevented from doing so by her partner may suffer even greater consequences than had she simply accepted an abusive episode passively. This meant that the arguments brought before courts were not centered around an ideal that women have the right to be in their own homes but instead around a reality that women were often incapable of leaving their homes when faced with violence. The solution, therefore, was to give women the legal protection to use deadly force against partners when there was a reasonable expectation that their own lives were in serious and immediate danger (Suk 2008).

Because the rationale for granting women legal protections for using force in self-defense within the home against a partner centered on vulnerability rather than on the liberty of the individual to stand her ground, the obvious next legal step would be to acknowledge "true women." This leads to Suk's third turning point, which is also tentative as it brings us to the

8 Before this second turning point, many courts had to address cohabiting situations and they dealt with this legal problem differently, often depending on whether the "no duty to retreat" had been expanded beyond the home in the first place and whether the parties were a married couple or were simply roommates, as in two or more heterosexual men. See Carpenter (2003) for a full exploration of the topic.
current age. Many political actors and activists, particularly those affiliated with guns-rights groups like the NRA, used and continue to use female empowerment in public discourse to justify expansions of the castle doctrine. Because women were and are faced with the possible threat of sexual assault, robbery, or other assaults outside of the home and in the general public space, giving women the legal tools to defend themselves, once they had acquired the physical tools (i.e., guns), was framed as promoting the rights of law-abiders over those of law-breakers\(^9\) (Suk 2008).

There are many things to consider regarding the extensions and revisions of the castle doctrine in the current period, some mentioned already. Yet one reality that is quite remarkable is that violent crime rates are at some of their lowest levels in American history when considering years for which researchers have reliable data (Crime in the United States 2012; Crime and Justice Atlas 2000). The first prominent turning point in terms of the historical evolution of the castle doctrine occurred at a moment when rates of violent crime were relatively high (Brown 1993). Although the mythology of a "wild west" has become vastly overstated, the frontier did present a situation that led to an increased threat of violence, particularly when we consider that many areas of the country were not formally recognized as states yet and thus had limited government organization (Brown 1991; 1993; Spitzer 1998). The argument here should also reflect the reality, however, that states such as Ohio, Indiana, and Mississippi, to name a few, were leading this new interpretation of the castle doctrine. Although California was also a

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\(^9\) When it comes to the actual law in practice, there is extraordinary geographic variation on all matters, including self-defense. For example, in his analysis of all homicides in a single year in Houston, Lundsgaarde (1977) found that women who killed their abusive husbands were frequently given a "no bill" by grand juries. See Simon (2006) for an argument of law as local in nature.
pioneer of castle doctrine expansion in the late nineteenth-century, the no-duty-to-retreat mentality was not just a Western or a Southern thing; it became national in scope and validated most prominently in U.S. Supreme Court rulings, such as *Beard v. United States* (1894) and *Brown v. United States* (1921). Likewise, the second turning point discussed by Suk (2008) also reflected a legitimate societal problem. It was unreasonable that women would be unable to defend themselves in their own homes against abusers without facing criminal consequences. We also see in this second turning point, as with the first, that a mixture of both legislation at the state level (and at the federal level for the second period) and court decisions together led to changes in the castle doctrine. This is remarkably different from the current period, which has been constructed solely through a legislative process. There are no court cases to speak of that expand an individual's ability to "shoot on sight" when someone is unlawfully entering his or her home. These new castle doctrine laws are remarkable in that they not only have codified the no-duty-to-retreat in a variety of places, but they have shielded those who act in self-defense from facing civil or criminal penalties. For example, individuals can now presume that anyone entering a home (and in some states an automobile) intends on physically harming the individual and thus that intruder can be killed lawfully on sight.

**Overview of Recent State-Level Self-Defense Expansions**

In 2005, Florida Governor Jeb Bush signed into law "Protection of Persons," an expansion of the state's self-defense code that has served as model legislation for numerous other states (Goodnough 2005; Lerner 2006; Light 2017; Ross 2007; Ward 2015). A particular event in Florida prompted law-makers to first consider re-evaluating the state's self-defense code. In Pensacola during early November of 2004, James and Kathy Workman were asleep in a FEMA-
provided trailer they had been given following the destruction of their home by a recent hurricane. The Workman's were startled by Rodney Cox, a FEMA employee who was stumbling around in their yard and acting bizarrely. According to the Workman's, Cox did not respond to them, and he eventually made his way inside the trailer, where the 77-year-old James shot him with his .38 caliber pistol. Kathy was already on the phone with a 911 dispatcher, and an ambulance and police officers soon arrived on scene. Cox, however, was dead by the time he arrived at the hospital. Despite being unarmed and appearing to have suffered from head trauma, which may have explained his unusual behavior, Cox's killing was ultimately cleared by the attorney general's office in Florida as justifiable homicide. What prompted the concern of some lawmakers, however, was the three-month-long period that the Workman's waited through while their case worked its way through the system. Despite not ultimately being arrested or charged with a crime, a bill was presented to the state legislature that would further restrict what the criminal justice system could do to those who claimed self-defense (Light 2017).

The law, and others like it, became widely known in the media and political spheres as a "stand your ground" or "shoot first" expansion of the common law castle doctrine (McClellan and Tekin 2012; Cheng and Hoekstra 2012). Among other considerations, these legal changes allow individuals to use force, even deadly force, in places where they have a right to be when they feel an immediate threat to their safety, without a duty to retreat. The legal changes also make it more difficult for prosecutors to charge individuals with violent crimes, as the burden of proof may be reversed in cases where individuals claim self-defense. Many expansions also removed the threat of civil liabilities for those who use either lethal or nonlethal force in an act of self-defense, although many states had these protections in place already (Vilos and Vilos 2013[2010]). Finally, many state changes included a presumption of reasonableness standard, so
that individuals making self-defense claims are presumed to have had a reasonable fear of imminent force or harm in certain situations, such as when an individual forcibly enters a dwelling, a home, or a vehicle.

Initial controversy surrounded Florida's and other states' expansions for three main reasons: the legal changes led to fears that states would come to look like the wild west frontier of old, the original Florida bill was crafted and lobbied for by the National Rifle Association, and the legislation eventually became adopted as a model bill by the socially and politically conservative American Legislative Exchange Council (ALEC). Marion Hammer, a lobbyist and leader within the NRA, was instrumental in working with Florida's State Senator Durell Peadon and State Representative Dennis Baxley to create the self-defense expansion, and Ms. Hammer attended the signing ceremony beside Governor Bush (Goodnough 2005; Light 2017; Suk 2008). Hammer, with over thirty years of lobbying experience in Florida and the first woman NRA president, commonly recounts the tale of a near assault by a group of six young men while she was walking alone in a parking garage—her savior a firearm kept in her purse—as a prime case for society's need to allow good people to not only have guns but to have the freedom to use them for the purposes of self-protection (Suk 2008). The approach here demonstrates the political importance of marrying firearms with self-defense for the purposes of expanding the legal use of both.

With the adoption of Florida's law, ALEC was an instrumental actor in promoting this kind of legislation in other states (Nichols 2012; the full model legislation is provided in the Appendix). Both Senator Durell and Representative Baxley were members of ALEC at the time Florida passed their bill. It was common for ALEC members to bring their ideas to conferences and other meetings to share with the larger organization and for ALEC's corporate partners and
other partners to likewise express their needs and desires with state politicians (Greenblatt 2011; Magoc 2012; Moyers 2012).

Although several of these expansions derived exactly or almost exactly from the same model legislation following Florida, debate persists for certain states as to what, precisely, is the law concerning self-defense (see contrasting categorization and description between Branca 2016 and Vilos and Vilos 2013[2010], for example). At the same time, these new laws have cleared up some of the confusion surrounding the legal status of self-defense through the codification of specific legal protections and prohibitions. As Carpenter (2003) lamented two years prior to the period of study, "rather than providing a settled exception to the generalized duty to retreat, the Castle Doctrine has evolved into a confusing patchwork of rules on when, and against whom, one may assume the privilege of non-retreat" (657).

Despite codification, some confusion remains. In part, this is due to reporters without legal backgrounds making claims that are void of historical context (e.g., Currier 2012). Yet even legal scholars have debated what new legal changes these laws bring to the states (Headley and Alkadry 2016; Lave 2013; Levin 2010; Roman 2013; Ross 2007; Ward 2015). Much of the debate really pertains to the law in action, rather than the law as written, and the law as written is the key focus for this project. Consider, for example, that these laws prohibit using force against any officer of the law while he or she is "on duty." In other words, a "stand your ground" defense cannot be invoked when an officer is entering a home with a search or arrest warrant and is fired upon by an occupant. It is also important to note that the burden of proof is often placed on law-enforcement, including prosecutors, as to whether an incident did not occur in self-defense, often described as proving a negative. This presumption of reasonable fear marks a profound shift in self-defense law, as hoped for by the authors of the legislation in Florida (Markovtiz 2015; Ward
As has become apparent in the years after passage of these laws, this presumption component can be rather difficult for district attorneys because one party in a violent conflict is often dead and is thus unable to verify or refute the contexts of an altercation. The presumption of reasonable fear coincides with the most novel component of Florida's law: criminal immunity. Adopted by eight states in total, this change prevents a self-defense claimant from being arrested and prosecuted for eligible self-defense cases (Buchanan and Middleton 2015; Jansen and Nuget-Borakove ND; Light 2017; Markovitz 2015; Ward 2015). More specifics are provided in chapter 5.10

For this and many other reasons, Florida's legislation and others like it have been both praised and ridiculed, particularly in light of high-profile cases such as the Martin-Zimmerman incident (Gruber 2014; Markovitz 2015; Ward 2015). Proponents may argue that the self-defense law possibly saved Mr. Zimmerman's own life after he was struck in the head by Mr. Martin. Opponents of the law view Mr. Zimmerman as an over-zealous vigilante who should have been found guilty of murder (no charges were filed until public backlash forced local prosecutors to make a case). In states that have passed SYG laws, support from political actors is often quite high. For example, the bill passed in Florida's House 94 to 20 and unanimously in its Senate. Jeb Bush even referred to the law as "common sense." To some extent, regardless of one's political views, the Governor's comment was accurate—many aspects of SYG legislation and other castle doctrines were simply codifications of long-standing common law traditions, as discussed above.

Yet the presumption standards of the bill are novel for many states. The first presumption, mentioned above, is that individuals can use force whenever an individual forcibly

10 An original version of Florida's law would have even provided an individual wrongfully prosecuted or arrested with damages (Lerner 2006).
or unlawfully enters a home, dwelling, or occupied vehicle. The second presumption is that any individual forcibly or unlawfully entering these spaces is presumed to have the intent of using violence. There are notable restrictions, including a dismissal of the presumption standards whenever an individual has a lawful right to be somewhere. These presumption standards do not apply, generally speaking, outside of the context of a dwelling, residence, or occupied vehicle. Instead, if an individual is attacked in any other place he or she has a right to be, he or she can use force in self-defense without a duty to retreat. For some, this latter development is a wholly new kind of self-defense law. For others, it is simply a codification of the common law established from existing court decisions.

Given the historical record presented above, I take a middle-road position. Codification certainly matters, as it restricts more forcefully what prosecutors and judges can and cannot do. Codification also has symbolic value, as the legal changes are covered in media outlets and various groups react favorably or unfavorably to what are seen as either victories or defeats. The public attention given the law thus shapes legal consciousness, and may influence how individuals behave in their day-to-day lives (Ewick and Silbey 1998). Unlike prior developments in self-defense law in US history, the recent changes occurred rapidly through the legislature, with courts occasionally stepping in to clear up confusion in a manner beneficial to self-defense claimants. For example, Florida now permits an immunity hearing wherein an individual can have his or her reasonableness claim assessed by a judge first before moving on to a trial, if necessary, with only a preponderance of evidence standard used (Gruber 2014; Markovitz 2015; Ward 2015). I discuss additional nuances of the legal changes in greater detail in chapter 5, wherein I define the dependent variable in ways that reflect the complexities of the phenomenon. For now, I briefly discuss the legal history of firearms in the American context.
Overview of Firearms in American Historical Context

The elites of colonial America in the late 18th century recognized the power of armaments, militias, and armies. They had a historical record in England to guide them in fearing the monarch's capacity to use a standing army to quash liberty (Cottrol and Diamond 1991; Weatherup 1975). Indeed, even after the conclusion of the war for independence, many among them directly associated any permanent army with a king, and therefore adamantly opposed it. Memories of quartering British soldiers even led to the adoption of a specific Constitutional protection against the practice—the Third Amendment. Disarming the people was further thought by many social elites to be a recipe for tyrannical rule; hence the widespread acceptance of state-run militias.

Despite concerns with a standing army under the guidance of an executive, the Constitution was ratified in no small part for including specific limitations on the armed forces. The new government was further supported by the adoption of a Bill of Rights, which included at the request of Virginia delegates—and later countless others—this passage: "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed." This was a modification of what Madison had originally written, which separated more clearly a right of the people to keep and bear arms and a need to maintain a militia for state security (Weatherup 1975). A religious exemption was also dropped from the text, as was any specific reference to national defense, which has been taken by some legal scholars as further evidence that other kinds of defense, such as self-defense, were a motivation for preserving this right (e.g., Halbrook [1984] who provides several examples).

For the purposes of this project, the Second Amendment is important for several reasons. The amendment is not "just" an isolated federal legal limitation. Nearly every state has a second
amendment equivalent, and the US Supreme Court has recently incorporated the federal protection in *McDonald v. City of Chicago* (Cottrol and Diamond 1995; Halbrook 1984; McDonald v. Chicago 2010). These laws have given Americans, historically, a tremendous amount of protection to keep and to use arms of all sorts, but especially of firearms. The textual language is so nebulous and US Supreme Court cases so few and far between, that the law has been used for political purposes, including on matters of social control. For example, Madison used the terms "people" and "militia" interchangeably in several contexts, and this simply underscores the reality that this referred to free men who were roughly between the ages of 18 and 45 and could thus serve in a military capacity\(^{11}\) (Cottrol and Diamond 1991; Kates 1983; Winkler 2011). Guns-rights advocates see this as an individual guarantee, while gun-control advocates focus on the militia context and its implications for regulations. The initial textual limitation is not the only restriction of firearms worthy of attention, and the next section of this chapter will make more direct connections between racial exclusions and firearms. The point, however, is that in practice there have always been exceptions to the limitation of state and federal power on the matter of restricting firearms.

In addition to social control, the history of firearms in the US closely parallels the history of self-defense, and this is why exploring the significance of the Second Amendment is crucial to understanding modern legal changes regarding both self-defense and firearms\(^ {12}\) (Halbrook 1984).

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\(^{11}\) Some colonies/states extended the age-range further to 16-60, such as New Jersey (Cottrol and Diamond 1991). The specific restriction to 18-45 came when Congress passed the Uniform Militia Act, which specifically required participation for able-bodied white citizens.

\(^{12}\) Halbrook (1984) analyzed state constitutions following the end of the Civil War and noted that of the 23 states with specific provisions covering the right to bear arms, either self-defense, common defense, or some other general defense purpose was provided in 20 constitutions, with the phrase "defense of himself [or themselves] and the State" being the most common (134). Of further note, many Southern states did not have specific constitutional protections for keeping
The ubiquity of firearms corresponds with calls from citizens and organizations to permit greater legal protections on the matter of self-defense. It is very unlikely that the trajectory of self-defense in the US context could have happened without the legal protections of firearms in place. Nearly all other post-industrial countries have robust restrictions on firearms, and it is no coincidence that these countries also have no Constitutional protections for ownership of firearms while also having conservative self-defense laws, generally requiring individuals to retreat first and to use proportional force (Cottrol and Diamond 1995; Elkins 2013).

In contrast to other post-industrial countries, firearms have been promoted in the US as a direct way to reduce crime through deterrence (Bronars and Lott 1998; Lott and Mustard 1997). The leading scholarly defender of this claim, John Lott, has argued extensively that guns should be allowed basically everywhere by willing law-abiding citizens to reduce all manner of criminal victimization (Lott 1998). His work has influenced policy-makers who have frequently cited him in promoting pro-gun legislation (Barnes 2015). Despite Lott's influence, numerous researchers have criticized his methodological choices, his statistical analyses, and his findings, concluding that the main argument of "more guns, less crime" is mostly false (Aneja, Donohue, and Zhang 2012; Ayers and Donohue 2003; Winkler 2011). Part of the difficulty with assessing whether more guns really do reduce crime is the fragility of the data, leading many to conclude that the matter is not settled and may never be (Aneja, Donohue, and Zhang 2014; Ayers and Donohue 2003). The empirical ambiguity has not prevented organizations and lawmakers from supporting policies that expand the legal protections afforded to gun owners and users, as I explore further below. To further understand the legal basis and support for firearm protections, I next turn to the

and bearing arms until the mid-19th century, when they began to include specific language protecting *whites* on the matter (Cottrol and Diamond 1995).
most important US Supreme Court decisions that have impacted such protections and regulations.

**Important Second Amendment Cases**

The first major US Supreme Court case dealing with the Second Amendment was *U.S. v. Cruikshank* in 1876. This case indirectly related to the Amendment and the specific conclusions drawn from the ruling on the matter are often incorrect among gun-control advocates (Halbrook 1984). More to the point, that this case is repeatedly cited as the first Second Amendment case is unfortunate, as the case had little to do with it. Without getting into the complexities of the events in question or the ruling, Justice Bradley's opinion for the court maintained that the Second Amendment was a limitation on federal power and that the right to keep and bear arms existed as a right independent of such restriction (Cottrol and Diamond 1995; Halbrook 1984; *United States v. Cruikshank* 1876; Winkler 2013). The case is more relevant in the context of its implications for the social control of blacks, particularly with the development of Jim Crow in the South following Reconstruction.

Ten years after the *Cruikshank* ruling, the court revisited the Second Amendment again more directly in *Presser v. Illinois* (1886). Following the decision of *Cruikshank*, the court held that the Second Amendment was not applicable to the states, as the Amendment was a restriction on federal rather than state power. This gave more authority to states to regulate and restrict firearms, so long as their own constitutions did not prevent such, but it also did not settle the matter, given possible incorporation under the 14th Amendment. The same general ruling was made by the court in a related case, *Miller v. Texas* (1894).

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13 Several court cases in states with "Second Amendment" equivalents placed greater emphasis on the militia components of such statutes, thus restricting these protections. These cases were
Before the most recent cases, the last major decision on the Second Amendment was *United States v. Miller* (1939). This case concerned the militia clause of the Amendment, and the constitutionality of a federal regulatory law on firearms, the National Firearms Act of 1934 (Kates 1983). The court ruled, in sum, that a provision requiring the registration of a shotgun less than 18 inches in length did not violate the Second Amendment. Furthermore, this type of arm was not applicable for protection under the Amendment anyway, given that it was not used in a militia capacity. The case subsequently allowed for the passing of other regulatory measures at the federal level.

This leads to *District of Columbia v. Heller* (2008) and *McDonald v. City of Chicago* (2010). The former ruling extended Second Amendment protections to federal enclaves, while the latter incorporated the Second Amendment, extending its protections to the states. For the purposes of this project, what is worth referencing is the direct invocation of self-defense in both rulings. The 1976 DC law placed robust restrictions on firearms, particularly handguns, but an additional peculiarity of the law was that it prohibited using firearms for non-recreational purposes, including self-defense (Winkler 2011). Although a matter of speculation, one wonders if the racial dynamics of DC (large relative black population) played any part in the legislation above and beyond high rates of homicide (see Burkett [2008] for an exploration of the racial connections). Regardless, through its rulings the court has made a clear connection between access to firearms and the ability or right of a person to defend him or herself, independent of whether that person has any relation with a militia.

*Race, Firearms, and Self-Defense*

more common in the North than elsewhere, such is in Massachusetts (Cottrol and Diamond 1995).
Although an extension of English common law, the US developed its own legal path that reflected the unique experiences and values of its citizens on the matter of firearms. There were three unique characteristics that distinguished the colonies from England: class structure, slavery, and conflicts with Native Americans. The latter led some localities to adopt statutes requiring mandatory ownership of firearms—some places even ordered men to carry their guns with them at all times (Kates 1983). On the other hand, the institution of slavery required for its preservation a restriction on firearm use and access. On matters of class, this, along with religion, were the dividing lines through which the English historically restricted firearm access (Cottrol and Diamond 1991). Compared with England, the US did not have the same rigid class structure independent of a racial hierarchy, and for this reason restrictions to arms were generally along racial and ethnic lines rather than class lines.

This corresponds with the general fact that despite state-level protections concerning the right to bear arms, there has never been a universal allowance for owning, using, and/or possessing firearms in America. Restrictions have always existed in some capacity, with some states putting in place more restrictions than others and evolutions at the state-level occurring over time (Cottrol and Diamond 1991, 1995; Cramer 1999; Halbrook 1984; Winkler 2011). Major evolutions notably followed significant historical moments, such as the Civil War and Prohibition. The South before the Civil War had numerous restrictions on firearms, and this was directly related to the prevention of slave revolts, which numbered some 250 occurrences before 1860 (Aptheker 1943; Cottrol and Diamond 1991; 1995). Adding complexity, locations on the frontier made allowances for blacks to be armed, even if they were slaves, to fight off attacks from Native Americans. Virginia is provided as an example of this allowance by Cottrol and Diamond (1991). Before passage of the 14th Amendment, which granted equal protection under
the law, it was easy for states to pass laws that specifically targeted blacks, and these kinds of legal restrictions were likewise common in the South (Winkler 2011). For example, Mississippi and Alabama made it a criminal offense for any black person to have a gun and even certain kinds of knives, and these states further exercised social control by making it illegal for any white person to provide an arm to a black person (Halbrook 1984).

These are just some examples of the numerous black codes put in place directly after the Civil War among the former Confederate States that explicitly restricted the rights of blacks, including the right to arms and self-defense. Kopel (2000) further noted that many of the Southern firearm restriction laws passed after the ratification of the 14th Amendment were facially race neutral but were only ever applied to blacks and not to whites (see, for example, *Watson v. Stone*, 4 So. 2d 700 [Florida 1941]). The U.S. Supreme Court often intervened on behalf of blacks in such cases, particularly those involving self-defense. The legal efforts of Southern whites to limit the rights of blacks post-defeat was viewed by many Northern political leaders as a reconstruction of slavery (Cottrol and Diamond 1991). The specific restrictions on ownership of firearms was met with scorn, given that many disarmed black men had recently fought in the Union Army (Avins 1967).

But the South was not alone in restricting along racial/ethnic lines. The Northern experience prior to the Civil War was less driven by total racial domination and more driven by a general fear of blacks and competition for employment (Cottrol and Diamond 1991; Litwack 1961). Numerous clashes between whites and blacks occurred in Northern cities in the early to mid 1800s, but blacks in the North generally held ground with whites in these fights and riots despite their smaller numbers because they had access to firearms and they formed their own militias (Cottrol and Diamond 1991; Foner 1974; Johnson 2014). Thus, blacks were allowed to
organize and defend themselves in Northern states—legal protections not afforded to blacks in the South. At the same time, a notable occasion demonstrating the consequences of disarmament occurred during a Cincinnati riot in 1841, wherein an organized group of black fighters were incarcerated following the removal of their weapons, ultimately allowing a white mob to continue attacking a black neighborhood (Cottrol and Diamond 1991).

When direct legal allowances were made for blacks to own or carry arms, this was often simply to uphold white safety and the institution of slavery, as can be seen in South Carolina's wide allowance for free blacks to bear and carry arms in the 18th century (Cottrol and Diamond 1991). Allowances were also made in the antebellum South for slaves to carry arms with either the explicit permission or supervision of their masters, such as for hunting or supervisory purposes (Cottrol and Diamond 1991). For some states, such as Delaware, Florida, Georgia, Maryland, and Virginia, this meant that access to firearms for free blacks was more restricted than for slaves, and this was especially true following the Nat Turner slave revolt, which resulted in the deaths of 57 whites (Aptheker 1966; Cheek 1970).

Before Southern Reconstruction and large-scale immigration in the Northeast, national legal precedent had restricted access to firearms, especially for blacks both slave and free. The infamous Dred Scott decision is often overlooked for its legal implications regarding race and firearms. In ruling that slaves and the descendants of slaves in the US were not citizens, the court remarked that if such individuals were citizens, then they would have the right to "keep and carry arms wherever they want" in addition to all the other rights possessed by citizens (Dred Scott v. Sandford 1857: 451). In its reasoning, the court implied that armed blacks posed an existential threat to the Southern way of life—at the very least, day-to-day stability would be impossible if free blacks in the South were citizens with all the rights afforded. Ironically, Confederate
military strategists debated whether slaves should be permitted to fight in the war, as doing so would require training and arming them, which was surely to lead to abolition post-war. Leaders thus had to weigh preserving the institution of slavery against preserving the Confederacy (Halbrook 1984).

Racial terrorism was, in part, allowed to flourish following the US Supreme Court Cruickshank case, described briefly above. Cruikshank had been charged with violating a federal law (Enforcement Act of 1870), which made it illegal for at least two people to deprive anyone of his or her constitutional rights. Cruikshank had faced these charges after participating in a lynch mob along with some 80 other white men who killed two black men for attempting to vote in Louisiana. At the time in the state, no law existed to prevent whites from killing blacks, hence the federal charges. By ruling against the executive, the Court determined that the Constitution only prevented the federal government (in the form of legislation) from infringing on the rights of the people, and it was, therefore, up to state law to protect its citizens.

This ruling was clearly at odds with the intention of the 14th Amendment as expressed by its author, John Armor Bingham, and it empowered groups like the Ku Klux Klan to maintain a racial caste system in the South (Cottrol and Diamond 1991; Levy 1986; Winkler 2013). For the purposes of this project, this is especially relevant in light of the case resulting in restrictions on blacks' owning, using, and possessing firearms. In part, Reconstruction ended on condition of Southern states ratifying the 14th Amendment, which would allow for the legal protections of blacks. With the US Supreme Court unwilling to interpret the Amendment as intended, blacks were deprived of firearms in the South en masse by white militias usually acting under the blessings of state and local governments. This was despite numerous efforts among state governors in the North to arm black militias (Johnson 2014). White militias counteracted these
efforts, and blacks who were unwilling to give up their arms faced lynching (Winkler 2013). The end result was to not only deprive blacks of firearms, but to therefore deny them the means through which to change the polity and its law, mostly through voting power and organizing.

Blacks who obtained firearms in the South during the Jim Crow era were generally not legally permitted to use them for the purposes of self-defense. Even where legal protections of some nature were in place, lynch mobs stepped in to maintain the racial order in such cases. For example, Cottrol and Diamond (1991) discussed cases in Tennessee, Texas, and South Carolina of blacks being killed following use of violence for the purposes of defense. Yet black militias were occasionally able to repel lynch mobs as well, with use and access to firearms permitting such efforts, particularly in the Civil Rights era (Johnson 2014).

After the Civil War, just as in the South, several Northern states instituted rules and regulations on firearms, although much later in time. New York passed the Sullivan Law in 1911, for example, which required individuals to obtain a permit to possess and carry small firearms, and prohibited other kinds of arms, such as brass knuckles and blackjacks (Duffy 2011; Winkler 2013). The law is still on the books in the state, and it has been characterized by many as a response to an influx of immigrants and an increase in crime at the turn of the century. Because the licenses were given at the discretion of police, the law was also criticized not only on grounds of potential ethnic bias, but on grounds that it favored those connected to the established New York political machine (Winkler 2013). Regardless of the multifaceted motivations for the law, the law served as a model many other states followed (Duffy 2011).

Following the end of Jim Crow in the American South and paralleling the large-scale migration of blacks to other areas of the country, states with growing black populations in the 1960s began a shift toward gun-control legislative efforts. California provides a notable example.
In 1967, a group of Black Panthers around Oakland began a kind of neighborhood watch program wherein heavily armed members patrolled the streets (Seale 1996; Winkler 2011). Viewed largely as a response to police discrimination and bias as well as high rates of crime in general, the legal possession and carrying of such weapons by members made national headlines and prompted legislative action, ultimately resulting in the Mulford Act being signed into law by Governor Reagan. Further fears of black militants were stoked when a group of Panthers marched through California's Capitol to protest the initial bill, loaded guns in hand. The new law banned carrying loaded guns, with up to five years in prison serving as punishment for such an offense.

Whereas the South had a long history of gun ownership, use, and possession among whites that fostered a culture favorable to firearms and recreational activities associated with them, other states in other regions had a different cultural trajectory, with the Western frontier more accepting of firearms while still maintaining regulations, while the Northeast and Midwest were quicker to adopt firearm restrictions for (nearly) everyone, as cases and laws from states like Illinois, New Jersey, and New York demonstrate (Bruce-Briggs 1976; Cottrol and Diamond 1995; Kennett and Anderson 1975; Winkler 2011). Because Southern whites were not going to give up rights they were long accustomed to, especially once Jim Crow ended, whites threatened by blacks in the South may have responded in other ways. For example, states have various firearm prohibitions for ex-felons, including many with lifetime bans of all guns (National Association of Criminal Defense Lawyers). Thus, states with relatively large black felon populations can neutralize the "threat" of blacks having guns legally through this channel. At the same time, political groups, such as the NRA, can offer a different neutralizing strategy, in the form of expanding legal protections for carrying guns anywhere and everywhere and using them
for the purposes of self-defense. Yet if the political power of the NRA grew to the point wherein non-Southern states likewise extended legal access to firearms, then even states without cultural histories favorable to gun ownership may have come to be more reliant on extending self-defense protections to neutralize threat. For example, Winkler (2011) noted that the NRA's efforts led numerous states in the 1980s and into the 1990s to adopt explicit constitutional guarantees concerning the right to bear arms for those states which did not already have them.

When it comes to the implications of race, actual criminal cases, and especially relatively recent cases, should not be ignored. Cases may directly impact how members of different racial groups react to and perceive a given law, as evident in a Quinnipiac University poll conducted in 2012 following the Zimmerman/Martin event. The poll of Florida voters found that 61 percent of whites supported the stand your ground law, compared with 30 percent of blacks (Lave 2013). In addition to the Zimmerman verdict, the Goetz case is commonly referred to in the legal literature as a demonstration of racial bias inherent in a racist society. A full account of the Goetz case can be found elsewhere (e.g., Brown 1993; Markovitz 2015; Ward 2015) so I will skim the details. On a New York subway in December of 1984, Goetz, a white man with prior victimization experiences, shot four black men after one allegedly asked for five dollars. Ultimately, a jury found Goetz not guilty of attempted murder, and his only conviction was for a minor gun violation. The outcome of the case is itself a remarkable demonstration of the complexities of "reasonableness" in American society on the matter of self-defense, particularly when the defendant must demonstrate reasonableness. Although there are legal guidelines pertaining to reasonableness—many of which have now become clearer through codification of the

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14 This is especially true if the narrative that criminals will simply have guns anyway even if they are not allowed to legally gains sympathy among legislators and other political actors.
presumption of reasonable fear—accusations and assumptions of racial bias, such as this case, are readily apparent.

The Goetz case has been contrasted specifically by Markovitz (2015) with a similar case in New York involving a black perpetrator and a young white victim. In 2007, John White was convicted by a jury of second-degree manslaughter for shooting an un-armed teenager in the face late one evening in the Long Island community of Miller Place. White was awoken by his son that evening, who claimed that a group of white boys had arrived at their home to kill them (Kilgannon 2007; Markovitz 2015). From his experiences with racial violence and discrimination in the South, White claimed he feared a lynch mob. Although certain facts of the case were in dispute, both sides agreed that racial epithets were used by the white boys. The jury did not agree that White's behavior was based on reasonable fear, and he was sentenced to prison.

Another case demonstrating a peculiar legal result is the Joe Horn case from Texas in 2007. This is not a self-defense case, but it does substantiate the claim that legal outcomes are often a reflection of racial and ethnic dynamics. In the Horn case, the Texas homeowner shot and killed two Hispanic men fleeing from a home burglary (Lave 2013). Police had already been called to the scene and Horn was instructed by a dispatcher not to pursue the individuals, but Horn did not abide, and a grand jury failed to indict him. For many, Horn was a vigilante but also a hero, and one can imagine how the public reaction and legal outcome might have differed if the shooter had been black or Hispanic and the fleeing felons had been white.

The cases described above may inadvertently omit a key player in the process: prosecutors. These legal authorities are given extraordinary discretion in determining which cases to try and which charges to pursue (Davis 2007; Markovitz 2015). This presents a potential avenue for subconscious and overt biases to play a role in determining who is charged and for
what crime. As discussed in Chapter 2, the discretion given to prosecutors has been shown to
disparately impact minorities like blacks and Hispanics in the United States, even under the
federal system and its sentencing guidelines.

The fact that nearly every state elects its district attorneys further broadens the scope of
bias. Not only may individual biases and stereotypical beliefs influence decisions, but
prosecutors may be concerned that voters will punish those who do not uphold the law in a
particular way. Threat theory would predict that prosecutors in localities with larger minority
populations—but not large enough to hold power—would face the most pressure to afford
greater legal protections to whites relative to minority groups like blacks and Hispanics. This
would certainly include matters of self-defense, particularly when whites invoke self-defense
against black victims. This also extends to the very nature of victimhood, with whites taken more
seriously as victims in self-defense cases relative to blacks; that is to say, defendants are seen as
more justified when the victim is black rather than white (Gruber 2014).

It seems prudent, then, to discuss the preliminary work that has been done concerning the
effects of these legal changes. On the one hand, there is the question of crime: do these legal
changes have any relationship with crime? This question would include to what extent these laws
have impacted rates of justifiable homicide. On the other hand, there is the question of race: do
these legal changes in practice demonstrate any kind of racial bias? The first question is not
entirely relevant to this project unless some connection can be made between race and justifiable
homicides. The latter question is of greater importance.

Only a few studies have yet explored the racial connections, with mixed results (Roman
2013; Ward 2015). Adding to the limitations of the research, much of it makes use of the same
dataset collected by the Tampa Bay Times, and therefore only contains Florida cases. For
example, Ackerman et al. (2015) focused on victims in their analysis of the data, and concluded that the race of the victim (the deceased) mattered for likelihood of conviction, with defendants more likely to be convicted in cases involving white victims. The authors make use of threat theory in their work, and situate their paper in the context of "Black Lives Matter." They therefore question to what extent black lives matter less than white lives given their results. The argument is that the criminal justice system does not take the deaths of black individuals as seriously as the death of white individuals. Conservative news outlets, however, have interpreted these kinds of findings in a different way, noting that blacks who use self-defense are "benefiting" more than whites (Gruber 2014).

Murphy (2017) and Wagner, Kim, and Hagler (2016) discovered similar findings of disparities from the data in their analyses, which included more contextual control variables that could explain the racial differences. Murphy's (2017) analysis went further in exploring the unique relationships between different kinds of defendant-victim pairings along race and gender lines. Overall, conviction rates were high in these cases, but blacks who killed whites had a nearly 100 percent likelihood of conviction, whereas whites who killed another white had about a 90 percent chance of conviction. When it comes to domestic incidences, the disparities were much starker, with women having twice the likelihood of conviction in comparable cases as men. Murphy also used his models to estimate a specific hypothetical situation; if Trayvon Martin had been white, then the probability of a conviction for George Zimmerman would have been about 98 percent, up from the initial 50 percent given Martin's actual race. This would seem to counter the narrative that blacks were/are "benefiting" from the law relative to whites.

Barnes (2015) built on this counter by exploring what benefiting from the law really entails. He argued that since most crime is intra-racial, if blacks are able to claim self-defense
more often, it is going to be at the expense of other blacks. Part of the reason why black defendants may benefit in the first place from the legal change is the reality that blacks in the US "are thought to be more criminal, threatening, and violent" (Barnes 2015: 3197-98). Police, prosecutors, judges, and juries may all see black victims as more deserving of death in self-defense claims, regardless of whether objectively such conclusions are warranted (Markovitz 2015). Murphy’s findings suggested that even including numerous contextual variables that might differ systematically along racial lines did not eliminate racial disparities in outcomes, providing additional evidence that biases and stereotypes are indeed playing a role in legal outcomes.

It is clear from the historical record that owning, using, and possessing firearms have been legally restricted for blacks compared to whites. The motivations for this social control, however, could come from different sources. One possible source is a general fear that blacks are predisposed to criminality. This predisposition implies greater likelihood of violence, and therefore requires the restriction on arms. An alternative source is more in-line with the claims of threat theory: whites have restricted firearms for blacks to maintain white domination. The connection between domination and firearms is evident even in the writings of Blackstone, who argued that an individual needed his right to arms secure in order to protect and ensure his primary rights (Cottrol and Diamond 1991).

The evidence presented above demonstrates that distinguishing between fear and domination may be misguided as one ultimately leads to the other anyway. Firearms have been used to perpetuate the social control of blacks by first restricting access directly through law, later by restricting access through racial terrorism, and currently by legally preventing convicted felons from owning or possessing guns. Given that gun-proponents are by their nature opposed
to other regulatory measures, the logical step has simply been to extend the legal allowances of owning, carrying, and using guns. This maintains the existing system of racial domination.

For reasons not yet fully understood, it does not seem to be the case that whites supportive of pro-gun legislation expect the laws to benefit blacks. Perhaps this simply reflects an idea touched upon previously that guns do not serve as a great equalizer but are instead part of a race for control and domination. For example, whites were encouraged to stockpile arms in the South following ratification of the 14th Amendment, with newspapers prominently advertising firearms and public figures encouraging their purchase (Halbrook 1984). Racist language and ideology were directly used by gun manufactures, such as Samuel Colt, who made claims that firearms would allow the "superior" races to control the others (Burkett 2008). Consider also a study by Filindra and Kaplin (2016), which found that whites primed with images of black persons were less likely to support gun control measures than a control group, further indicating an underlying fixation with maintaining access to firearms in light of racial prejudices.

**Implications for Hispanics**

What this chapter has failed to address thus far is whether gun-control efforts have impacted Hispanics. Unfortunately, I am unaware of any scholarship that has looked at court cases or legislation that has specifically targeted Hispanics on either matters of firearms or self-defense. This is likely due to few such legal efforts existing in practice. The Hispanic population in the US has historically been more clustered in specific geographic regions and even specific neighborhoods within a handful of cities (Martinez 2002). Given that the increases in the US Hispanic population have come following the Civil Rights era, it seems reasonable to conclude that the relative size of this group did not produce a substantial threat to the political and economic power of whites at a time when the law *could* demonstrate an overt prejudice against
Hispanics. Because the history of social control differs for blacks and Hispanics, the likelihood that the relative size of the latter group correlates with a state passing an extension of self-defense law between 2005 and 2010 is lower, yet the predictions of threat theory are the same.

As discussed in Chapter 2, a rapid change in the size of a subordinate group may lead to direct action on the part of the dominant group, particularly for those members closest geographically to the influx. This may mean that no history of policy or other specific forms of social control need be established to assert the utility of threat as an explanation. In the US context, the federal government has acted directly to restrict the size of the Hispanic population via deportation and incarceration, and research demonstrating biases in legal decisions was discussed previously in Chapter 2 (e.g., Steffensmeier and Demuth 2000). Of further note is the federal prohibition on "illegal aliens" from owning or using firearms (US Justice Department). This restricts the self-defense protections afforded to Hispanics who are in the country unlawfully, but may also influence the acceptability of self-defense claims made by citizens who are Hispanic against those who are undocumented.

Conclusion

This chapter has presented the facts necessary for a reasonable application of threat theory on the matter of self-defense within the United States. Without such a foundation, any research effort relying on statistical analysis increases its probability of finding relationships—where in reality there are none—purely by chance. Access to legally permitted firearms and self-defense has historically varied along racial lines, and it is therefore reasonable to test the role of racial threat on the recent period of state-level self-defense expansion. This is especially true for blacks in the United States, whose group size has frequently correlated with all sorts of social control efforts at city, county, and state levels, as discussed previously in Chapter 2.
When it comes to racial and ethnic implications, these laws may be used in a manner that disadvantages blacks and Hispanics relative to whites. However, because these laws are written in purely race neutral terms, pushing back against the legislative changes may prove challenging. Markovitz (2015) has argued that the laws may inadvertently give prosecutors and police more discretion, which may exacerbate racial disparities. This is because prosecutors and police officers can, when the situation warrants, blame the law for tying their hands on self-defense cases. Ironically, this new discretion contradicts the overt purpose of the law, as stated by its initial proponents. The initial biases that police officers and prosecutors have when it comes to racial stereotypes may lead to a ready-acceptance of self-defense claims in some cases but not others. This may directly impact the collection of evidence and the questioning of witnesses.

As militias were replaced in the US with organized police forces, blacks lost a kind of organization useful to pushing back against domination, racial terrorism, and exploitation. These militias were important in the North in the 19th century to combat angry whites resentful of black labor, and they were important in the Civil Rights era in the South for the protection of citizens and leaders of the movement (Burkett 2008; Cottrol and Diamond 1991; Johnson 2014). The national uniformity in police as the sole group with the monopoly on the legitimate use of violence has meant that institutional biases along racial and ethnic lines now have the direct protection of the state, as demonstrated in the disarming of Black Panthers in California. To preserve individual domination in this system, individuals have regained the authority to use violence in such a manner to benefit members of the dominant group. As the preliminary work following the adoption of SYG laws has tentatively demonstrated, the expansion of self-defense has seen the killings of blacks disproportionately condoned by the state and by juries.
Chapter 4: Theory and Hypotheses

Introduction

In Chapter 2, I presented an overview of threat theory, applications and findings of threat theory in empirical research, and a brief synthesis of the occasionally competing and contradictory claims and predictions found in this large body of work. In Chapter 3, I presented the historical, cultural, and structural justifications necessary for applying the threat theory framework to recent state-level self-defense expansions. In this chapter, I review the key components of threat theory to be used to draw testable hypotheses related to self-defense expansions, including hypotheses drawn from the empirical research presented in Chapter 2. In addition, this chapter offers competing explanations of the self-defense expansion; these alternative explanations will be operationalized in the statistical analyses to follow.

Minority Threat in Context

Threat theory is a logically derived explanation of the state-level self-defense expansions that began in 2005. The historical restrictions placed on the use of firearms and self-defense for blacks demonstrates that, as a group, whites have especially seen blacks as a threat to the realization of goals, especially the goal of maintaining political and economic power, and all the goals capable of realization through such power. There are at least three avenues, all consistent with the threat theory framework, that connect self-defense and firearms with race. First, because the United States has subgroups strongly motivated to expand the prevalence of firearms, I propose whites have developed new goals to neutralize subsequent threats that their own cultural preferences have created. These cultural preferences are rooted in legal and historical developments that prize firearm use and self-defense use as unquestioned rights. As subordinate group members have gained access to these rights, the law on the books and in practice has
evolved to perpetuate the power of whites. Chapter 2 previously discussed how threat theory has been used to demonstrate that "race neutral" laws can be crafted and intended to disproportionately target subordinate group members. Before laws could not be openly racist, white political actors routinely acknowledged and promoted legal changes that would, for example, restrict black voting. Second, if guns are not a great equalizer but are instead an ever-evolving technology useful to obtaining and maintaining domination, then an arms race entangled with self-defense is useful for preserving the power of the dominant group. The arms race additionally provides symbolic value to dominant group members, as the public profession that only good guys with guns can stop bad guys with guns invigorates social solidarity among dominant group members most threatened by subordinate group members.

Third, beliefs of the dominant group may lead to biases and prejudices, occasionally tied to actual disparities, of subordinate group members as dangerous and as criminals. In the US context, this has meant that whites perceive blacks and Hispanics relative to their own group members as criminal\(^\text{15}\) (Hurwitz and Peffley 1997; Unnever and Cullen 2012). Because threat theory also argues that the perception of threat varies across geography, those dominant group members who live closest to subordinate group members and in greater numbers will perceive a greater threat to the realization of goals than those whose geographic proximity to subordinate group members is further. Similarly, those who live closer to subordinate group members are expected to develop stronger cultural beliefs, attitudes, and behaviors that are more antagonistic.

\(^{15}\) Even in more liberal states, like New York, this pattern is evident in the spoken words of powerful political actors. Consider former New York City Mayor Michael Bloomberg's comments in 2013 on the city's stop, question, and frisk program, which at the time was embroiled in lawsuits claiming racial discrimination, wherein he maintained that blacks and Latinos are stopped more frequently because they commit more crime (New York Times 2013).
toward subordinate group members and to develop greater solidarity with each other in combating subordinate groups. Following this, analysis at the state-level is a useful application of threat theory, and states with larger black and Hispanic populations are more likely to have passed SYG expansions between 2005 and 2010.

Caution in this assertion is warranted to avoid the prior pitfalls of threat theory work. Because most applications of threat theory are ahistorical, they tend to lack the institutional and contextual factors that explain why and how groups respond to threat. As discussed in Chapter 2, not all groups will respond to threat in the same way, and this is because they have different cultures, experiences, organizational capacity, solidarity, resource control, group size, and environmental challenges. Hence the importance of Chapter 3, wherein I detailed how, historically, the United States has restricted blacks from using violence, including using violence to defend themselves. If there had been no concerted effort on the part of whites in the past to restrict such access to violence, then it would not be nearly as reasonable to assert that the current expansion of self-defense law was a response to threat. Such an expansion would more reasonably derive solely from political interests and opportunities and/or high crime rates.

The legal allowance to use self-defense in a broader range of situations and circumstances, combined with state-protections for doing so, is a kind of social control. Given that whites have disproportionate access to legally permitted firearm ownership and use, it follows that an extension and expansion of self-defense will disproportionately benefit whites. In keeping with a common construct of threat in the literature, I use the relative size of the black population and the relative size of the Hispanic population (when appropriate) as the primary measure of group threat. Given that prior work has looked at the relationship between threat and police force size and found support (e.g., Kent and Jacobs 2005), an additional logical step for
whites to neutralize threat through social control has been to expand the powers of violence that police have already to white citizens. It is noteworthy that SYG laws specifically exempt self-defense use against police officers who are engaged in their work. In other words, these laws were not about shifting power away from police and toward citizens.

Finally, prior threat theory work—for example, Eitle and colleagues (2002)—has frequently noted, as Blalock likewise hypothesized, that the relationship between the relative size of the minority population and some outcome measure that neutralizes threat will follow a curvilinear functional form. When a minority population's relative size increases, the threat it poses becomes more and more pronounced. However, should the subordinate group's size become large enough, it may attain enough power at a particular level of analysis, such as a city, county, or state, to effectively block or stymie neutralization efforts. In some cases, the subordinate or minority group may hold the preponderance of power. Additionally, social control outcomes may simply be less likely in heavily black or Hispanic places given the gross economic inequality between blacks and whites and Hispanics and whites in the United States. In other words, not only would a "black" city be less likely to hire more police officers, for example, given black reservations of the police as a conventional state oppressor but also because the labor costs are more likely to be unduly burdensome in black cities. Regardless of the root reason, for the purposes of this project, it is reasonable to assume that the relationship between minority threat and the likelihood of self-defense expansion may follow a curvilinear functional form. It is also noteworthy that different kinds of expansion may experience different relationships with threat measures, which is part of the justification for considering the different changes individually and collectively in the first place.

_Alt‌er‌na‌tive‌ E‌x‌pla‌na‌tions_

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One may question to what extent political affiliation through parties has replaced race and ethnicity as the primary aggregate group identifier. Although the aggregate master group may change over time, it is not possible for political affiliation to replace racial categorization as the master group at this point in the US context. This is because individuals choose to vote for either Democrats, Republicans, or other candidates, but this does not mean that political parties are "groups." There may be groups within political parties, such as those who truly have the power to make policy and guide public discourse, but there are no barriers of entry to registering as a Democrat or a Republican, and those who truly want to participate in organizing activities for Republicans, Democrats, and others, must be granted access to those affiliated groups to do so. Given that individuals cannot choose to which groups they belong in the last instance and the vast majority of individuals have an affiliation with political parties rather than true membership, political parties as they currently stand in the US are not groups, per se. This means that political partisanship offers an alternative explanation of SYG expansion at the state-level, namely, that these laws were passed because (mostly) Republicans wanted them passed for political, economic, or other reasons unrelated to group threat. If this is the case, then the size of the black and Hispanic populations will have no effect on whether a state passed an SYG expansion once the strength of the political party most supportive of guns and self-defense is controlled for at the state-level. The strength of the Republican Party within a state therefore serves as an alternative explanation and, therefore, as a control variable necessary to avoid a spurious relationship between threat and likelihood of self-defense expansion. At the same time, given that several states with large minority populations are controlled by Republicans—in part for reasons discussed previously—it may be the case that threat is interacting with Republican strength.
The ability of a political party or a political organization to pass legislation may also be dependent upon additional political opportunity structures of the state above and beyond pure partisanship (McCammon and Campbell 2001). A state could have a large minority population, and it could be dominated by Republicans who are, relative to Democrats, more likely to support pro-gun legislation, but this may be irrelevant when it comes to whether a state expanded its self-defense law if the state has strict gun laws or if the relative prevalence of firearms within the state is low. There may be no public demand to extend self-defense in these states if the majority of residents do not own, use, or carry guns. At the same time, it should be much easier to pass pro-gun legislation in a state that already has lots of pro-gun legislation or a high relative prevalence of firearms.

States that have favorable laws to gun use and ownership and have high relative firearm prevalence may, however, simply be more conservative. Although political party strength is one way to gauge the conservatism of a state, many states experience frequent changes in political party leadership (e.g., Kentucky). In these states, it is likely that Democrats will be moderate and perhaps even conservative on issues like social control. If this is the case, then socially conservative states with Democratic leadership may be just as likely as Republican states to pass an SYG law.\footnote{Consider also that of the eight states to pass the most unique self-defense protection—criminal immunity—two such states had Democratic Governors. Those were Oklahoma and Kansas.}

Political opportunity structures are likewise important for organizations with policy goals, as political opportunity structures may work in tandem with cultural attitudes to create environments suitable to realizing the goals of an organization. The NRA is unlikely to be successful converting people at a large scale into gun enthusiasts or pro-gun constituents.
Similarly, the NRA is not going to waste money on candidates for office that it perceives to be anti-gun and anti-gun related policy. This is not to say that the NRA will never take a gamble on donating to a new candidate without a prior gun-voting record, but it is to say that the NRA will not continue to donate to the political campaigns of those who demonstrate disloyalty to the NRA's mission and values.

The influence of the NRA, however, is an unlikely mechanism driving the legislative change in a truly causal sense. The NRA has more influence in some states than in others because those states are populated with politicians and constituents favorable to pro-gun legislation and are notable for existing political structures favorable to additional legislative expansion. I argue that those states with greater minority threat are more likely to be conservative, more likely to be controlled by Republicans, more likely to have a favorable gun climate, and thus are more likely to have their politicians organize together to achieve various policy goals. The NRA did not bring these politicians together, in other words; it instead capitalized on the already existing capacity of the dominant group to organize. If it were true that the lobbying power of the NRA was in itself great enough to drive legislative change, then the NRA would have been more successful in implementing very expansive self-defense protections. If the NRA could simply buy support everywhere and anywhere, why wouldn't it? Why doesn't it? It is more likely that the NRA is only able to be successful in its efforts where there is a political and cultural opportunity structure favorable to its goals to begin with. In order to temper concerns, however, that the NRA's influence did have a direct causal link with SYG adoption, I include the state-level influence of the NRA in the analyses as an exogenous control variable to avoid the possibility that the relationship between threat and likelihood of self-defense expansion is spurious.
Crime is likely to be an additional important component of SYG expansion, as a desire to expand self-defense is logically derived from actual or perceived risk of victimization, as discussed previously concerning the work of Lott (although see Tyler and Boeckmann [1997] for a counter to this claim). Crime may offer a distinct explanation of SYG expansion independent of group threat, particularly given the deterrent component such arming of citizens may entail. Politicians in high crime states may feel pressure from their constituents to pass legislation that empowers the general population to protect themselves and their families. Because all people are capable of committing crime, the general population of a state may not necessarily link race with crime.

At the same time, threat theory would predict that because the use of violence is a resource, greater use of violence by the subordinate group is threatening to dominant group members and will therefore be countered with efforts of neutralization. This will be more salient when the subordinate group's size is large relative to the dominant group. It is theorized, then, that crime rates will interact with group size. When crime rates are low and the size of the minority group is low, then a state is less likely to expand self-defense. But when crime rates are high and the size of the minority group is large, then a state is more likely to expand self-defense.

A further wrinkle in the threat theory argument concerning self-defense expansion involves the possibility that key variables unrelated to threat mediate the relationship between the size of a subordinate group and the likelihood of self-defense expansion. Crime rates at the state-level offer a parsimonious explanation of self-defense expansions, so they may mediate the relationship between the relative size of a group, such as a racial group, and likelihood of SYG-style expansion. The public may put more pressure on elected officials and/or those officials may perceive a need to offer solutions in those places with higher rates of crime. Larger minority
populations may be driving the higher rates of crime to begin with that subsequently lead to
demands for action. In other words, the relative size of the subordinate group may be capturing
something unrelated to threat.

For example, crime has numerous links with social control in the criminological
literature. Much of this literature further connects economic inequality with crime and
subsequent crime control efforts (e.g., Chamlin and Liska 1992; Jackson and Carroll 1981;
Jacobs 1979; Liska and Chamlin 1984). I argue that economic inequality as a predictor variable
of social controls that appear to neutralize "threats" are not consistent with the predictions of
threat theory. In fact, Blalock (1967) argued that conflict would be most apparent when a
dominant group and a subordinate group had a near equal distribution of resources, a proposition
mentioned previously. A group without or with much fewer resources is not as capable of
threatening the goals of the dominant group or its members. The links between inequality and
crime, therefore, should be made using a different theoretical lens, not through threat theory. If
inequality explains whether a state expanded its self-defense law, then this should not be
interpreted as support for threat. For example, more conventional iterations of conflict theory
(e.g., Chambliss and Seidman 1971) would hold that more social control is needed in a society
with increased economic stratification. This is to avoid the social instability and loss of economic
productivity that may result when workers strike, commit crime, or demand reforms. It follows,
then, that states with greater economic inequality will be more likely to pass SYG laws given the
relationship between crime, inequality, and social control under this other theoretical framework.
To recap: the totality of this project uses a macro-level framework to explain why several states, beginning in 2005, began to extend their castle doctrines in remarkably patterned ways. Part of the uniformity in the legislation can be attributed to the American Legislative Exchange Council adopting Florida's SYG expansion as a model bill to be distributed among state representatives and senators at the annual ALEC meeting. The NRA's partnership with ALEC in crafting this model legislation should be viewed in light of organizational dynamics. This policy development should be understood as one of numerous potential policy proposals that could arise from organizations which exist to promote policies favorable to their interests. Thus, the timing of the policy change is largely irrelevant. Instead, attention should turn to why some states extended their self-defense codes while others maintained the status quo given that some of these self-defense changes offer new and extraordinary protections for self-defense claimants.

I have outlined above several explanations for why states expanded their self-defense law. I now present a summary of hypotheses derived from these potential explanations, beginning with the primary explanation, threat theory. It should be understood that all hypotheses are held to include a "controlling for other effects" condition. The statistical models themselves are discussed in the next chapter.

**Threat Theory Explanation**

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17 In other words, this project is not interested in the proximate causes of expansion, such as the individuals and their relationships that produced the bills in the first place.

18 There are two notable counters to this claim. The first is that the attacks of September 11 have led to a greater emphasis on securing the "home front," which may entail greater legal protections for using self-defense and carrying and using guns (Suk 2008). Given the time gap between Florida's passing of its SYG bill and the attacks, however, this seems less plausible. The second counter is that the expiration of the assault weapons ban at the federal level in 2004 has fostered a renewed urgency in keeping and carrying guns. There may be a connection here, but if one exists it would certainly be in line with all of the points of threat theory described previously, reinforcing rather than detracting from the major causal claims.
Hypothesis 1: Threat to the dominant group will have a significant effect on whether a state passed an SYG expansion to its self-defense law.

1A: The larger the relative size of the black population within a state, the more likely the state passed an SYG expansion.

1B: The larger the relative size of the Hispanic population within a state, the more likely the state passed an SYG expansion.

Alternative Explanations

Hypothesis 2: Political and cultural contexts will have a significant effect on whether a state passed an SYG expansion to its self-defense law.

2A: States with robust Republican strength will be more likely to have passed an SYG expansion.

2B: States with higher crime rates will be more likely to have passed an SYG expansion.

2C: States with a greater prevalence of firearms will be more likely to have passed an SYG expansion.

2D: States with greater economic inequality will be more likely to have passed an SYG expansion.

2E: States with greater NRA political presence will be more likely to have passed an SYG expansion.

Interactions

Hypothesis 3: Threat will interact with crime rates, firearm prevalence, and political strength.

3A: The effect of the relative size of the black population on passing an SYG expansion is more pronounced in states with high crime rates than in those with low crime rates.
3B: The effect of the relative size of the Hispanic population on passing an SYG expansion is more pronounced in states with high crime rates than in those with low crime rates.

3C: The effect of the relative size of the black population on passing an SYG expansion is more pronounced in states with a high prevalence of firearms than in states with a low prevalence of firearms.

3D: The effect of the relative size of the Hispanic population on passing an SYG expansion is more pronounced in states with a high prevalence of firearms than in states with a low prevalence of firearms.

3E: The effect of the relative size of the black population on passing an SYG expansion is more pronounced in states that have a Republican governor than in states that do not.

3F: The effect of the relative size of the Hispanic population on passing an SYG expansion is more pronounced in states that have a Republican governor than in states that do not.

Mediations

Hypothesis 4: Crime rates will mediate the relationship between the relative size of minority groups and likelihood of SYG expansion.

4A: Crime rates within a state will mediate the relationship between the relative size of the black population and the likelihood that a state passed an SYG expansion.

4B: Crime rates within a state will mediate the relationship between the relative size of the Hispanic population and the likelihood that a state passed an SYG expansion.
Chapter 5: Data and Methods

Introduction

This chapter describes the variables of interest in the analysis, including variants of the dependent variable, as well as the explanatory and control variables. The primary empirical contribution of this project is a test of threat theory; specifically, I test whether the likelihood of making a legislative change to expand self-defense law in a manner discussed previously and below relates to the relative size of a state's minority populations (black and Hispanic), net of other effects. Such a test has not been conducted previously; as such, the project requires the compilation of several measures into a new dataset drawing from a variety of sources, which I detail below. To begin, I briefly consider sample selection.

Sample Selection

To analyze the adoption of SYG law, I consider all fifty states. The inclusion of all 50 states is potentially problematic because state-level variations in self-defense law existed prior to the SYG-style expansion that began with Florida (Vilos and Vilos 2013[2010]). In itself, this is not a concern if the SYG expansion was wholly new legislation. This is not the case. Some states already had strong protections in place that granted individuals the legal allowance to use self-defense in a broad range of contexts. Other states never included a duty to retreat in public in their self-defense law. To avoid censoring cases in the initial tests, I first consider a narrow definition of SYG-style expansion that allows for the inclusion of all states. From there, I relax the criteria for inclusion of "failure" to demonstrate how robust the initial findings are. This will require dropping some states from analysis in some instances. To determine whether these states are unique or unusual in some manner that distinguishes them from other states, I run
supplementary analyses. Given the small number of failures when considering the strictest criteria, the initial models are the most conservative tests of threat theory.

**Dependent Variable**

The outcome variable of interest is whether a state expanded its self-defense law between 2005 and 2010. Because laws are subject to interpretation, it is often difficult to determine what a law does or will do in practice. Adding a further complication, the common law used in the United States, which treats Judicial precedent as law, may result in "new" laws on the books simply serving as codifications of already existing law. Fortunately, the SYG expansions tend to share similarities for the relevant states, given that ALEC adopted Florida's original bill as model legislation to be considered by state congressional members across the country. This uniformity removes one difficulty when considering state-level legal changes, as it alleviates concerns that these laws had different purposes, intents, or meanings.

Still, some of the SYG laws passed by states were broader in scope than others, and some states had broad self-defense laws on the books before the SYG style expansion began, such as Texas and Utah. Even whether a state had a self-defense law already in place similar to SYG is debatable. For example, McClellan and Tekin (2012) give only minor attention to states with codes similar to SYG laws prior to 2004 in their analysis of SYG's impact on crime, noting a 1994 Utah change, which provided that an individual has no duty to retreat anywhere he or she has a right to be (Gehrke 2012). Other states also had similar laws in place prior to the current expansion, and these are not given any attention by McClellan and Tekin. Idaho, Nevada, Oregon, and Washington had broad self-defense laws in place before the SYG diffusion began wherein under varying circumstances individuals had no duty to retreat. Further complicating matters is the nature of case law and jury instructions, which may have the effect of dividing the
law in the books from the law in action (Vilos and Vilos 2013[2010]). The bottom line is that if a state already had a broad self-defense law in place, its legislators may have perceived no need to extend the law even further.

To work around these various measurement obstacles, I take a narrow approach to coding SYG expansion and subsequently move toward greater inclusion of states as having "failed." The first failure measure is the most restrictive given that no states—neither in common law nor in codification—had this provision in place before Florida's expansion in 2005. The code stipulates "criminal immunity," which includes arrests and prosecution, for those who claim self-defense (Buchanan and Middleton 2015; Jansen and Nuget-Borakove ND; Light 2017; Markovitz 2015; Ward 2015). I argue this is the most controversial legal change made under the SYG rubric, given that, as written, it requires law enforcement to demonstrate that an individual did not act in self-defense. Florida legislators specifically cited this provision in their justification of the self-defense changes while recounting the tale of an individual self-defense user—mentioned previously—who waited several months to know whether he would be charged with homicide or any other crime (Headley and Alkadry 2016). Eight states included criminal immunity in their self-defense changes during the period of analysis.19

The next measure of failure indicates a state modified its code to include a presumption of reasonable fear when using deadly force in a home, dwelling, or occupied vehicle. This continues the trend of giving more legal power to individual self-defense users by placing the burden on law enforcement to demonstrate that an individual killed in self-defense was not committing a crime, such as forcible entry. Four states had a presumption of fear statute already

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19 See Table 5.1 for a full representation of state failures and censored cases for each definition of the dependent variable.
in place before the current period of self-defense expansion (California, New Jersey, Rhode Island, and Utah), and therefore must be censored.

The third variant of the dependent variable considers whether a state codified a "no duty to retreat" provision anywhere an individual has a legal right to be. This is the crux of "stand your ground" as reported in the media, but it is also, as discussed above, the least profound component of the legislative changes given existing state and federal court decisions on self-defense use. Codification still matters, however, as it permits greater immediate legal protection by limiting the discretion of law enforcement. Codification also shapes the public's legal consciousness, demonstrates that political actors and organizations are accomplishing goals, and potentially grows the legal space wherein institutional discrimination and domination may occur along racial or ethnic lines.

The final variant of the dependent variable is the most encompassing and allows again for the inclusion of 49 states, with Utah the lone censored state. Given that a state could make several changes to its self-defense codes, I consider whether a state did so by including a multiple expansions measure wherein a state passed at least two of the three prior provisions. This permits a reasonable assessment of threat theory, as this measure will potentially indicate which states were the most motivated to make self-defense changes. In other words, these are less likely to be the states that just made a change due to isomorphic or political pressures; the political leaders in these states are the true believers, so to speak, of expansive self-defense law.

Independent Variables

The primary predictor variables in the analyses are measures of threat, operationalized as the state-level proportion of the black and Hispanic populations. As noted in Chapters 2 and 4, using the size of the subordinate group as a measure of group threat is a conventional proxy of
group threat, and the one most closely aligned with public perceptions of group threat. It is very unlikely that changes in the size of the minority populations of interest have a connection with SYG adoption within a state given the narrow time-frame involved and the subsequent marginal increases that would follow such, so the percentage change within a state of the minority population's relative size is not modeled. I use a dynamic measure of group size, however, given that the relative size is the measure of threat and should therefore be approximated as closely as possible. In keeping with the event-history analysis technique, this means that each state-year observation has a unique value for the relative size of its black and Hispanic populations. Because individuals can claim more than one racial category, I consider the most conservative estimate of the measure of the relative size for blacks by considering those who identify as black alone. This approach is not possible with Hispanic, however, so I include all who identify as Hispanic. For this and other reasons, it is necessary to create separate models for blacks and Hispanics.

To operationalize Republican Party strength, I include two indicators. The first is a dichotomous measure of whether the Governor in a state in a given year is a Republican or a Democrat, coded 1 for Republican. It is very rare for a state governor to be neither a Republican nor Democrat, and no state governors during the time period drifted from the norm. Governor's party is included as a measure of political strength given that this position is won through state-wide elections, governors have greater in-state power to direct public attention on matters of policy, and governors have great influence over legal changes through veto power. An additional measure of political party strength is the proportion of votes cast in a state for the Republican Presidential candidate in the most recent Presidential election for any given year (i.e., the 2004 and 2008 Presidential elections). I argue that these measures are capturing two different
components of Republican Party strength, both of which are important. Holding power over the
governorship is a tenuous position, but one which could still either derail legislative efforts or
clear them through. A Democrat could have been more appealing than a Republican candidate in
an otherwise red state, or vice versa. Thus, the proportion of votes in a federal election serves as
another useful operationalization of Republican strength and has less risk of violating
assumptions of independence than an additional state-centric measure, such as the proportion of
Republicans in the legislative chamber. Additionally, this latter measure would require dropping
Nebraska from the analysis, as its legislative chamber is strictly non-partisan.

Because crime rates may lead to public fears and demands for greater self-protection,
their variation is expected to correlate with a state's expansion of self-defense. Two measures of
crime are considered: the homicide rate and the burglary rate. The homicide rate is chosen for its
public salience as a serious criminal offense and its direct relation to the need to preserve
individual life through the use of self-defense. In other words, if public and political demands are
driven by concerns that criminals want to kill them, then it follows that these demands will be
most pronounced in states with higher homicide rates. Burglary is included for its direct
connection with the castle doctrine. Because SYG expansions grant individuals the right to use
deadly force within their homes under the presumption that anyone who forcefully enters the
home is presumed to be a threat to life, then it follows that those states with higher burglary rates
will have more public and political support for expanded self-defense. Both measures of crime
are lagged one year to account for the mobilization delays in the political process.

To account for links between self-defense and firearms derived from the historical record,
an additional variable operationalizes firearm prevalence. Firearm prevalence matters for two
major reasons: first, people have guns for specific purposes—if a state allows its citizens to carry
around firearms, then the people who pack them probably have beliefs and intentions for doing so. Imagine a parallel where citizens had the right to vote but there were not any voting machines available for them to do so on election day. They would probably have subsequent demands for voting machines. Second, if firearm prevalence is generally high at the state level, then it is quite likely that this will play into whites' fears in places with large nonwhite populations. In other words, when the NRA talks about bad guys with guns and good guys with guns, it is a language choice that may particularly associate whites as good guys and nonwhites as bad guys.\(^{20}\)

There is no recent national dataset that estimates the number of firearms per household or per person at the state level. Although the Behavioral Risk Factor Surveillance System (BRFSS) survey does contain state-level estimates of firearm ownership prevalence, it was last conducted in 2004. Various proxies have been developed to overcome this measurement gap. For example, one popular technique is to estimate the prevalence of firearms using the proportion of suicides committed with a firearm.\(^{21}\) Therefore, this measure is used to capture the relative state-level

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\(^{20}\) Consider the many racially charged comments long-time NRA board of directors' member Ted Nugent has made. For example, in questioning why Trayvon Martin "attacked" George Zimmerman, Nugent wrote, "Is it the same mindless tendency to violence we see in black communities across America?"

\(^{21}\) Siegel and colleagues (2014), however, found that the correlation between this proxy and three prior estimates of state ownership rates from the BRFSS (.80) was improved by the inclusion of hunting licenses per capita (.95). They also argue that the new proxy seems to account for the under-estimation of firearms in states with high hunting rates but smaller proportions of suicide by firearms (Siegel et al. 2014). Although initially considered, the inclusion of hunting license rates was ultimately abandoned. In contrast to Siegel and colleagues, I do not find that the inclusion of hunting license rates increases the strength of measures of firearm prevalence. Rather, this seems to simply measure rural cultural identities. In preliminary models, hunting license rates and the proportion of suicides by firearms had opposing effects on the likelihood of expansion. Including both measures also negates the ability to test the unique effect of firearms prevalence on expansion, as the effect of one diminishes the effect of the other. Additionally, contrary to an expectation given Siegel and colleagues' (2014) assertion that hunting license rates and the proportion of suicide by firearms together account for a greater share of the variation in the prevalence of firearms within a state, the bivariate correlations (not presented) suggest a
prevalence of firearms during the timeframe. An additional benefit of including a valid measure of firearm prevalence is its potential ability to capture conservativism. This is beneficial because it may be the case that some states historically controlled by Democrats are culturally conservative (West Virginia, for example). If conservative attitudes and rural sentiments are more deeply embedded in the social structure than racial animosity, then it may be the case that the effect of a threat measure is nonsignificant when the prevalence of firearms is included.

Although I treat conservatism as a kind of control variable in the statistical models to follow to keep with prior threat theory work, it is not axiomatic that expanding self-defense is a conservative position. The second period of legal change described above in Suk's work, for example, seemed much more liberal in its orientation—protecting women from abusive husbands and boyfriends. Yet conservatism is more justifiable as an explanation of self-defense expansion in light of the broader historical record—self-defense embodies the belief that individuals have a duty, responsibility, and a right to defend themselves and their families.22

Other Control Variables

Prior work in threat theory has sporadically included demographic measures other than race and ethnicity with mixed results. For example, Jacobs and Carmichael (2001) used only a measure of the percent of a state's residents in a metropolitan statistical area in their exploration of a more complicated relationship. For example, although the proportion black is positively associated with the proportion of suicides by firearms, the hunting license rate is negatively associated with the proportion black.

22 Johnson (2014) offers robust evidence that blacks in the United States historically sought self-defense protections and made use of both legal and illegal self-defense protections when alternative options for self-preservation were limited. As an anecdote, I have also attended a public talk by an African American woman and notable civil rights activist and community organizer from Chicago who argued forcefully that blacks, and especially black women, in the US should be given the same legal impunity to kill in the name of self-defense as George Zimmerman.
of imprisonment rates, and this measure was not statistically significant. Despite a lack of demographic data, their models explained an overwhelming amount of the variation in state imprisonment rates. Given that firearm prevalence already captures a rural versus urban dynamic, I see no need for a further measure.

The Gini coefficient for each state is included as a measure of inequality. Although I initially considered including the unemployment rate as well, the Gini coefficient offers a more direct measure of economic inequality. Given that unemployment rates can become entangled in measures of threat, it is therefore also unwise to include them alongside a more direct measure of threat.

Finally, the analyses include an indicator of NRA influence. Because there are no good data available to determine campaign contributions made directly to state-level representatives and senators, I estimate the state-level influence of the NRA by tracking political donations to House seats at the federal level. The NRA does not directly donate to candidates, generally speaking, but the organization has its own political action committee (PAC) that contributes to candidates and their campaigns for election. Because many federal legislators work their way up through the political system from the state level, it follows that political affiliations made at the state level will have a reciprocal relationship at the federal level. Furthermore, federal legislators may return to state government, taking their various social and political connections with them. For example, both Ernie Fletcher and Bobby Jindal were members of the US House of Representatives and returned to state government to serve as Governors. Given the lack of variation for Senators regarding NRA campaign contributions, I focus on the House members.

Because monetary contributions are capped, I judge most important the proportion of Representatives in the House from a state who won election and received NRA contributions.
This measure is lagged from the most recent election in two year intervals. For example, the proportion of individuals elected in the year 2006 to the House of Representatives who had received NRA money would be recorded in years 2007 and 2008, which would have been the time that these individuals were serving in office before the next election cycle. Although this is an indirect measure of the NRA's state-level influence, as discussed in the results of Chapter 6, there is high criterion-related validity here, as the measure just described strongly correlates with the measure of Republican political party strength (Pearson's $r = .77$; $p<.05$) and the measure of the prevalence of firearms (Pearson's $r = .70$; $p<.05$).

**Data Sources**

The data for this component of the project come from numerous sources, as no existing dataset would permit for state-level comparisons, and all the variables are measured on a yearly basis. Table 5.2 lists data sources and the measures taken from them. Estimates of the size of the Hispanic and black populations were obtained from the US Census Bureau's Population Division data under the intercensal estimates of the resident population for each state by sex, race, and Hispanic origin. Election data, used to measure Republican Party strength, come from the National Governors Association and Klarner (2013), while political campaign contributions from the NRA were obtained from the Center for Responsive Politics. The data used to calculate a proxy for firearm prevalence comes from the Centers for Disease Control and Prevention. I referenced dozens of sources in constructing the dependent variable, including prior work that has analyzed SYG, such as McClellan and Tekin (2012) and Cheng and Hoekstra (2012). I also referenced comprehensive overviews of state self-defense laws found in Vilos and Vilos (2013[2010]) and Branca (2016). Additionally, I conducted web-searches for publicly available records of state-level self-defense and referenced news coverage of the legislative changes to
determine the exact timing of the change when such information was not included directly in the codification.

*Modeling Strategy*

This project uses a discrete-time event history analysis as the primary statistical tool for evaluation (Allison 1984; McCammon 1998). This approach has been used previously to assess the correlates of legal changes at the state level (e.g., McCammon and Campbell 2001). The technique is useful for analyzing legal changes because it permits information from individual cases to be pooled across time. Therefore, each case—in this project states—provides information up until the point of "failure," which is self-defense change, and can provide time-varying information without the usual concerns that causal directions may flip as a consequence (see Allison [1984] for more discussion). For example, there would no longer be concern that a time-varying measure, like homicide rates, is changed by the passage of a more expansive self-defense law. In the analyses to follow, all variables may change over time, although many states always had either a Republican or Democratic governor. The pooled state-years are subsequently used to estimate the logit models through the maximum-likelihood approach. The calculation for the logit takes the following form:

\[
\log\left(\frac{P(t)}{1-P(t)}\right)
\]

where the hazard rate—\(P(t)\) or the probability of the event occurring at time \(t\)—is transformed into log odds. Given the inherent consistencies in state-year observations for individual states, robust standard errors are utilized. Because scaling can be an issue when using maximum-likelihood, several variables have been rescaled so that the complications with large ratios of standard deviations can be avoided (see Drukker and Wiggins 2004). The homicide rate was divided by 10; the burglary rate was divided by 1000; the unemployment rate was divided by 10.
Table 5.3 provides descriptive statistics for all key variables of interest in the analysis with these corrected scales.

The models that test the threat and the alternative explanations found in hypotheses 1 and 2 take the following form:

\[
\text{Logit} = a + b_1 \text{(Proportion Black)} + \\
b_2 \text{(Republican Voting)} + b_3 \text{(Republican Governor)} + b_4 \text{(Homicide Rate)} + \\
b_5 \text{(Burglary Rate)} + b_6 \text{(Suicides by Arms)} + +b_7 \text{(GINI)} + \\
+ b_8 \text{(NRA House Contributions)}
\]

\[
\text{Logit} = a + b_1 \text{(Proportion Black Squared)} + \\
b_2 \text{(Proportion Black)} + b_3 \text{(Republican Voting)} + b_4 \text{(Republican Governor)} + b_5 \text{(Homicide Rate)} + \\
b_6 \text{(Burglary Rate)} + b_7 \text{(Suicides by Arms)} + +b_8 \text{(GINI)} + \\
+ b_9 \text{(NRA House Contributions)}
\]

\[
\text{Logit} = a + b_1 \text{(Proportion Hispanic)} + \\
b_2 \text{(Republican Voting)} + b_3 \text{(Republican Governor)} + b_4 \text{(Homicide Rate)} + \\
b_5 \text{(Burglary Rate)} + b_6 \text{(Suicides by Arms)} + +b_7 \text{(GINI)} + \\
+ b_8 \text{(NRA House Contributions)}
\]

\[
\text{Logit} = a + b_1 \text{(Proportion Hispanic Squared)} + \\
b_2 \text{(Proportion Hispanic)} + b_3 \text{(Republican Voting)} + b_4 \text{(Republican Governor)} + b_5 \text{(Homicide Rate)} + \\
b_6 \text{(Burglary Rate)} + b_7 \text{(Suicides by Arms)} + +b_8 \text{(GINI)} + \\
+ b_9 \text{(NRA House Contributions)}
\]

Each model is run four times for each variant of the dependent variable. As mentioned previously, prior research has often found that a curvilinear relationship for threat and outcome measures is not only theoretically justified but often empirically validated (e.g., Jacobs and Trope 2007).

Next, I turn attention to evaluating hypothesis three, and run separate models testing for interactions between crime rates, firearm prevalence, and political strength. The models take the same form as found in hypothesis 2, adding a single term for each of the proposed interactions from hypothesis 3 in the linear models and an additional term for the squared products in the
curvilinear threat models so that these models are fully saturated. The interaction term for crime rates and threat is calculated by multiplying the adjusted homicide rate and the proportion minority (either black or Hispanic). Similarly, the interaction term for firearms prevalence and threat is calculated by multiplying the proportion of suicides by arms and the proportion minority (either black or Hispanic). Finally, the interaction between Republican Party strength and threat is calculated by multiplying the proportion minority with the dummy measure for Republican Governors. The curvilinear models follow the same format with the addition of the product term for black or Hispanic-squared with either homicide, suicides by firearms, or the Republican Governor variable.

Finally, I test for possible mediating effects between self-defense expansion and crime rates (specifically, homicide) using a methodological technique developed by Karlson, Breen, and Holm (2010). This approach, known as the KHB-method, has several advantages over other mediation assessment techniques, such as the Baron and Kenny (1986) method. As examples, KHB does not produce estimates of decomposition percentages between direct and indirect effects that are biased in the presence of skew, the method is an analytical solution to the problem of decomposition and, therefore, does not rely on counterfactuals, and, most importantly for the purposes of this project, does not require the test variable of interest to be categorical (Karlson and Holm 2011). Extended discussions of the computational procedure and proofs are widely available, and the developers of the technique have also created a program in the STATA software package that runs the method and subsequent tests.

Although there are other ways of assessing the effects of confounding variables, a mediation analysis of this type is necessary and desirable for two main reasons. First, in logistic regression, including additional variables in a model believed to have a confounding relationship
does not afford one the same interpretation that comes from a standard linear regression. The reason for this is that the latent variable's variance is not accounted for and will not be the same across models (Karlson, Holm, and Breen 2012). This is often called the scaling or rescaling problem (Karlson and Holm 2011; Karlson, Holm, and Breen 2012). Put differently, if one includes a confounding variable in a model that has any relationship with the binary outcome variable one is interested in, then the error variance will be reduced even if the confounding variable has no relationship with a test variable of interest. A problem is that when these models are on different scales, one will often underestimate the true impact of a confounding variable.

Second, a formal mediation analysis allows one to compute percentages for indirect and direct effects and allows one to do so with the inclusion of multiple control variables.

Conclusion

The statistical analyses to come build from historical tradition and prior work in threat theory evaluation. This is the first quantitative exploration of the self-defense expansions that began with Florida in 2005 that considers the state-level correlates of expansion. To summarize, the analyses to follow utilize the event-history approach, which permits binary outcomes by using a logistic model. Since no singular source exists for all variables of interest, data were obtained from a variety of places. All data may be found online through the sources provided in Table 5.2. The models to follow test four general kinds of hypotheses: explanations of expansion derived from threat theory predictions; explanations of expansion derived from political and cultural contexts; explanations derived from interactions between threat and crime, threat and the prevalence of firearms, and threat and Republican Governorship; and explanations derived from mediations between threat and homicide rates. Results will greatly inform current and future
threat theory approaches as well as interests in the determinants of policy that deputizes citizens with extraordinary powers to take human life.
Chapter 6: Results

Introduction

This chapter presents the findings of the event history models discussed in the previous chapter and pertaining to the hypotheses from chapter 4. I begin with an initial assessment of the data and include noteworthy findings from the bivariate correlations. Following this, I discuss the findings pertaining to black and Hispanic threat, moving on thereafter to an exploration of the results for alternative explanations. The findings from the initial models are used to inform the approach for the interactions laid-out in hypothesis 3. Lastly, the results of the mediation analyses that correspond with hypothesis 4 are presented. This chapter concludes with a brief exploration of censoring concerns and a recap of the general findings.

Initial Assessments of the Data

Many states demonstrate consistency across types of self-defense change. As briefly discussed in the prior chapter, Table 5.1 presents an overview of the states that either made or previously had certain self-defense expansions. For the criminal immunity protection, there is a clear geographic pattern, as most states are either in or near the US South. The South and West are, generally speaking, over-represented across self-defense categories. This is not surprising, given that the US South, in particular, has higher crime rates, has more pronounced economic inequality, has more firearms, has larger relative black populations, and has pronounced Republican support (as measured by voting patterns in recent Presidential elections) when compared with other census regions. When considering multiple expansions, nine states are
Southern out of the thirteen that included at least two of three changes, and Texas, which passed reasonable fear protections, already had a no duty to retreat protection in place.\footnote{As discussed in prior chapters, it is highly plausible that the prior lack of stronger self-protections in the South has a relationship with racial stratification. In the antebellum South and up through Jim Crow, there would have been less need for strong self-defense protections for whites given that whites could often kill blacks with impunity anyway. The successes of the Civil Rights movement, however, changed the game. With overt racism no longer socially or legally acceptable in the broader American society, perhaps expansive self-defense laws became a new protection offered to whites to alleviate racial fears and perpetuate the social control of blacks.}

As expected given the history of firearms and self-defense in the United States, those states that are in the western frontier were also more likely to have existing legal protections in place. For example, with the exceptions of Illinois and Texas, states that previously had some form of no duty to retreat in place prior to the time period of this analysis were in the West. These states include Colorado, New Mexico, and Utah. The reasonable fear assumption, however, does not follow in this pattern, and relatively few states had this "strong" self-defense practice in place before beginning the time of study: California, Utah, Rhode Island, and New Jersey.

As mentioned previously, a total of 24 states made a self-defense change of any kind between 2005 and 2010, yet only eight states adopted the most novel and most powerful self-defense protection—the "criminal immunity" provision. The majority of states made their legal change or changes in 2006, following the adoption by ALEC of Florida's bill—a template that was distributed to conservative state legislators at the organization's annual conference (a copy is provided in the Appendix). Still, some states made changes much further into the period of analysis. For example, Utah, which already had some of the strongest self-defense protections in
the nation, still made a minor change in favor of self-defense claimants in 2010. Notably, this change was not the criminal immunity provision.

Patterns in the bivariate correlations, presented in Table 6.1, demonstrate high criterion-related validity to the less conventional measure of the NRA's presence and influence within a state, as previously discussed in Chapter 5. As expected, given the partisan affiliation of the NRA, the strongest correlation among the variables used in the event-history models is between the proportion of Congressional House members who have received NRA-affiliated contributions and the proportion of votes cast for the Republican Party in recent Presidential elections (Pearson's r = .77; p<.05). Additionally, the NRA measure strongly correlates with the primary measure of the firearms prevalence within a state, the proportion of suicides by firearms (Pearson's r = .70; p<.05). Similarly, the relative strength of the Republican Party, as measured by the proportion of votes cast in recent Presidential elections for the Republican candidate, correlates strongly with the proportion of suicides by firearms (Pearson's r = .69; p<.05). The only other bivariate pair with a correlation as pronounced as the previously mentioned is between homicide rates and the proportion black (Pearson's r = .73; p<.05). This is unsurprising, given previously described possibilities that homicide rates may either interact with or mediate the relationship between black threat and the propensity to expand self-defense.

Results for Hypothesis 1: Black Threat

Tables 6.2a and 6.2b present the results of the event-history analyses for black threat and the four classifications of the dependent variable, with covariates. For each variant of the measure of self-defense, two models are run. The first model uses a linear functional form to assess black threat, while the second model uses a curvilinear functional form to assess black threat. The curvilinear models simply add a single squared-term, the proportion black squared. In
short, there is no evidence of a linear relationship between black threat and the propensity of a state to expand its self-defense law, net of other factors. However, there is evidence that a curvilinear relationship better fits the data under at least two conditions: the criminal immunity expansion and the multiple expansions measure. For these classifications, the probability of expansion initially increases as the relative size of the black population increases, but later starts to decline. For the reasonable fear and no duty to retreat variants, however, there is no statistically significant effects for black threat. I discuss further implications of these findings below.

Results for Hypothesis 1: Hispanic Threat

Tables 6.3a and 6.3b present the results of the event-history analyses for Hispanic threat and the four classifications of the dependent variable, with covariates. The results here are straightforward, as there are no statistically significant effects. Regardless of the functional form considered or the type of expansion analyzed, there is no evidence that Hispanic threat played a role in state-level self-defense expansion.

Results for Hypothesis 2: Alternative Explanations

The alternative explanations of self-defense expansion, presented in Chapter 4, centered around the importance of political and cultural contexts. These contexts were thought to create opportunity structures through which motivated political actors and organizations could make legal changes. It was hypothesized that states with any of the following: more Republican strength, greater prevalence of firearms, greater prevalence of NRA political presence, greater economic inequality, or higher crime rates, would be more likely to expand self-defense protections.
Table 6.4 provides a summary of the findings from the initial event-history models pertaining to hypotheses 1 and 2. The most consistent finding is in favor of hypothesis 2A—in all models, the measure of Republican strength is statistically significant and in the expected direction. The greater the Republican strength within a state as measured by the proportion of votes cast for the Republican candidate in the most recent Presidential election, the greater the likelihood of a self-defense expansion, including criminal immunity, reasonable fear, no duty to retreat, and multiple expansions. Additionally, as measured by standard deviation change (not shown), the Republican strength measure has the strongest effect of all variables. In other words, a standard deviation change in the number of votes cast for the Republican candidate consistently has the greatest impact on the likelihood of expansion. The other partisan measure, however, was never statistically significant. Controlling for other factors—including Republican strength—whether a state Governor in a given state-year was a Republican did not matter. With separate branches of government sharing power, this additional partisan measure was included given that a "Republican" state may have had a Democratic governor and, therefore, veto power may have prevented self-defense expansion.

Although it was argued previously that rates of burglary may play a role in self-defense expansion given that these laws appear to specifically alleviate concerns with using self-defense in such situations where a perpetrator has unlawfully entered someone's home or dwelling, the results suggest that burglary's unique effect is marginal at best. The coefficient attains statistical significance in the expected direction in three out of 16 models, but it is not statistically significant in a majority of cases (12) and is even statistically significant in an unexpected direction on one occasion. The homicide rate, however, offers more support for hypothesis 2B. Even when controlling for another measure of crime (burglary) and other covariates, the state-
level homicide rate is usually statistically significant in the expected direction (12 times) across a variety of dependent variable classifications. This makes sense, given that homicide is a serious crime and one that the general public may demand protections from victimization through a variety of means, including by having greater legal access to self-defense.\(^\text{24}\)

Perhaps the most surprising finding in these initial tests is the complete lack of statistical significance for the measure of the prevalence of firearms. In no models was the coefficient for the proportion of suicides committed with a firearm statistically significant. Controlling for other variables, then, there is no support for hypothesis 2C. Given the strong bivariate relationship between the proportion of suicides by firearms and the strength of the Republican Party as measured through Presidential votes, one might deduce that on the whole states with more Republicans simply have more guns. Yet even in states without a high prevalence of firearms, so long as there exists robust Republican strength, a self-defense expansion is more likely. Similarly, hypothesis 2E received no support. Indeed, the NRA House contributions measure was only statistically significant in the direction opposite of expectations, and this occurred in half of the models. I address the potential reasons for these surprising findings below in an assessment of possible multicollinearity.

Finally, there is some support for hypothesis 2D. The operationalized measure of state-level inequality—the Gini coefficient—is statistically significant in the expected direction for 7 models. There is no real pattern here when it comes to the kind of expansion under consideration; the only type of expansion that does not have a single significant effect is the

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\(^{24}\) In three of the original 16 models wherein the burglary rate is statistically significant and the homicide rate is not, re-running those models without the burglary rate does not lead to a statistically significant effect for homicide rates.
criminal immunity protection and the Gini attains significance in models for both black threat
and for Hispanic threat.

Black Threat and Opportunity Structures

The reasonable fear and the no duty to retreat protections, as discussed previously, were
both existing legal protections in some places before the passage of Florida's 2005 self-defense
changes and the subsequent adoption of Florida's bill as model legislation by the conservative
organization ALEC. The results, therefore, suggest that those states with pronounced black
threat, all else equal, were the ones to adopt the most novel and extreme self-defense protection
described as criminal immunity—at least up until a point where the relative size of the black
population became so large legislative actors were either unmotivated or unwilling to adopt this
change. Given that in all cases the strength of the Republican Party significantly predicted self-
defense expansion, a deduction may be made. State legislators, mostly Republicans, were
predisposed to consider making self-defense changes once model legislation and a subsequent
exchanging of ideas took place, such as at ALEC events; yet most states that made changes
simply adopted one of the long-standing legal protections found previously in several states. To
pass the criminal immunity protection, however, or to make multiple self-defense changes,
something more than opportunity structures may have been necessary. In this case, black threat
offers a plausible explanation. Given the strong correlation between the relative size of the black
population and crime rates, such as homicide, it is necessary to see if interaction or mediating
effects are present.

Threat and Interaction Effects

The results of the initial models are used to inform the analyses moving forward. Given
the statistically significant results for a curvilinear relationship between black threat and two
measures of the dependent variable, I take this as the correct functional form to determine if there are interaction effects between three factors. Prior work has demonstrated the importance of using the correct functional form in order to determine the true relationship between interactions and to avoid getting spurious results (Ganzach 1997).

Tables 6.5 through 6.7 present the results for homicide interactions, the prevalence of firearms interactions, and the interactions with the Republican Governor dummy across the different variants of the dependent variable. In brief, there are no statistically significant results for any of these interactions. This is most surprising with the interaction between homicide and black threat for reasons discussed extensively in prior chapters. To recap: it was expected that the effect of the relative size of the black population would be more pronounced in states with high crime rates—in this case, homicide was used to measure crime—than in those states with lower crime rates. This does not appear to be the case. One possibility is that there are relatively few states with large (relative) black populations and low crime rates. This follows from the previously discussed strong correlations between the proportion black within a state and both homicide and burglary rates.

Given that there were no statistically significant effects in the models pertaining to Hispanic threat, I consider only linear models and potential interaction effects between homicide rates, the proportion of suicides committed with a firearm, and the Republican Governor dummy. Similar to findings for black threat and possible interactions, there is little support for the interaction hypotheses. Indeed, there is only one statistically significant interaction across all possibilities, and this is for the no duty to retreat provision. It would appear that the effect of Hispanic threat is more pronounced when the relative prevalence of firearms is high, as measured by the proportion of suicides committed with a firearm. I would approach this finding
cautiously, given the lack of support for Hispanic threat across several models. The more models run, the greater the likelihood that a non-zero, statistically significant relationship occurs by chance.

Considering the totality of the statistical evidence thus far, it makes sense that Hispanic threat would play little to no role in self-defense expansion when it comes to interaction effects. Consider that there is a statistically significant and negative correlation between the proportion black and the proportion Hispanic (Pearson's $r = -.14; p<.05$), the only measures of threat thus far statistically significant were for black threat, and that initial models found no statistically significant effect of the proportion Hispanic in either linear or curvilinear forms. Given these results, it is proper to conclude that there is no need to perform mediation analyses with Hispanic group size and homicide.

**Black Size and Homicide Mediations Results**

Table 6.11a presents the mediation results for the criminal immunity and reasonable fear expansions, while Table 6.11b presents the mediation results for the no duty to retreat and the multiple expansions measure. I include linear and curvilinear specifications to demonstrate the statistically significant linear effect of black threat in three out of four iterations of the dependent variable, with the exception being the no duty to retreat expansion. Although in some models the exposure variable—the proportion black—was not initially statistically significant, I include mediation results to simply demonstrate consistency in the reduction of the proportion black and proportion black squared coefficients.

All models include what are called confounders in KHB—these are simply the other variables from prior analyses that were hypothesized to alternatively explain the state-level propensity to make a self-defense change. The confounders are included in the regressions so
that the unique effect of the exposure variable can be determined. Just as in the prior models, the KHB approach permits robust standard errors given the clustering of states and so this option is used. The mediation tests determine if the exposure variable or variables (depending on the functional form under consideration) effect the propensity of self-defense expansion because they have an effect on a mediating variable, which then effects the outcome. The exposures are the proportion black and the proportion black squared. The mediating variable, commonly denoted in the literature as Z, is the homicide rate. Note that, as would be expected given the curvilinear relationship between the proportion black and self-defense expansion, the relationship between the proportion black and homicide is also curvilinear.\textsuperscript{25}

Considering criminal immunity, the black proportion coefficient is statistically significant and in the expected directions for both linear and curvilinear forms. In neither case is the difference between the reduced and full models significantly different from zero; however, in the linear model the coefficient for the proportion black is no longer statistically significant. In the preferred curvilinear functional form, there is no evidence of mediation. This is not surprising given that homicide rates did not predict criminal immunity expansion in the initial models. In both the reduced and full models, both the proportion black and the proportion black squared maintain statistical significance. In other words, when it comes to passing the criminal immunity protection, there is no evidence that the effect of black size is mediated by homicide rates. This strengthens the earlier findings; at least for the criminal immunity protection, there is support for a direct effect of black size and, therefore, black threat.

\textsuperscript{25} A simple linear regression reveals this. When homicide rate is the dependent variable, the proportion black and the proportion black-squared have a statistically significant effect in the expected directions (p<.001; two-tailed).
Although the state-level propensity to pass a reasonable fear protection or a no duty to retreat protection were not explained by the proportion of the population identifying as black, the mediation results are provided for the sake of illustration. Namely, these results demonstrate mediation between homicide and proportion black on the propensity to expand defense. In all cases, the difference between the reduced and full models is statistically significant. Indeed, for the linear specification of the reasonable fear variant, the proportion black coefficient even changes sign (although it is not statistically significant). The other models are no better—any statistically significant results vanish in the full models. Therefore, when it comes to the reasonable fear and no duty to retreat changes, there is substantial evidence for a connection between race and crime. It would appear that the larger (relative) black populations correspond with increases in crime—in this case, homicide specifically—and the increase in crime may have motivated self-defense changes, all else equal. Recall that homicide was statistically significant and in the expected direction for prior models pertaining to black threat and these two measures of self-defense expansion. These findings are contrary to the expectations of threat theory, which argues that the relative size of the subordinate group will directly impact neutralization strategies.

There is also evidence of mediation for the last self-defense measure, multiple expansions. Although prior models found a statistically significant effect for black threat and in the expected directions, the difference between the coefficients from the reduced and full models are statistically different from zero, indicating a mediation. Again, this is contrary to the expectations of threat and indicates that for most types of self-defense expansion, the motivation to make a legal change is more likely to come from patterns of homicide than from black threat.
One may further scrutinize the relationship between threat, homicide, and self-defense expansion by using post-estimation techniques to calculate the predicted probability of a self-defense expansion given particular values of variables of interest. Table 6.12a provides the predicted probabilities of expanding self-defense under different conditional values of the proportion black and rates of homicide. In the table, low values of proportion black are the minimum value in the dataset, as are low values of homicide. "Average" for both variables refers to the average proportion black and homicide rate, respectively, while high proportion black refers to twenty-five percent black (.25) and very high refers to thirty-five percent black (.35). High homicide refers to the maximum value in the dataset. To obtain the predicted probabilities for each cell in the table, the logistic regression for the self-defense outcome of interest is first run, followed by a post-estimation command in the STATA program that allows values for variables of interest to be specified. Both the proportion black and the proportion black-squared are assigned values, but the latter is not included in the table to avoid redundancies. All other variables are set to their mean values.

The table demonstrates that, generally speaking, the likelihood of expansion is primarily a function of homicide rates when considering the proportion black and homicide rates. In all cases, when homicide rates are low, the predicted probability of self-defense expansion is nearly zero. Even when homicide rates are average, the predicted probability of self-defense expansion across all types is never greater than five percent. When homicide rates are high, however, the predicted probability of expansion increases dramatically for three out of four types of expansion—the criminal immunity expansion being the exception—and this does not depend on

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26 The command in STATA is "prvalue." A detailed explanation and discussion of this post-estimation technique can be found in Long and Freese (2006)
the relative size of the black population. The predicted probability of criminal immunity expansion, when other values are held at their means, does not vary with the relative size of the black population. Only when the strength of the Republican Party is also considered does the size of the black population become meaningful. Table 6.12b demonstrates this pattern.

The curvilinear effect of the relative size of the black population is evident in these tables. When homicide rates and Republican strength are high, the probability of expansion is high; however, the probability of expansion in both cases begins to decline when the proportion black exceeds .25 or twenty-five percent. Indeed, the probability of no duty to retreat or reasonable fear expansion is about a coin toss when homicide rates are high and the black proportion is at its national peak. These results are interesting in light of the predictions of threat theory, particularly the criminal immunity finding. Republican strength alone does not appear to drive this self-defense expansion; when the black population is large enough to become a threat, only then does the Republican measure dramatically play a role in the probability of expansion.

_Censoring Concerns_

Censored cases are often a concern in survival analysis and other kinds of statistical techniques, like event-history modeling, that estimate the likelihood of some outcome occurring (Cleves et al., 2010). Fortunately, some problems that may commonly arise in this type of data analysis are not present in this project. For example, no states left the United States during the time-frame or disappeared in some other way. In biostatistics, however, it is more common to be following the survival times of individual patients, who may leave a study before it concludes for a variety of reasons. For justifications addressed previously, it is also not of great concern that the period of study ends in 2010, given that there was not a continuation of the self-defense expansion pattern. Furthermore, by restricting the time-frame, one is able to more clearly
determine which states actually had the greatest underlying or latent propensity to make a substantial self-defense change. Of greater concern are the two conditions of the dependent variable that have censored cases due to some states already having the defined self-defense protections. It is possible that unique characteristics of these states have biased the results for the reasonable fear and the no duty to retreat conditions of the dependent variable. All states, however, were included for the criminal immunity classification, as no prior state had this protection, so censoring in this condition is not of concern. For the multiple measures expansion, only Utah is censored; therefore, there is little need to determine if censoring matters for this category either.

Table 6.13 presents differences between censored and non-censored states across the variables of interest in the analyses presented above. Averages were calculated for the states that made a reasonable fear and/or no duty to retreat expansion across the variables of interest and were compared with averages for censored states across the variables of interest. For the reasonable fear measure, one can see that censored states are less black, more Hispanic, have fewer guns, have fewer Congressional Representatives receiving NRA-affiliated donations, and have fewer burglaries, relatively speaking. Other differences are not statistically significant as determined by two-tailed difference of means tests. These initial results suggest a lack of bias in the findings, although this is not conclusive. Censored states that could have been more predisposed to already have stronger self-defense protections in place because they had more guns and/or higher crime rates did not actually meet these characteristics. In other words, these differences across censored and non-censored states should be viewed in light of the prior findings. There was no support for the threat hypothesis pertaining to the reasonable fear expansion; states that already had reasonable fear were less black, so if these states had instead
waited to pass a reasonable fear protection—during the 2005 and 2010 period—then their inclusion would have only bolstered the irrelevance of black threat on the likelihood of expansion.

The same general pattern holds for the censored states who previously instituted a no duty to retreat provision into their law. The only statistically significant differences are the proportion black, the proportion Hispanic, and the NRA House contributions measure. Again, the censored states are less black and more Hispanic, and they are also marginally more likely to have House Representatives with NRA affiliations. Given the lack of statistical significance of the measures of threat for this kind of expansion, it would seem unlikely that the censored states are in any non-marginal way influencing the results. The initial findings revealed that when it comes to the reasonable fear and the no duty to retreat expansions, the strength of the Republican Party, rates of homicide, and inequality predict expansion, while NRA House contributions predict a reduced likelihood of expansion. There were no statistically meaningful differences across censored and non-censored cases pertaining to the first three of these measures. However, for the reasonable fear censored states, they have less NRA influence and for the no duty to retreat censored states, they have more NRA influence. Although there may be an additional concern with these models, discussed in the next section, the preponderance of the evidence would suggest that the initial results would be strengthened if the censored states had extended these two self-defense protections between 2005 and 2010 instead of during prior years.

*Multicollinearity Concerns*

As discussed above, some correlations among the variables of interest are quite high. For example, the Pearson correlation between the NRA House contributions measure and the measure of Republican Party strength is .77 (p<.05). It is possible that these measures are
explaining the same variation in the outcomes of interest. To be more precise, multicollinearity occurs when one or more independent variables are a linear function of another independent variable. The overall fit of the model will not be affected by this, but the individual parameter estimates in a model will be inaccurate—often in the wrong direction—and standard errors will be inflated. In brief, multicollinearity may result in finding a statistically non-significant effect when in fact there should be one in a correctly specified model. In addition to the NRA measure and the Republican strength measure, the same issue may hold between the prevalence of firearms measure and the measure of Republican strength, as the Pearson correlation was .69 (p<.05). Similar concerns hold between the NRA measure and the prevalence of firearms. To address these concerns, one may run a post-estimation test to assess multicollinearity.

The variance inflation factor (VIF) is a common diagnostic used to assess multicollinearity. The VIF is simply calculated by multiplying the tolerance by negative one (or divide one by the tolerance). The tolerance is calculated for each independent variable and is the proportion of variation in an independent variable that is not explained by the other independent variables. The "inflation" of VIF refers to how inflated the standard errors are for a given independent variable, and larger standard errors may result in a lack of statistical significance for the beta effect. There is no formal rule that determines if a variance inflation factor is large enough to negatively impact parameter estimates; however, a general rule of thumb is that VIFs over ten demonstrate multicollinearity, but more conservative approaches suggest that VIFs over five are cause for concern.

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27 Many statisticians prefer to use the term collinearity to describe a single, highly correlated bivariate relationship in a model and multicollinearity to describe high correlations among one independent variable and at least two other independent variables. This technicality does not impact the tests described below.
Table 6.14 presents multicollinearity diagnostics for black threat models with a curvilinear functional form given that these models best fit the data. As is apparent, there is little concern for multicollinearity. Other than the proportion black and the proportion black-squared, which are necessarily highly correlated, no other VIF measure exceeds a value of 3.5. All else equal, then, it would appear that the prevalence of firearms does not predict expansion and that the more money the NRA invests into a state's politicians the less likely that state is to pass a self-defense protection.

Conclusion

This chapter has presented the results of the event-history models that tested four main hypotheses. The first hypothesis predicted that threats from subordinate groups would have a significant effect on the probability of expansion. Considering black threat, there was evidence that a curvilinear functional form better fit the data; however, the criminal immunity and multiple measures variants of the outcome variable were found to have a statistically significant relationship with threat, while the reasonable fear and the no duty to retreat provisions did not. Additionally, results from analyses testing hypothesis 4, pertaining to mediation effects, discovered that homicide rates mediate the relationship between the proportion black and the likelihood of passing multiple self-defense expansions. Therefore, only the most novel and, legally speaking, the strongest self-defense protection was explained by black threat. This is still a remarkable finding, and it offers tepid support for the threat perspective. In contrast with minor support for the black threat hypothesis, there is no support for the Hispanic threat hypothesis. Regardless of the functional form considered, Hispanic threat did not significantly predict expansion. Further implications for these findings are discussed in the following chapter.
There was much more support for the alternative explanations offered in hypothesis 2. In terms of effect size (using standard deviation changes), the primary measure of Republican Party strength consistently had the most pronounced effect on the likelihood of expansion, and it was statistically significant in the expected direction in all primary models. There was also consistent support for the homicide measure—this most serious kind of criminal activity consistently predicted self-defense expansion across primary models. Findings for burglary, however, were inconsistent, and the measure was not statistically significant in a majority of cases. The most surprising finding, however, was the lack of support for hypothesis 2C. In none of the primary models was the measure of the prevalence of firearms statistically significant. Although it may seem perfectly logical that in places with more guns there would be more demand for expansive self-defense protections, once other relevant factors are controlled, there is no direct effect for firearm prevalence. Similarly, an additional firearm connection was never statistically significant in the expected direction. The NRA's political influence or presence within a state did not significantly increase the likelihood of self-defense expansion, all else equal. In fact, it would appear that the more money spent by the National Rifle Association on contributions to politicians from a given state, all else equal, the less likely that state expanded self-defense. Finally, there was support for an additional opportunity structure for self-defense expansion: economic inequality. States with more pronounced economic inequality, all else equal, were often more likely to make a variety of self-defense changes.

With the exception of a single case, there was no support for hypothesis 3 and the various interactions described therein. There is no evidence that the effect of threat was more pronounced when rates of homicide were high, nor when the prevalence of firearms was high, nor when the state Governor was a Republican. This was counter to the expectations of threat
theory. When a state's black population was relatively large and when homicide rates were high, for example, theory would predict that the dominant group (whites) and their members would be more likely to take direct action to neutralize the threat, such as by expanding self-defense law. The prevalence of firearms would offer an even greater motivation for whites to expand self-defense when the relative size of the black population is large—if guns are everywhere and can be used by anyone, then threat should have been more pronounced. Given these and other findings with respect to threat, refinements to threat theory should be made. These considerations are discussed in the following chapter.
Chapter 7: Conclusion

Introduction

The prior chapters explored the historical context and the current correlates of state-level self-defense expansions that occurred between 2005 and 2010 in the United States. To date, no statistical treatment has been undertaken to account for why these legal changes happened, although some prior work has addressed the repercussions of these laws, such as how the laws have impacted crime rates (e.g., McClellan and Tekin 2012 and Cheng and Hoakstra 2012). The bulk of the statistical analyses in the preceding chapter focused on testing hypotheses derived from threat theory and from political opportunity across different categories of self-defense expansion. This chapter briefly reviews the findings from Chapter 6, while giving more context to these results. Following this, I discuss the limitations of this research project and provide a path forward for future work on threat theory, race relations, and self-defense. Finally, I discuss the implications for threat theory development given the findings from this dissertation, offering a critical assessment and possible solutions.

Why States Expanded Self-Defense

The preponderance of the evidence suggests that the relative strength of the Republican Party in a state is the most consistent predictor of self-defense expansion and is the most important factor in determining state-level self-defense changes during the timeframe of this study. All else equal, whether the state had a Republican Governor, however, did not matter across models. Although several states that passed self-defense changes had Democratic governors, there was no statistically significant relationship, ceteris paribus.

As addressed previously, the timing of these self-defense changes may not be all that meaningful, especially in light of findings supportive of Republican Party strength. This is not to
suggest that self-defense changes are not historically contingent, but it is to suggest that if a political group defines success, in part, on proposing and passing legislation that reflects the interests, beliefs, and ideologies of its members, then it should not be all that surprising that Republican state legislators would pursue greater self-defense protections, especially as self-defense and firearms have become more intertwined over time for party members. In terms of historical contingency, it is possible that the public salience of mass shootings, terrorism, and fear of personal victimization have motivated Republican-affiliated individuals and groups to pursue greater self-defense protections at the same time that they have pursued more permissible firearm laws, such as concealed carry without a permit.  

Although guns and Republicanism have become more coupled over time in the US context, the results from Chapter 6 demonstrate that the strength of the Republican Party matters more when it comes to expanding self-defense. In the initial models, the measure of firearms prevalence was never statistically significant. This was a remarkable finding. It would logically follow that the representatives in states with more firearms would be more motivated to pass legislation that grants gun-owners the freedom to use their guns to defend themselves. Of course,

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28 My argument that the timing of these changes is not of much concern should be clarified. There was no obvious, precipitous event that sparked these state-level changes. The motivating event in Florida detailed in previous chapters was mundane and received little media attention. The shooting of Trayvon Martin, however, was a national moment where many in the public first experienced stand your ground laws. Hence the justification for ending the timeframe in this study before this monumental event. Spitzer (2019) has noted, however, that even major incidents, like the shooting in Parkland, Florida, do not necessarily produce meaningful changes. Even after this school shooting that resulted in the deaths of 17 individuals, many states continued to loosen their gun control laws. These were Republican dominated states. Spitzer (2019) also noted, however, that many states did in fact pass new gun control measures, sometimes with bipartisan support, following this recent shooting. This galvanizing event further underscores my point that nothing like this led up to the self-defense expansions between 2005 and 2010.
many states with lots of guns passed one or more types of protection, but states like West Virginia, Arkansas, Idaho, and North Carolina, which all have a high prevalence of firearms, made few changes to their laws. To pick an example, what seems to be the difference between North and South Carolina during the period of study is the strength of the Republican Party. Consider that the state legislature in South Carolina hovered around 58 percent Republican affiliated, while North Carolina hovered around 45 percent (data obtained from Klarner 2013). These are neighboring states with lots of similarities, yet the key difference for self-defense expansion most likely came down to the relative strength of the Republican Party.

Similar to the prevalence of firearms, the influence of the National Rifle Association also takes a back seat to the state-level strength of the Republican Party. In fact, all else equal, the more pronounced the NRA's political presence—as measured by the proportion of US House members from a state receiving direct contributions—the less likely a state was to pass self-defense for those models wherein the measure attained statistical significance. It is difficult to imagine that the NRA spending more money in a state would cause a reduction in the likelihood of self-defense expansion, however. Instead, it may be the case that the NRA spends more money on battle-ground states—that is to say, states that are not consistently pro or anti-gun but that could be in play with the right messaging and/or the right politicians—compared with states that are consistently supportive of gun rights and consistently oppose gun control legislation. It is also possible that the initial NRA connection with Florida's state lawmakers played the role of catalyst in policy diffusion. From this initial seed, state law-makers gathering together at ALEC meetings spread the idea of expansion to Republican-dominated states. Alternatively, it is possible that the NRA and the Republican Party work so closely together that the NRA's influence is understated. Since the logistic models provide the unique effect of the NRA's
influence and the NRA and Republican strength measure are strongly correlated, discounting or diminishing the NRA's impact may be an error.

The Gini coefficient captured one such state-level characteristic that often predicted self-defense expansion. States with more pronounced economic inequality were more likely to make self-defense changes. In just under half of the initial models, the Gini coefficient was statistically significant in the expected direction. Controlling for the strength of the Republican Party, for example, a state that had more pronounced inequality was more likely to expand self-defense. The connection between inequality and self-defense expansion, however, is mostly speculative given the nature of the data. In Chapter 4, I argued that conventional iterations of conflict theory (Chambliss and Seidman 1971) would hold that more social control is necessary where there is more inequality. If state agents cannot be everywhere at all times, then it follows that informal social controls may strengthen with the state's approval. These informal social controls can combat organized efforts to change the status quo. Additionally, these informal social controls can protect property rights. This would explain why these self-defense protections were extended to homes, dwellings, and occupied vehicles. If a state has pronounced inequality, then individuals living in these states may come to visibly perceive or recognize the imbalance with respect to cars, homes, and clothing or jewelry. Given the overwhelming emphasis in American culture on material success (Messner and Rosenfeld 2012), it follows not only that the have-nots will grow resentful but that the haves will grow fearful. Expanding self-defense protections potentially allows owners of valuable private property to perceive or feel greater security in their possessions.

An additional important state-level characteristic was the homicide rate, and crime rates in general align cohesively with economic inequality as an explanation of self-defense
expansion. Surprisingly, the burglary rate was not consistently associated with the propensity to make a self-defense change. In only three models was the burglary rate statistically significant in the expected direction, while it had a statistically significant and negative impact in one model. Perhaps burglaries are not as immediately threatening as homicides, given that home invasions do not tend to make the news in contrast with homicides. This may mean that citizens are simply more concerned with homicides than with burglaries. It is also possible that in high homicide states individuals simply presume that all kinds of crime are relatively high. Whatever the case may be, conforming with expectations, states with higher homicide rates were more likely to make self-defense changes. In twelve out of sixteen models, states with higher homicide rates were more likely to pass self-defense expansions.

It would logically follow that in states with more homicide there would be greater concern for political leaders to do something to address the problem. One such solution in the United States given the widespread availability of firearms would be to expand self-defense. This solution is especially viable because it is low cost and aligns with existing legal tradition. Eight prior states, for example, already had a no duty to retreat provision in place before the 2005 expansions began. Similarly, four states had reasonable fear protections previously in place. There was one variant of the dependent variable, however, that did not exemplify this pattern: the criminal immunity provision. Notably, two high homicide states did not pass the criminal immunity protection: Louisiana and Mississippi. Both states did pass a reasonable fear protection and a no duty to retreat protection, and this despite Louisiana already having a strong self-defense law in place to begin with.29 These states also reflect a finding discussed further below,  

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29 This law was often derided in news media as the "shoot the carjacker" law when it passed in 1997 ("Louisiana Law Allows Force on Carjackers" 1997).
as these states have very large relative black populations: black threat fit the data better under a curvilinear functional form for the criminal immunity protection in particular, where black threat measures were statistically significant. I discuss the implications of this in the next section.

Finally, the first hypothesis from Chapter 4 and the overriding focus of this project stated that threat to the dominant group will have a significant effect on whether a state passed an SYG expansion to its self-defense law. The measures of threat used in this project were the relative size of the black population and the relative size of the Hispanic population at the state level. Prior work in threat theory has repeatedly used the relative size of subordinate groups as the operational measure of threat, and so this project carried on with this tradition. Although results have been mixed, there has been extensive support for threat theory across a variety of considerations, particularly in the context of the United States.

In brief, there was little support for this hypothesis and there was, specifically, no support for this hypothesis with respect to Hispanic threat. As addressed in prior chapters, there is far less evaluation in the threat theory tradition of Hispanic threat, and what research has been undertaken has found mixed results. It may be the case that Hispanics are simply too confined to a small number of states to be seen as threatening to the larger, white American public in a majority of states. This may change as the size of the Hispanic population continues to increase in the US, although it may also be possible that, like Irish, Italian, and other immigrant groups, Hispanics may come to simply be white in gaining white status. After all, Hispanics are already considered "white" in the United States as a racial category, and debate persists as to what "Hispanic" even is, especially when compared with other terms that may or may not be interchangeable, such as Latino (Cohn 2014). The fact remains that theory would predict a
neutralization response to larger relative Hispanic populations, but there was no evidence to support this in the data.

Black threat has a more robust tradition and more empirical support in the threat literature. Yet in the analyses presented in the prior chapter, there was little support for the black threat hypothesis. Although two variants of the self-defense expansion measure found a statistically significant relationship in the theoretically expected directions for a curvilinear functional form, additional mediation results called into question one of these findings. There was no support for the threat perspective pertaining to black threat for both the reasonable fear protection and the no duty to retreat protection.

The overall weak support for threat theory, however, should not be overstated without consideration of other data, arguments, or additional research. It is remarkable that the criminal immunity provision maintained statistical significance for the black threat measure in subsequent mediation analyses involving homicide rates. Although this may have been expected given that homicide rates were only statistically insignificant for the criminal immunity provision, this alone demonstrates the possibility that something else was going on with states that were willing to pass this particular kind of self-defense protection. The criminal immunity protection was truly novel. No state prior to Florida's legal invention had such an extraordinary allowance for private citizens to use violence in the name of self-defense. Given that the United States has such a lengthy history of strong self-defense protections and robust support for firearms, it is perhaps not surprising that reasonable fear and no duty to retreat protections passed among many states. The cultural tradition of the "true man" has withstood over 100 years of American modernization and was even strengthened by an extension to "true women" that began in the 1990s (Suk 2008). The novelty of the criminal immunity protection, however, may have tipped the scales and
separated different kinds of motivation. Although the totality of results points to Republican political strength as the primary mover, one would be remiss to dismiss this finding of support for the black threat hypothesis entirely. There is certainly not enough evidence here to unequivocally connect race and criminal immunity expansion; further work is needed to determine if the findings are simply an aberration or are revealing of actual motivation. Before submitting totally to this truism of any research project, I offer additional scrutiny of the threat hypothesis.

*Further Interrogations of the Threat Hypothesis*

There are certainly some mysteries in these results. For example, it is surprising that homicide rates would predict expansion in all cases except those involving criminal immunity. Furthermore, it is surprising that the multiple expansions measure did not reveal a direct effect for black threat in mediation tests with homicide rates. Perhaps looking at individual states will help solve this puzzle. Why is it, after all, that a state would be willing to pass a reasonable fear and a no duty to retreat protection but not criminal immunity?

Before looking at the data, there are some concise answers to this question that build from the existing hypotheses. For example, one possibility is that there was greater Republican strength in criminal immunity states than in other states, especially states that passed additional self-defense protections. This does not appear to be the case. If we consider an important year for self-defense expansion—2006—then it is clear that this explanation does not hold. In 2006, three criminal immunity states were in the top ten in terms of the proportion of votes cast for the Republican candidate. However, states like Nebraska, Idaho, Wyoming, and Utah saw greater levels of Republican support than a criminal immunity state. Another possibility is that black threat could be the answer. However, this in itself does not explain why threat did not also apply
to the multiple expansions measure when more rigorous tests involving mediation were conducted. The question remains: why is criminal immunity unique?

It would seem that only speculative answers can be offered given the limitations of the data. If, however, we include additional information, then the results are less supportive of the threat hypothesis. I mentioned above that there are two notable states that made multiple expansions to their self-defense law that did not pass the criminal immunity protection: Louisiana and Mississippi. These states are notable because they have large relative black populations, they have high rates of crime (such as homicide), and in general elections their voters—by a majority—support Republican Presidential candidates. Furthermore, these states are, like five criminal immunity states, located in the American South, have a high prevalence of firearms, and have a lengthy historical tradition of white racial domination over blacks—a tradition given much attention in prior chapters.

There is something notably different, however. Louisiana and Mississippi in their state legislatures are not overwhelmingly Republican or even majority Republican in terms of self-identified affiliation during the time-period under study (Klarner 2013). In fact, over this time, neither state had majority representation of Republicans in their legislature even though the state's citizens voted for Republican Presidential candidates.30 In contrast, the criminal immunity

30 I calculated the overall proportion of self-identified Republicans using both legislative chambers. In other words, I took the average of the proportion of Republicans in state-level House and Senate chambers. This works around the fact that these chambers are usually different sizes. The obtained values for each state in a given year are, as expected, correlated with the measure of Republican strength that was used in the analyses (Pearson's r = .69; p<.05). This measure of Republican strength was not used in the analyses because Nebraska's legislature is strictly nonpartisan and because it was believed that the Republican voting measure would capture a state-level characteristic different from the Governor's party affiliation. Still, re-running the models with the proportion of Republicans in the state legislature does not change the results.
states had majority Republican state legislatures. If Mississippi and Louisiana had not passed reasonable fear and no duty to retreat protections, then this would be evidence in support of threat theory—an increase in the relative size of the black population precipitates a reaction of threat neutralization from the dominant group but only up until a point. When the subordinate group becomes large enough, it may gain enough political power to prevent neutralization efforts. However, the fact that Mississippi and Louisiana made expansions to their self-defense protections indicates that something else—not threat—may be driving expansion.

One may surmise, but there are some parsimonious possibilities. For example, self-defense expansion could simply reflect cultural attitudes regarding the use of violence for self-defense. Perhaps, for example, there is some alignment with the Southern culture of honor and favorable attitudes toward self-defense. There may be structural possibilities as well; consider that it is a known fact that in the United States blacks are disproportionately likely to be the victims of violent crime, especially homicide (Harrell 2007). Blacks in high crime states may, therefore, be supportive of a policy change that potentially mitigates their risk of victimization.

To sum, there may be agreement between overly simplified but useful categories like whites and blacks, Republicans and Democrats, "liberals" and "conservatives" in states like Louisiana and Mississippi on the matter of self-defense. At least up until a point. Criminal immunity may be a bridge too far for bipartisan support. Furthermore, as noted previously, the reasonable fear and no duty to retreat protections were not new. After all, true man ideology has been around for

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31 This specific issue was addressed in work by Copes et al. 2009. They did not find favorable results for the hypothesis that Southern whites use self-defense for reasons related to honor, however.
32 Among other possibilities, the political process itself may have played out in such a way that compromise led to expanding self-defense. The give-and-take nature of sharing governance often means that political groups make some concessions to realize other gains.
over 100 years in the United States. Perhaps these already existing legal traditions were simply more valid codifications as perceived by lawmakers. There is a caveat to this, however: states like Georgia, Indiana, and Oklahoma rejected the reasonable fear expansion while passing the criminal immunity protection. What might explain this?

To quickly recap this additional scrutiny of the threat hypothesis with respect to black threat: it is unusual that several states would pass reasonable fear and no duty to retreat protections but not criminal immunity. The states that passed criminal immunity, with the exception of Alabama, had Republican majorities in their state legislatures. They also tended to have, relatively speaking, large black populations but not so large that gains have been made by the subordinate group in the state's legislating body. The multiple expansions measure was included in the analysis in part to provide further scrutiny to the threat hypothesis—especially in light of the number of censored states in the other self-defense categories—and it seems that this additional scrutiny resulted in an outcome not favorable to the expectations of threat theory.

What can be stated from this project's macro-level analysis of self-defense change is that for more accustomed kinds of self-defense, such as presuming that a self-defense claimant reasonably feared for his or her life or meeting force with force when one is in a place one has a legal right to be, there is no support for the threat hypothesis. When considering a new self-defense doctrine, however, and one that is by its design restrictive of the government's authority to enforce other criminal laws, the proportion black has a statistically significant, curvilinear relationship with the likelihood of implementing this change. The additional scrutiny presented above, although not offering a favorable assessment of the threat hypothesis, cannot refute it entirely. Although the most parsimonious and consistent explanation of self-defense expansion is simply "more Republicans, more likely to expand," racial dynamics may still have a role.
Limitations and Future Research

Many of the limitations of this project have been alluded to above and are worth repeating in more detail. Perhaps the greatest limitation of the study is the operationalized measure of threat. Although the subordinate group's proportion of the population for a given unit, such as a city, county, or state, is a common operationalized measure of threat, it is also a restrictive measure. Threat may also be perceived by dominant group members in reaction to other kinds of gains made by a subordinate group—not just gains in numbers. The dominant group may recognize political or economic gains made by a subordinate group and adopt neutralizing strategies to mitigate the threats to its power. Current data limitations, however, often confine an assessment of threat theory to using the relative size of the subordinate group or to some measure of inequality across different groups. These are often indirect measures of threat. Dominant group members may not always have an accurate assessment of the relative size of a subordinate group, especially if dominant and subordinate group members do not share much social space. Similarly, wealth—although visible in the form of homes and cars—very often exists "on paper" in bank accounts and stocks. The same concerns with indirect measures of threat holds for this project. For example, it is difficult to measure something abstract like group solidarity, which is often a more important component of a group's overall strength than simply the size of its membership.

The study is also limited in its ability to truly decouple race and crime in the United States. A political and economic system that deprives blacks of equal opportunities perpetuates a system of inequality. Institutionalized racism, inequality, and social-psychological forces related to inferior social status all likely play a role in linking race and crime. If race and crime become intertwined to such an extent that dominant group members perceive them as nearly
synonymous, then when we "control" for crime in a statistical analysis, we may also be controlling for something about race. It may not be all that surprising, then, when a direct effect of race disappears or is reduced in magnitude. At the same time, the intersections of race and crime may also mean that subordinate group members want the power to protect themselves as well, especially if the criminal justice system is perceived by subordinate group members to be incapable of helping them, and thus marginalized individuals resort to "self-help" (Black 1983) or develop legal cynicism (Sampson and Bartusch 1998). Future work should interview both whites and blacks on the matter of self-defense to better assess the threat hypothesis. For example, are whites more likely to use racialized language when talking about self-defense—or simply make overt racist claims when it comes to crime and victimization? Are blacks in the United States receptive to strengthening self-defense laws for the same motivations seen throughout US history such as when the Black Panther Party marching through the California capitol?

Generally speaking, future research would be well-served to conduct qualitative interviews with self-defense claimants and strong advocates for self-defense protections. This work could begin in Florida where these new adoptions got their start and where many cases have been documented by media outlets, such as the Tampa Bay Times. Oddly enough, much of the prior work that has tackled this issue has relied on survey data (e.g., Copes, Kovandzic, Miller, and Williamson 2009; Hemenway and Miller 2004; and Kovandzic, Kleck, and Gertz 1998). It would be fruitful to compare how white self-defense claimants in particular think about and talk about their use of self-defense depending on if the "victim" in their case had been white or nonwhite.
An additional limitation of this study is simply its macro-level focus. The project is unable to determine how the actual process of policy diffusion played out. The relationships, conversations, and general politicking that factor-in to the legislative process would certainly illuminate and clarify some of the remaining mysteries following this study's analysis of self-defense expansion. For example, interviews with lawmakers from Indiana or Oklahoma could tap into the motivations for expansion and the ultimate decisions to make some changes but not others. Similarly, one could ask lawmakers in Mississippi and Louisiana why they opposed, did not fight for, or failed to pass the criminal immunity protection. Still, a macro-approach has its place, particularly in the social sciences. I have argued previously that analyzing self-defense with respect to big picture variables like race, inequality, and crime may be better for understanding ultimate causes, whereas a qualitative assessment would be better for understanding proximate causes of self-defense expansion.

Despite this, a macro-level analysis requires assumptions to be implicitly made that may not hold. For example, a measure of inequality, such as the Gini coefficient, is a singular item that usefully summarizes how unequal a given geographic area is. Yet states are very large, and some parts of a state may be much more unequal than others. Furthermore, the have-nots may not live near each other or come into much contact with one another. Similarly, crime is often perceived by Americans, especially white Americans, as something that happens frequently and everywhere but not where they live in particular. A measure of state-level crime does not necessarily capture how concerned individuals within a state are with crime and victimization, nor does it capture how different places within a state perceive their victimization risk. For a final point on this matter, although the variables in the analyses are capturing overall trends and patterns, these are often structural traits. The macro approach can assess cultural
opportunity structures, but it has difficulty measuring culture directly. For example, the analyses
do not contain some state-level measure of how a typical resident views self-defense or violence
or property rights.

Another limitation is that the project is restricted in its capacity to demonstrate that the
codified self-defense laws in practice have been used to neutralize threat, particularly black
threat. Although prior chapters have raised this issue previously and some early research has
demonstrated disparate impact along racial lines, more work remains to connect self-defense
expansions with hard evidence of racial animus. Future research should consider how
prosecutors make decisions with respect to self-defense claimants. It is worth mentioning as well
that the vast majority of prosecutors in the United States are white and that some states in any
given year do not have a single minority prosecutor (Graham 2015). Given the lengthy history of
injustices for blacks in the United States when it comes to the criminal justice system, it would
not be surprising to find that white prosecutors are more convinced by self-defense claims of
whites, particularly when the self-defense is used against a person of color.

Finally, as with much of the threat theory research described in prior chapters, this project
only considers the United States. Future research should explore the possibility that dominant
groups use their power to neutralize threat in ways similar to those discussed in this project
related to state-sanctioned violence. Although it is possible that the kinds of strong self-defense
protections in place throughout the United States are generally specific to this country, there are
other forms of state-sanctioned violence that could be used to neutralize threats from the
subordinate group that are not related to self-defense. For example, if employers are either not
punished or are minimally sanctioned when their policies and practices result in preventable
employee deaths, then this is a kind of state-sanctioned violence that will likely
disproportionately impact subordinate group members relative to dominant group members. Similarly, if dominant group members in a society are legally permitted to create their own private police (security) forces in their communities or business properties, then if these security forces are allowed to use violence, that violence is state-sanctioned.

**Implications for Threat Theory**

In his presidential address to the American Sociological Association, Eduardo Bonilla-Silva (2019) made a case for taking racialized emotions seriously. In many respects, this a logical next-step in a career devoted to thinking about the pervasive impacts of race in society, especially once a society becomes characterized as a racialized social system (Bonilla-Silva 1997). Although Bonilla-Silva's work has primarily tackled the structural realities of race, his address outlined how "the racially subordinate experience the unfairness of the system," and how this leads to, for example, whites and blacks having different emotional experiences of race (Bonilla-Silva 2019:2). Whites in America tend to think that everything is fair and everyone experiences equal opportunities, while blacks are more likely to feel disadvantaged and displaced in a variety of social contexts.

Threat theory begins when groups first meet and interact. This is a useful starting point, and I have argued previously that this starting point offers a more compelling explanation of how group relations play-out when compared with, say, conventional Marxist conflict theory, which maintains that all power struggles are rooted in class conflict. The major limitation of threat theory, however, as an explanation of intergroup relations and, more specifically, as an explanation of a whole host of negative social pathologies that tribalism produces, such as racism, xenophobia, ethnocentrism, prejudice, discrimination, and the like, is that culture and structure take their own paths once the initial principles of the threat perspective are in play.
Groups, for example, can create institutions that adopt the values and the interests of the dominant group—whether implicitly or explicitly—and can therefore perpetuate the dominant group's power even when there is no conscious or deliberate effort among a dominant group's members to neutralize a perceived threat to its power.

Similarly, as Blumer (1958) argued, cultural traits may take root that penetrate the psyches of a society's members, reinforcing which group members ought to occupy positions of power and privilege. Bonilla-Silva (2019:3) noted that these traits impact racialized emotions, which "can surface from looking at a picture, reading a newspaper, watching a movie, or walking into—or even thinking about—a location." Yet these emotions and social psychological components are lost in the simple postulates of threat theory. Dominant group members are automaton-like, seeking only to perpetuate their group's interests in order to realize goals and maintain power. Perhaps, then, threat theory would benefit from incorporating the theoretical insights and empirical findings from other traditions that span different levels of analysis, from the structural, such as Bonilla-Silva's racialized social system approach, to the social-psychological, such as social dominance orientation from psychology.

Blalock (1967:112) understood that a complete theory of intergroup conflict should explain all intergroup conflicts, with race or ethnicity simply serving as "special cases" of the theory. Given that groups have goals—and resources are required for the realization of those goals—Blalock reasoned that group conflicts stemmed from the power contests for control of resources. Blalock's focus on the distribution of resources temporally precedes the feelings of superiority that are the foundations of Blumer's work. Intergroup conflict existed before the developments of language and thus the symbolic creations of group worth. However, once social systems exist, ideologies can drive the perpetuation of social hierarchies, inequalities, and other
pathologies—all of which embody intergroup conflict. If we ask the question: "Do racism, xenophobia, ethnocentrism, discrimination, and prejudice emerge from social hierarchies/inequalities or create social hierarchies/inequalities?" then the answer is axiomatic—these social pathologies emerge from and perpetuate social hierarchies and inequalities. Once a society becomes a system wherein a group delimiter serves as the foundation for an ideology—such as a racialized social system—then the relative scarcity of resources is likely no longer necessary to drive intergroup conflict. At the same time, when cultural evolution produces societies that are aggressive and violent, the motivations for aggression and violence need not be rooted in the scarcity of resources. When the resources necessary for subsistence become more and more scarce, cultures that are generally pacifistic may draw sharper distinctions across group lines, producing ideologies in the process.

To assess the continuing relevance of threat, new measures of threat must be considered. Racial attitudes, for example, may better capture perceptions of threat, although this kind of measure may have its own problems given that overt racism is, generally speaking, now highly stigmatized in the United States. Therefore, new data sources may be necessary. Stephens-Davidowitz (2017) has advocated for big data to inform our understanding of racial attitudes and race relations. Google searches, for example, reveal which places may be the most racist. 33 The

33 Stephens-Davidowitz (2017) has found numerous interesting geographic patterns with respect to race and Google search data. As he writes in his book, racist Google searches can be used to predict election results, such as in 2008 where Barack Obama underperformed in some places because of his non-white status. One way to measure how racist a given geographic space is, for example, is to track the number of Google searches using the N-word, and, in particular, the phrase "n****r jokes." By this measure, upstate New York is one of the most racist places in the nation.
big data approach would preserve the macro-level focus of threat theory as well, thereby avoiding a dissolution into becoming a psychological theory of intergroup conflict.

Solidarity could also be included as an additional measure of threat. For example, the dominant group may perceive an increase in the solidarity of subordinate groups and respond accordingly. In the US context, whites may currently be having a negative reaction to Black Lives Matter because it demonstrates a growing solidarity among black Americans. Organization is even more complicated to capture, as it can really only be measured indirectly—one would need to look at the successful outcomes that result from being organized. Marches may demonstrate organization, but marches are pretty fleeting so far as organization and solidarity go.

Experiments could also be done to tease-out to what extent white liberals are actually willing to support favorable outcomes for blacks and other subordinate groups. After all, it may be easier for whites in "liberal" states to be liberal because of their limited experiences and interactions with minority group members. Policies that appear to be overtly racist or conservative cannot be supported by white liberals by definition, so it may be the case that white liberals respond to threat neutralization in other ways. For example, whites in socially liberal places, whether cities, states, or regions, may simply choose where to live based on the racial characteristics of a place. Therefore, experiments could be designed in combination with surveys to assess the true perception of threat that whites feel in liberal areas.

Some of these kinds of experiments have already been done on college students where the general finding is that white students do not like objective evaluation measures unless whites benefit from them (Samson 2013). Researchers could conduct similar kinds of tests on adults in the general population. For example, an experiment could present people with data that they are told is true, even though it is not. The data could be based on full-time state jobs in the state of
residence of the survey respondent. Survey takers could be told that a program to boost the number of minorities in state employment has led to a significant decline in the proportion of whites working for the state. How supportive are individuals of this program? Or perhaps respondents could be shown two different data trends. In one trend, the proportion of minority state workers is increasing due to a strict use of standardized test scores as the criteria for employment that minority candidates obtain better scores on. In another trend, the proportion of white state workers is increasing due to a strict use of standardized test scores as the criteria for employment that white candidates obtain better scores on. The question is then whether white respondents would give equal support to the standardized tests as the basis for employment.

Conclusion

Threat continues to play a significant role in political outcomes across the United States. Research following the 2016 election of Donald Trump, for example, has revealed that whites who vocalized status threats from minorities were more likely to vote for the candidate who routinely pledged tighter border security and called various ethnic groups, such as Mexicans, criminals (Mutz 2018). Trump has not only employed in his administration those who promote racially-motivated policies and platforms, but he has also failed to denounce the behaviors and beliefs of hate groups, such as seen in his responses to the march of white nationalists in Charlottesville, Virginia, in 2017, where afterward he Tweeted that both sides were to blame for the violence that occurred between white supremacists and counter-protestors (Shear and
This "Unite the Right" rally resulted in the injuries of some 40 people when a white supremacist ran his car into a crowd.

It would appear that the election of Trump has underscored the continuing significance of struggles between society's dominant and subordinate groups. The predictions of threat theory—in its many forms and derivations—have repeatedly been useful for explaining intergroup conflict and have repeatedly been supported in empirical evaluations. Yet theoretical stagnation has often limited threat theory's scope to various kinds of social control. Developments in threat theory will make it more amenable to studying institutional dynamics, like police profiling. It is not a certainty, after all, that progressive changes in the racial and/or ethnic makeup of different organizations will result in greater equality between dominant and subordinate groups. Given that institutions are embedded in a racialized social system, failure to replace the system may simply preserve the dominant group's power.

With respect to self-defense expansion, the conventional threat explanation does not hold. This is not to say that racial animus played no role in state-level self-defense changes between 2005 and 2010, as such a conclusion would be beyond the scope of the data. It is to say that, on the whole, the threat theory hypothesis was not supported. Neither black threat nor Hispanic threat consistently influenced the likelihood of expansion. The most parsimonious explanation is likely the most correct: states with the political opportunity to pass expansive self-defense changes did so. These opportunities were characterized by having Republican support and high rates of homicide.

Steve Bannon and Stephen Miller are two notable Trump associates who—although they have denied themselves to be white nationalists—routinely make statements and promote policies that suggest otherwise (Levitz 2019).
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Table 5.1: Self-Defense Expansions by Category

<table>
<thead>
<tr>
<th>Criminal Immunity</th>
<th>Reasonable Fear</th>
<th>No Duty to Retreat</th>
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<th>Any Expansion (with year)</th>
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<td>Arizona</td>
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</tr>
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<td>Arizona</td>
<td>Florida</td>
<td>Florida</td>
<td>AZ (2006)</td>
</tr>
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<td>Indiana</td>
<td>Florida</td>
<td>Georgia</td>
<td>Georgia</td>
<td>FL (2005)</td>
</tr>
<tr>
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<td>Kansas</td>
<td>Indiana</td>
<td>Indiana</td>
<td>GA (2006)</td>
</tr>
<tr>
<td>Kentucky</td>
<td>Kentucky</td>
<td>Kansas</td>
<td>Kansas</td>
<td>ID (2006)</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Louisiana</td>
<td>Kentucky</td>
<td>Kentucky</td>
<td>IN (2006)</td>
</tr>
<tr>
<td>South Carolina</td>
<td>Michigan</td>
<td>Louisiana</td>
<td>Louisiana</td>
<td>KS (2006)</td>
</tr>
<tr>
<td>South Carolina</td>
<td>Montana</td>
<td>Oklahoma</td>
<td>Oklahoma</td>
<td>MI (2006)</td>
</tr>
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<td>Tennessee</td>
<td>Oklahoma</td>
<td>South Carolina</td>
<td>South Carolina</td>
<td>MS (2006)</td>
</tr>
<tr>
<td>Texas</td>
<td>South Carolina</td>
<td>Tennessee</td>
<td>**Utah</td>
<td>MO (2007)</td>
</tr>
<tr>
<td>Wyoming</td>
<td>South Dakota</td>
<td>**Utah</td>
<td></td>
<td>MT (2009)</td>
</tr>
<tr>
<td>**California</td>
<td>Tennessee</td>
<td></td>
<td></td>
<td>ND (2007)</td>
</tr>
<tr>
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<td>West Virginia</td>
<td></td>
<td></td>
<td>OH (2008)</td>
</tr>
<tr>
<td>**Rhode Island</td>
<td>**Colorado</td>
<td></td>
<td></td>
<td>OK (2006)</td>
</tr>
<tr>
<td>**Utah</td>
<td>**Idaho</td>
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<td></td>
<td>SC (2006)</td>
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<td></td>
<td>**Illinois</td>
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<td></td>
<td>SD (2006)</td>
</tr>
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<td></td>
<td>**Nevada</td>
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<td>TN (2007)</td>
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<td></td>
<td>**New Mexico</td>
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<td></td>
<td>TX (2007)</td>
</tr>
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<td>**Oregon</td>
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<td>UT (2010)</td>
</tr>
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<td></td>
<td>**Texas</td>
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<td></td>
<td>WV (2008)</td>
</tr>
<tr>
<td></td>
<td>**Utah</td>
<td></td>
<td></td>
<td>WY (2008)</td>
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**Indicates censored state
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</tr>
<tr>
<td>Proportion Hispanic</td>
<td>US Census Bureau: Population Division</td>
</tr>
<tr>
<td>Homicide</td>
<td>Uniform Crime Reports</td>
</tr>
<tr>
<td>Burglary</td>
<td>Uniform Crime Reports</td>
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<tr>
<td>Proportion of Votes Cast for</td>
<td>Federal Election Commission</td>
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<tr>
<td>Republican</td>
<td></td>
</tr>
<tr>
<td>Governor’s Party</td>
<td>National Governors Association &amp; Klarner (2013)</td>
</tr>
<tr>
<td>Gini</td>
<td>US Census</td>
</tr>
<tr>
<td>Proportion Suicides by Firearms</td>
<td>Centers for Disease Control and Prevention: Fatal Injury Reports</td>
</tr>
<tr>
<td>NRA House Contributions</td>
<td>Center for Responsive Politics</td>
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Table 5.3: Descriptive Statistics

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<td>Proportion Hispanic</td>
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<td>.097</td>
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<td>Burglary</td>
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<td>Republican Voting</td>
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<td>.093</td>
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<tr>
<td>Governor’s Party</td>
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<td>.501</td>
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<tr>
<td>Gini</td>
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<td>.034</td>
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<tr>
<td>Proportion Suicides by Firearms</td>
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<td>.124</td>
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<tr>
<td>NRA House Contributions</td>
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<td>.343</td>
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*Statistics include all state-years prior to scaling*
Table 6.1: Bivariate Correlations

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<td>2. Proportion Hispanic</td>
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<td>3. Republican Voting</td>
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<td>4. Homicide Rate</td>
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<td>5. Burglary Rate</td>
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<td>6. Suicides by Firearms</td>
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<td>-0.24*</td>
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<td>0.35*</td>
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<td>7. Gini</td>
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<td>8. NRA House Contributions</td>
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<td>0.70*</td>
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(* p<.05; two-tailed)
Table 6.2a: Discrete Time Event-History Analysis, Black Threat with Covariates

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<td>Proportion Black Squared</td>
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<td>-65.172</td>
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<td>(41.470)</td>
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<td>Republican Voting</td>
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<td>40.988***</td>
<td>20.086***</td>
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<td>(8.093)</td>
<td>(10.648)</td>
<td>(5.655)</td>
<td>(6.340)</td>
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<td>Republican Governor</td>
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<td>0.821</td>
<td>0.094</td>
<td>-0.036</td>
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<td>(1.165)</td>
<td>(0.642)</td>
<td>(0.658)</td>
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<td>Homicide</td>
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<td>0.097</td>
<td>5.861**</td>
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<td>(2.446)</td>
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<td>Burglary</td>
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<td>(15.458)</td>
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<td>NRA House Contributions</td>
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<td>-4.719**</td>
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<td></td>
<td>(1.577)</td>
<td>(1.842)</td>
<td>(1.109)</td>
<td>(1.883)</td>
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<td>Constant</td>
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Robust standard errors in parentheses

*** p<0.001, ** p<0.01, * p<0.05 (one-tailed)
Table 6.2b: Discrete Time Event-History Analysis, Black Threat with Covariates

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<td>No Duty to</td>
<td>No Duty to</td>
<td>Multiple</td>
<td>Multiple</td>
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<td>Retreat</td>
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<td>Expansions</td>
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<td>Proportion Black</td>
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<td>(4.538)</td>
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<td>(3.510)</td>
<td>(12.042)</td>
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<td>Proportion Black Squared</td>
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<td>-70.705*</td>
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<td>Republican Voting</td>
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Robust standard errors in parentheses

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Table 6.3a: Discrete Time Event-History Analysis, Hispanic Threat with Covariates

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Robust standard errors in parentheses

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Robust standard errors in parentheses
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Table 6.4: Tally of Findings for Hypotheses 1 and 2

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Table 6.5: Discrete Time Event-History Analysis, Black Threat with Homicide Interactions

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Robust standard errors in parentheses

*** p<0.001, ** p<0.01, * p<0.05 (one-tailed)
## Table 6.6: Discrete Time Event-History Analysis, Black Threat with Firearm Prevalence Interactions

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Robust standard errors in parentheses

*** p<0.001, ** p<0.01, * p<0.05 (one-tailed)
Table 6.7: Discrete Time Event-History Analysis, Black Threat with Republican Governor Interactions

<table>
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<th>(3) No Duty to Retreat</th>
<th>(4) Multiple Expansions</th>
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<tr>
<td>Proportion Black</td>
<td>2,845.273</td>
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<td>Proportion Black Squared</td>
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</tr>
<tr>
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<td>(48,101.380)</td>
<td>(59.456)</td>
<td>(42.366)</td>
<td>(66.237)</td>
</tr>
<tr>
<td>Republican Voting</td>
<td>38.013***</td>
<td>25.038***</td>
<td>12.695</td>
<td>34.052***</td>
</tr>
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<td>(11.080)</td>
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<td>(7.776)</td>
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<td>-0.068</td>
<td>-1.698</td>
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<tr>
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<td>(1.458)</td>
<td>(1.724)</td>
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<tr>
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<td>6.313**</td>
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<td>-0.857</td>
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<td>(3.432)</td>
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<td>31.234</td>
<td>28.360*</td>
<td>23.595**</td>
<td>29.481**</td>
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<td>-4.319**</td>
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<td>(1.445)</td>
<td>(1.760)</td>
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<td>3.142</td>
<td>-1.155</td>
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<td>Governor</td>
<td>(6,221.393)</td>
<td>(24.408)</td>
<td>(20.590)</td>
<td>(27.350)</td>
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<tr>
<td>Black Squared x Republican Governor</td>
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Robust standard errors in parentheses

*** p<0.001, ** p<0.01, * p<0.05
Table 6.8: Discrete Time Event-History Analysis, Hispanic Threat with Homicide Interactions

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<td>Fear</td>
<td>Retreat</td>
<td>Expansions</td>
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<td>(1.572)</td>
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<td>.39</td>
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<td>224</td>
<td>187</td>
<td>242</td>
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</table>

Robust standard errors in parentheses

*** p<0.001, ** p<0.01, * p<0.05 (one-tailed)
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<th>(1) Criminal Immunity</th>
<th>(2) Reasonable Fear</th>
<th>(3) No Duty to Retreat</th>
<th>(4) Multiple Expansions</th>
</tr>
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<td>Proportion Hispanic</td>
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<td>-61.892*</td>
<td>-38.489</td>
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<td>18.725***</td>
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<td>Suicides by Firearms</td>
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<td>-1.296</td>
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<td>-3.492**</td>
<td>0.587</td>
<td>-2.245*</td>
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<td>125.741*</td>
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<td>(64.974)</td>
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<td>(9.440)</td>
<td>(6.800)</td>
<td>(5.371)</td>
<td>(5.760)</td>
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<td>Pseudo R-Squared</td>
<td>.29</td>
<td>.32</td>
<td>.31</td>
<td>.40</td>
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<td>Observations</td>
<td>267</td>
<td>224</td>
<td>187</td>
<td>242</td>
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</table>

Robust standard errors in parentheses

*** p<0.001, ** p<0.01, * p<0.05 (one-tailed)
### 6.10: Discrete Time Event-History Analysis, Hispanic Threat with Republican Governor Interactions

<table>
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<th>(1) Criminal Immunity</th>
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<th>(4) Multiple Expansions</th>
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<tr>
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<td>(7.320)</td>
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<td>.31</td>
<td>.29</td>
<td>.39</td>
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<tr>
<td>Observations</td>
<td>267</td>
<td>224</td>
<td>187</td>
<td>242</td>
</tr>
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</table>

Robust standard errors in parentheses

*** p<0.001, ** p<0.01, * p<0.05 (one-tailed)
Table 6.11a: Homicide Mediation Tests Using KHB, Proportion Black with Confounders

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<tr>
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<th>(2) Curvilinear</th>
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<td>Reduced</td>
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<td>(17.566)</td>
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<td>(10.760)</td>
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<tr>
<td>Full</td>
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<td>(31.244)</td>
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<td>(17.696)</td>
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<td>(10.772)</td>
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Observations 267 267 224 224

Robust standard errors in parentheses
*** p<0.001, ** p<0.01, * p<0.05 (one-tailed)
Table 6.11b: Homicide Mediation Tests Using KHB, Proportion Black with Confounders

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<th>(7) Multiple Expansions</th>
<th>(8) Multiple Expansions</th>
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<tr>
<td>Reduced</td>
<td>Linear 4.498 (2.937)</td>
<td>Curvilinear 12.146 (11.729)</td>
<td>Linear 13.070*** (3.295)</td>
<td>Curvilinear 35.582*** (11.037)</td>
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<tr>
<td>Full</td>
<td>-6.116 (4.355)</td>
<td>-4.583 (12.254)</td>
<td>1.388 (3.513)</td>
<td>16.544 (11.391)</td>
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</table>

|                | Reduced -26.952 (35.704) | Full -4.437 (35.353) | Diff -22.515* (10.071) |
|                | -72.430* (32.389)        | -45.855 (32.266)      | -26.575* (12.537)       |

Observations: 187 (5), 187 (6), 242 (7), 242 (8)

Robust standard errors in parentheses

*** p<0.001, ** p<0.01, * p<0.05 (one-tailed)
Table 6.12a: Predicted Probabilities of Expansion Across Different Levels of Black Size and Homicide

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<th>Multiple Expansions</th>
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<td>.941</td>
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<td>Low</td>
<td>.001</td>
<td>.000</td>
<td>.000</td>
<td>.000</td>
</tr>
<tr>
<td>Very High</td>
<td>Average</td>
<td>.001</td>
<td>.000</td>
<td>.007</td>
<td>.002</td>
</tr>
<tr>
<td>Very High</td>
<td>High</td>
<td>.001</td>
<td>.467</td>
<td>.480</td>
<td>.728</td>
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</tbody>
</table>

*Other variables held at their means
Table 6.12b: Predicted Probabilities of Expansion Across Different Levels of Black Size and Republican Strength

<table>
<thead>
<tr>
<th>Proportion Black</th>
<th>Republican Voting</th>
<th>Criminal Immunity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low Low</td>
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<td>.000</td>
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<tr>
<td>Low Average</td>
<td></td>
<td>.000</td>
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<tr>
<td>Low High</td>
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<td>.173</td>
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<tr>
<td>Average Low</td>
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<td>Average Average</td>
<td></td>
<td>.006</td>
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<tr>
<td>Average High</td>
<td></td>
<td>.980</td>
</tr>
<tr>
<td>High Low</td>
<td></td>
<td>.000</td>
</tr>
<tr>
<td>High Average</td>
<td></td>
<td>.034</td>
</tr>
<tr>
<td>High High</td>
<td></td>
<td>.997</td>
</tr>
<tr>
<td>Very High Low</td>
<td></td>
<td>.000</td>
</tr>
<tr>
<td>Very High Average</td>
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<td>.001</td>
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<tr>
<td>Very High High</td>
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<td>.906</td>
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</tbody>
</table>

*Other variables held at their means
Table 6.13: T-Tests for Differences Across Variables for Censored Cases

<table>
<thead>
<tr>
<th>Variable</th>
<th>Reasonable Fear</th>
<th>No Duty to Retreat</th>
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</thead>
<tbody>
<tr>
<td>Proportion Black</td>
<td>.041*</td>
<td>.06*</td>
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<tr>
<td>Proportion Hispanic</td>
<td>-.1*</td>
<td>-.14*</td>
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<tr>
<td>Republican Voting</td>
<td>.04</td>
<td>-.02</td>
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<tr>
<td>Suicides by Firearms</td>
<td>.16*</td>
<td>-.01</td>
</tr>
<tr>
<td>NRA House Contributions</td>
<td>.23*</td>
<td>-.11*</td>
</tr>
<tr>
<td>Gini Coefficient</td>
<td>.01</td>
<td>-.01</td>
</tr>
<tr>
<td>Burglary Rate</td>
<td>148*</td>
<td>-43.6</td>
</tr>
<tr>
<td>Homicide Rate</td>
<td>.9</td>
<td>.12</td>
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</tbody>
</table>

* p < .05 (two-tailed)
Table 6.14: Multicollinearity Diagnostics for Black Threat, Curvilinear Functional Form

<table>
<thead>
<tr>
<th></th>
<th>Criminal Immunity</th>
<th>Reasonable Fear</th>
<th>No Duty to Retreat</th>
<th>Multiple Expansions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proportion Black</td>
<td>14.05</td>
<td>14.14</td>
<td>16.16</td>
<td>12.71</td>
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<tr>
<td>Proportion Black Squared</td>
<td>11.78</td>
<td>11.91</td>
<td>11.99</td>
<td>10.57</td>
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<td>Homicide</td>
<td>3.15</td>
<td>3.05</td>
<td>3.62</td>
<td>2.95</td>
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<tr>
<td>NRA House Contributions</td>
<td>3.00</td>
<td>2.78</td>
<td>2.94</td>
<td>2.97</td>
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<tr>
<td>Republican Voting</td>
<td>2.86</td>
<td>2.7</td>
<td>2.72</td>
<td>2.81</td>
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<td>Suicides by Firearms</td>
<td>2.84</td>
<td>2.59</td>
<td>3.03</td>
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<tr>
<td>Burglary</td>
<td>1.87</td>
<td>1.78</td>
<td>1.59</td>
<td>1.75</td>
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<tr>
<td>Gini</td>
<td>1.26</td>
<td>1.27</td>
<td>1.15</td>
<td>1.22</td>
</tr>
<tr>
<td>Republican Governor</td>
<td>1.14</td>
<td>1.11</td>
<td>1.08</td>
<td>1.09</td>
</tr>
</tbody>
</table>
Appendix

Model ALEC legislation for Stand Your Ground Laws:

Summary
This act authorizes the use of force, including deadly force, against an intruder or attacker in a dwelling, residence, or vehicle under specified circumstances.

It further creates a presumption that a reasonable fear of death or great bodily harm exists under these specific circumstances, and declares that a person has no duty to retreat and has the right to stand his or her ground and meet force with force if the person is in a place where he or she has a right to be and the force is necessary to prevent death, great bodily harm, or the commission of a forcible felony.

Finally, the act provides immunity from civil prosecution or civil action for using deadly force, defines the term “criminal prosecution,” and authorizes law enforcement agencies to investigate the use of deadly force while prohibiting the agencies from arresting a person in these circumstances unless the agency determines that there is probable cause that the force the person used was unlawful.

Model Legislation

Legislative Resolution and Intent

WHEREAS, the Legislature of [insert state/commonwealth name] finds that it is proper for law-abiding people to protect themselves, their families, and others from intruders and attackers without fear of prosecution or civil action from acting in defense of the themselves and others; and
WHEREAS, the “Castle Doctrine” is a common-law doctrine of ancient origins that declares that a person’s home is his or her castle; and
WHEREAS, [insert appropriate reference to the State/Commonwealth Constitution that provides for the right of citizens to bear arms] guarantees the right of the people to keep and bear arms; and
WHEREAS, the persons residing in or visiting this [state/commonwealth] have a right remain unmolested within their homes or vehicles; and
WHEREAS, no person or victim of crime should be required to surrender his or her personal safety to a criminal, nor should a person or victim be required to needlessly retreat in the face of intrusion or attack; *This model is based upon Florida legislation enacted April 26, 2005.
BE IT RESOLVED, the Legislature of [insert state/commonwealth name] hereby enacts the following:

Section 1. {Home Protection, Use of Deadly Force, Presumption of Fear of Death or Harm}

1. A person is presumed to have held a reasonable fear of imminent peril of death or great bodily harm to himself or herself or another when using defensive force that is intended or likely to
cause death or great bodily harm to another if:
a. The person against whom the defensive force was used was in the process of unlawfully and forcefully entering, or had unlawfully or forcefully entered, a dwelling, residence, or occupied vehicle, or if that person had removed or was attempting to remove another against that person’s will from the dwelling, residence, or occupied vehicle; and
b. The person who uses defensive force knew or had reason to believe that an unlawful and forcible entry or unlawful and forcible act was occurring or had occurred.

2. The presumption set forth in Subsection (1) does not apply if:
a. The person against whom the defensive force is used has the right to be in or is a lawful resident of the dwelling residence, or vehicle, such as an owner, lessee, or titleholder, and there is not an injunction for protection from domestic violence or a written pretrial supervision order of no contact against that person; or
b. The person or persons sought to be removed is a child, grandchild, or is otherwise in the lawful custody or under the lawful guardianship of, the person against whom the defensive force is used; or
c. The person who uses defensive force is engaged in a criminal activity or is using the dwelling, residence, or occupied vehicle to further a criminal activity; or
d. The person against whom defensive force is used is a law enforcement officer, as defined in [insert appropriate reference to state/commonwealth code, which defines the term “law enforcement officer” or similar], who enters or attempts to enter a dwelling, residence, or vehicle in the performance of his or her official duties and the officer identified himself or herself in accordance with applicable law, or the person using force knew or reasonably should have known that the person entering or attempting to enter was a law enforcement officer.

3. A person who is not engaged in an unlawful activity and who is attacked in any other place where he or she has a right to be has no duty to retreat and has the right to stand his or her ground and meet force with force, including deadly force if he or she reasonably believes it is necessary to do so to prevent death or great bodily harm to himself or herself or another, or to prevent the commission of a forcible felony.

4. A person who unlawfully and by force enters or attempts to enter a person’s dwelling, residence, or occupied vehicle is presumed to be doing so with the intent to commit an unlawful act involving force or violence.

5. As used in this section, the term:
a. “Dwelling” means a building or conveyance of any kind, including any attached porch, whether the building or conveyance is temporary or permanent, mobile or immobile, which has a roof over it, including a tent, and is designed to be occupied by people lodging therein at night.
b. “Residence” means a dwelling in which a person resides either temporarily or permanently or is visiting as an invited guest.
c. “Vehicle” means a conveyance of any kind, whether or not motorized, which is designed to transport people or property.

Section 2. {Immunity from Criminal Prosecution and Civil Action}
1. As used in this subsection, the term “criminal prosecution” includes arresting, detaining in custody, and charging or prosecuting the defendant.

2. A person who uses force as permitted in Section (1) [and other state codes which are affected/amended by this legislation and which refer to the use of force including deadly force] is justified in using such force and is immune from criminal prosecution and civil action for the use of such force, except when:
   a. The person against whom force was used is a law enforcement officer as defined in [insert appropriate reference to state/commonwealth code, which defines the term “law enforcement officer” or similar], who was acting in the performance of his or her duties and the officer identified himself or herself in accordance with applicable law; or
   b. The person using force knew or reasonably should have known that the person was a law enforcement officer.

3. A law enforcement agency may use standard procedures for investigating the use of force as described in subsection (2), but the agency may not arrest the person for using force unless it determines that there is probable cause that the force that was used was unlawful.

4. The court shall award reasonable attorney’s fees, court costs, compensation for loss of income, and all expenses incurred by the defendant in defense of any civil action brought by a plaintiff if the court finds that the defendant is immune from prosecution as provided in subsection (2).

Section 3. {Severability} Section 4. {Effective Date}