



Gun Choices and Juries

An interview with Glenn Meyer, PhD

by Gila Hayes

Academic studies are often cited to attack gun ownership, but one researcher and tenured professor has raised his voice for gun rights, researching and giving presentations to his peers in the psychological sciences that counter anti-gun conclusions. Glenn Meyer, PhD, Department of Psychology, Trinity University, San Antonio, TX has also become known among armed citizens for his research into how society judges armed defense undertaken by citizens.

In 2005-2006 Meyer researched what has become his best-recognized study to date, identifying effects on sentences handed down by jurors based on the appearance of the gun used by an individual acting in home defense. Results from that research were first published in 2009 in the *Journal of Applied Social Psychology* (see <http://onlinelibrary.wiley.com/doi/10.1111/j.1559-1816.2009.00467.x/abstract>), a professional publication that isn't as accessible as the briefer online article about his study that Meyer authored for *The Jury Expert*, the journal of the American Society of Trial Consultants Foundation that same year. (See <http://www.thejuryexpert.com/2009/09/will-it-hurt-me-in-court-weapons-issues-and-the-fears-of-the-legally-armed-citizen/>)

Both articles explain that study participants asked to act as mock jurors made more guilty verdicts and assigned longer sentences when certain guns were used in a home defense scenario. Study subjects were asked to judge an armed homeowner, aged 51, who comes downstairs at night to find a 23-year old burglar with no visible weapon stealing a VCR. The burglar responds to the homeowner's challenge with a vulgar death threat but no physical action, and the homeowner shoots him twice. In addition to measuring the effect of various weapon aesthetics, the findings were tabulated by the gender of the mock juror.

After reading descriptions of the incident and viewing diagrams to establish distances, illustrations and

descriptions of the gun, and an X-ray showing the gunshot wounds, study participants ruled guilty or not guilty to second-degree murder charges based on one of several variations of the story.

In the first experiment, variations alternated the homeowner's weapon between a Ruger Mini-14 .223 caliber semi-automatic rifle, an AR-15 rifle in the same caliber, a Winchester Model 1300 Defender eight-shot 12 gauge pump action shotgun, and a Winchester over and under 12 gauge shotgun with, of course, the capacity for only two shots. Handgun variations were split between a 9mm Glock Model 19 semi-automatic and a Smith & Wesson Model 642 revolver.

Additional experiments had study participants assign guilt and sentencing based on that same scenario, but with variations in the gender of the armed citizen and only rifle alternatives.

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Do these guns appear "nice" or "evil?" The research of Glenn Meyer, PhD concluded that mock jurors'

verdicts and sentencing were indeed influenced by the appearance of the gun used in a home defense scenario.

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The first experiment (Experiment 1) used Trinity University students. A later one polled adult students in night classes at a San Antonio community college (Experiment 2) who were asked to rule on a story in which gun variables were only a wood-stocked Ruger Mini-14 and an AR-15 rifle. The Trinity student group rendered more guilty verdicts and harsher sentences from female "jurors," though that was not true of the older students in the community college study. In both experiments, more guilty verdicts and longer sentences attached to using an AR-15 rifle, and likewise an eight-round Model 1300 Defender shotgun vs. an over and under sporting shotgun, but less marked results for Glock vs. revolver.

Both articles also review Meyer's findings about gender and weapon use competence, yielding information that should be part of a trial lawyer's decisions during jury selection. While one can do little about gender, pursuing documented competency is within the grasp of all armed citizens, so results showing harsh judgments of shooters deemed to lack skill serves as a warning.

These few paragraphs can't do justice to the information Meyer compiled, and readers are encouraged to use the earlier links to learn as much as they can from the studies. I was delighted when Glenn Meyer agreed to give us an interview on the weapons aesthetic issues and number of related topics of interest to armed citizens.



So let's go now to the interview format and learn from Dr. Meyer.

eJournal: Thank you for agreeing to talk with us, Glenn. Your research has much to teach us about how a jury can get hung up on a gun's appearance. In the *Journal of Applied Social Psychology* you used the term "aesthetic of menace" and we would like to hear more from you about this effect. But first, I think it would help to get to know you a little. How did you become a gun owner?



Photo: Meyer, left, with Network Advisory Board members John Farnam, center, and Massad Ayoob, right, at the 2009 Rangemaster Conference in Tulsa, OK.

Meyer: I grew up in New York City, so given the population of New York, guns were kind of alien. Then my wife and I moved to Oregon when I got a job there. Oregon was a much more gun-friendly state! I had a friend who was a faculty member and he was seriously threatened. It was a legitimate threat, so he decided that he was going to learn how to shoot. He told me about it, and I thought that would be interesting to try.

I went to Portland's *The Place to Shoot* and I took the NRA basic courses, because I always thought that if you were going to do something, you should learn something about it. When I did that, I was hooked!

When I was in Oregon, I was personally threatened a couple of times, once because of my religious background. I'm Jewish and unfortunately the Northwest had some Neo-Nazi problems then. I almost ran into it once. After that, I decided that one can flap their arms and complain or one can be able to take care of themselves. I started a path of learning how to defend myself and the most efficacious way, I thought, was with firearms. That was the hook for me, but then I found that I really liked it and that it was fun.

eJournal: Has your career as an academic impeded your interest in self-defense guns or has it accommodated and fed that side of your life?

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Meyer: My academic skills led me to do the research on gun topics, but in general, academia is not really gun friendly. But I have to say that at Lewis and Clark, the school I worked at in Portland, and now at Trinity University, I found people who are simpatico. In fact, Trinity gave me a fair amount of funding to do my research and I also convinced them to send me to Mas Ayoob's LFI 1 and StressFire. I get funded to do the research like in the *Journal of Applied Social Psychology* article, and I get students to work with me on it. I find lots of students who are simpatico to my research, so it has worked out well.

I've never kept quiet, because I think if you have a reasonable belief system and you can support it, that it is part of your responsibility to stand up. I registered my disagreement when the Trinity Faculty Senate wanted to send a letter to the Texas legislature against the campus carry bills, so I've been outspoken about guns. I don't know if everybody's comfortable with it. I think I might have lost a friend or two, but on the other hand, I have people who respect me. I get faculty members who say, "Could you teach me how to shoot?"

Interestingly enough, people who are my friends who aren't necessarily gun people, have told me that they wouldn't mind if I had a gun, because they think I've put the effort into being reasonably competent, but they worry about the blusterers, who've got lots of guns and think they know how to shoot because it is, like, genetic in them.

eJournal: What is your area of professional expertise? What exactly is cognitive psychology and visual perception?

Meyer: My training is in cognitive psych, which is the basics of how information processing goes on: how you perceive things, memory processes, language, and decision-making. It's kind of like a computer model of the mind trying to take in information, process it, and then give the appropriate decisions and output. My subset was in visual perception, how you actually see. How do we see the world, how do we construct objects, how do we perceive colors, how do we make sense of moving around? I did a two-year post doctorate fellowship in visual physiology because I wanted to understand the underlying brain structures that support our visual system.

That was where I came from and what my initial research interests were, but it tied in very well with my budding gun interests, because of the human factors

involved in firearms usage. I find that fascinating. The decision processes about how people decide whether they are pro-gun, anti-gun, and what a jury thinks—it fits my training very well in an applied sense.

eJournal: How did you become interested in jury perceptions about particular firearms?

Meyer: As I got interested in firearms, I began reading the gun magazines and I wanted to have some training. I came across the work of Massad Ayoob talking about how juries make decisions.

Already in cognitive psych there was a lot of focus on jury decisions in terms of memory and something called the weapons focus. If someone robs a bank and they have a gun, no one remembers what the person looks like. There was an experiment we used to do in class where someone would run in with a fake pistol and pretend to shoot the teacher and run out. Then you'd ask people what the person looked like and no one had any idea, though they might remember what the gun looked like. So that was already there in cognitive psych. I began to read Massad's work and he had an article in *Combat Handguns* about whether an AR-15 would influence verdicts in court. And I said, "Well, that's kind of anecdotal. Could we look at it experimentally?"

You can look into the psych databases and there are already lots of jury studies on how weapons influence jurors and also studies on what's called aggressive priming—whether the appearance of a gun may prime people to be more aggressive. Then there are articles like *Does the Gun Pull the Trigger*, meaning if you have a gun, is it going to make you like an automaton and make you shoot people? I looked at that and I thought, "Well, that's an interesting research project." Being a fully-tenured prof, I have the leeway to explore avenues I want, so I said, "Well, set up an experiment to test it."

There were already a couple of experiments testing how juries viewed burglary scenarios and the actions of the burglar or the defendant. I said, "Well, gee, that is a good scenario to test what would happen if you defended your house with an evil black rifle, an assault rifle, an AR-15 versus a nice-looking gun like a ducky-wucky over and under shotgun or like a Smith & Wesson Model 642." I said, "I'll try it."

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What we do, is we post our research projects and get students who will sign up. We found that a lot of people were interested and it took off from there.

eJournal: Why did you devise a fact pattern in which the necessity of using deadly force is not entirely clear-cut? I wonder how the study might have turned out if the underlying scenario had been an assault on the street.

Meyer: There are two reasons. First, the people in the psych-legal literature had used the home scenario twice. I wanted to follow a precedent so I could say, "We are following up what so-and-so did, but now we are changing it to look at..." There was one study, which demonstrated that if a jury had more exposure to a firearm during the trial, then they were more likely to convict and that study used a "home at night" situation.

Also, the home scenario was ambiguous since if it was clearly a no-shoot situation, then you would probably get convictions across the board and people would not care what the firearm was. If it was like shooting Charles Manson on his way in, then probably no one would vote to convict, so you have to make a scenario that is ambiguous to get the effect.

As for not doing a scenario outside the home, from reading Mas' article, I was interested in doing a study about the assault rifle, because we had assault rifle bans and there was a lot of political focus on it. Usually, you don't walk down the street toting an AR-15, so we went for the home scenario.

eJournal: That makes sense. In one experiment, there were variations in which the handgun used was either a Glock 19 or a Smith & Wesson Model 642. What were your selection criteria for those?

Meyer: I wanted to do guns that I thought might be "nice" versus "evil." So the assault rifle is "evil" and the Ruger Mini-14 is "nice."

The Mini-14 skirted around the assault rifle debate by being a wood-stocked gun. Grandpa had a wood gun, so that's a "nice" gun. With the shotguns, the over and under is a "nice" shotgun while the Winchester Model 1300 Defender is kind of a tactical shotgun. That also came from politics, because politicians say, "We support the Second Amendment," and what they mean is, "Oh, I went hunting." You'll see somebody putting on a set of pristine hunting clothes, then they'll go out in the woods with an over and under shotgun, and they'll shoot some bird and then they will come back and say, "I support the

Second Amendment." So I thought the over and under shotgun, which is a fine sporting weapon, might be seen like, "Oh, you had a gun in the house because you're a sportsperson, but here comes the bad guy and you shoot him with that."

And now for the pistols: The Glock has been demonized quite a bit. In fact, I have an article from a design magazine that spoke to how Glocks have an "evil aesthetic." It was in the *Die Hard* movie that said you could take it through metal detectors. It was an evil gun. I think the revolver is a more innocuous handgun, so I used the Smith & Wesson Model 642 in the study.

eJournal: I am trying hard to understand prejudice based on gun appearance. Do you mean that "nice" really means "familiar?"

Meyer: I don't know that it means "familiar." I don't think most people know the differences between the guns. I think it is more the aesthetic. The "evil" guns look more like police or military derivatives. You see soldiers with the AR; you see police with it. You watch *Law and Order* nowadays, they are running around with Glocks, but if you watched *Dragnet*, they had little Colt snubbies. The Model 642 is kind of shiny and the Lone Ranger had a shiny gun, you know? Shiny is "nice."

eJournal: Were there big differences between what you expected prior to the study and what you actually found when you tabulated the results of your research?

Meyer: Yes. Well, I thought we would get the AR effect, and we did, but we've never found a "pistol effect." We've done other studies, and we never have found the Glock to light up as an evil gun, as I thought it might. It never did, and that kind of surprised me. It was the rifle where we got the effect. We've never gotten a Glock versus a revolver effect. We got a hint of it in one study we are working on now with kind of an IPSC "race" gun being slightly more evil, but even then, it wasn't big. The one effect that really lit up was the rifle effect. That has surprised me. It thought we would get more evil handgun effects but it didn't seem to be that way.

eJournal: Might your locale—Texas—be more gun-savvy and thus less likely to find one type of gun or another offensive or frightening? I wonder what would have happened if you'd had to do this study in, heaven help you, Boston.

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Meyer: Yes, because most studies are done with first-year college students who are in the intro psych courses. To get outside of the university, you need funding, you need cooperation and it is harder to do. It is a reasonable criticism, although in the jury research literature there is some support that the college samples come in pretty close to the grown-up, adult or real-world samples. There is not a tremendous disparity. I am glad that I was able to get to the community college because those were grown-up, older people going to school at night and they have more real-world experience. The results worked out pretty much the same.

eJournal: What do these studies show us beyond acknowledging prejudice against guns and gun owners?

Meyer: I think the take-away lesson is that if per chance you are at home in a defense scenario, you want to know what you are doing. What the person did in our scenario, is something I probably wouldn't do. I'm not coming downstairs to save my electronics and clear the house! I've done enough exercises to know that anybody competent is going to do bad things to you if you try to clear your house.

I would say the second thing in any self-defense shooting is to have knowledgeable legal expertise on your side. I'm not a lawyer, but I've read in the jury studies that the thing that wins the case is what they call the story model, the story they hear first in the opening statements. If you have a self-defense shooting, you want to tell why you were righteously defending yourself. I think you need a lawyer who understands the nuances of armed self defense, the nuances of weapons, to be able to get your story to the jury right away. Make sure you have a lawyer and expert team that has the ability to tell your story first.

The last would be that I would avoid unnecessary risks to myself. In a situation, I want to look like, "Man, I really was in trouble and I just did this as a last resort to defend myself," rather than look like I was proactively looking for trouble.

eJournal: That makes me think of another study in the literature (by Nyla Branscombe and coworkers) in which the shooter's competency—or lack thereof—was judged very harshly.

Meyer: God forbid it ever happen to me, but I could make the defense that I actually understand the issues, that my actions were based on training and competency, so I undertook whatever terrible thing happened with

reasonable expertise and common sense, when I was forced into doing this.

I could compare it to cases that are vivid instances where you would say a person shouldn't have gotten into trouble. They didn't have to do what they did, but they panicked.

From high-level training like force on force, it is pretty clear that people can panic in a stressful situation. One way to overcome that is through stress inoculation so having run through those training situations, you tend not to get into the panic response. You have an automatic but reasonable response. So unlike that pharmacist in Oklahoma you're not going to come back and shoot the guy on the floor. Once the bad guys are out the door, you're not going to run down the street shooting at them, which doesn't make sense and can get you into trouble. Training will help you avoid making panicked irrational and dangerous decisions.

I think you have to "die" in force on force training, before you understand. A lot of people say, "I'd get the gun and I'd take him out," but it doesn't always work that way. I've been shot a few times, not in the real world, thank you, but I've been "killed" with Simunitions and Air Soft, you know? I ended up with a good lesson—look at the stuff that I wrote for the NTI website on being an armed academic (http://www.teddytactical.com/archive/Feature/2005/05_Feature.htm) and being an active shooter: (http://www.teddytactical.com/archive/Feature/2004/11_Feature.htm).

eJournal: Getting training is a solution any armed citizen can implement, so that is good. I am really not sure how many armed citizens are ready to go back to revolvers, if the problem had been all about the hardware!

Meyer: No, I think best thing to know is how to defend a reasonable choice. If I had to defend my primary gun, a Glock 19 or Glock 26, I could say that I shoot it well, it is used by police, it is a reasonable firearm.

I wouldn't say I used it "because it holds 15 rounds so I will be able to put the guy down." No, I can make a case for the ergonomics of the gun being the best thing for me, not that it has that evil aesthetic.

eJournal: When did you conduct the experiments?

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Meyer: Let's see—the article came out in 2009, so we were doing the study in 2005 to 2006.

eJournal: How long lasting is this type of research? Do you think the increasing numbers of gun owners in American society and a growing familiarity with firearms may eventually mitigate prejudices based solely on appearance?

Meyer: I was thinking about that and I think it will because of the changes across the country, like the 42 states that have some version of shall-issue permits. After the Glock came out, that kind of polymer gun became ubiquitous. In San Antonio, I could go to twenty sporting goods stores in easy driving distance and find counters full of Glocks, XDs, Tauruses and M & Ps right next to the fishing poles and the back packs for your kids. I think the Die Hard movie ceramic Glock effect is now fading away. The police all carry Glocks, you see them on the news, they're not unusual. Familiarity tends to make people feel more positive toward or at least neutral about things.

I think the same thing might be happening to the ARs. Wal-Mart is putting ARs on their shelves again. In a lot of the sporting goods stores around here they're up there next to the over and under shotguns. Also, we are getting a lot of people coming back from the service who might want to buy one because they used it in the service. I know there is emphasis by the National Shooting Sports Foundation to push the AR platform as a sporting gun and Remington came out with an AR deliberately as a sporting gun.

I think there might be a risk in that, since I've always thought that the arguments in favor of the Second Amendment for guns for sporting purposes is risky, but I also think that increased presence of guns like ARs will diffuse the negativity a bit.

I think people are looking more toward defending themselves. Even though crime rates are decreasing, people want to be more proactive in defending themselves. People do worry about civilization crashing and things like Hurricane Katrina or a power outage that lasts for days. I think there is a feeling that if we had a natural disaster, it is better to be able to defend the house with something beyond two shots of 12-gauge ammunition or a Model 10 revolver.

eJournal: Remember the riots that followed the Rodney King verdict? That was a lesson in needing the right gun

to prevent crowds of people from overwhelming your position and harming you.

Meyer: Yes, the example of the Korean shop owners. I also remember reading an article about a museum or a library curator who is an NRA member who used an AK rifle to get himself out of the mess during Hurricane Katrina.

eJournal: What other gun and self-defense topics have you researched? Do you currently have other interesting research underway?

Meyer: Well, the thing we're doing now is a study on whether armed citizens will intervene in a Kitty Genovese situation if they're bystanders (http://en.wikipedia.org/wiki/Murder_of_Kitty_Genovese). It was said that if people had concealed handguns there would be blood in the streets, and there is a thread in the psych literature that the presence of guns leads you to be more aggressive. On the other hand, when you take classes, you are taught to take care of yourself and your family and that you're not a vigilante or law enforcement officer.

When I went to the National Tactical Invitational (NTI), they'd run scenarios where you would see somebody being attacked and you didn't know what was going on. In some situations it was like a domestic and if you intervened then both people attacked you or it turned out to be a police officer arresting someone. I started to wonder, would armed citizens intervene in the Kitty Genovese situation? Would they just immediately shoot the guy like the blood in the streets scenario?

This was a hard study to do. I managed by hook and crook to get help from people taking advanced courses. I got cooperation from Karl Rehn, Tom Givens, Steve Moses, and John Frazier who is the research guy for the NRA. I sent surveys that they managed to get some people to fill out.

We gave people force continuum choices ranging from running away to shooting a man who is attacking a woman—just straight out, he's beating her. Our control group was a student sample. We also had a sample of gun folk who had carry permits but never got any further training. I thought the people who had the guns might shoot the guy, but they didn't. Everybody was incredibly reluctant to shoot the person. The gun folk were more likely to call the police, while the student control group wasn't that likely to call the police.

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The men were more likely to physically intervene, though that wasn't a high likelihood, but the women wouldn't physically intervene, which makes a lot of sense based on size differential, self image and physical capacity.

Then we changed it because there is some bystander research that says that if the situation is really critical and tense, it reverses the standard bystander response and people will help. There was a case in Mississippi where a guy attacked his ex and started stabbing her and poured gasoline on her and was going to set her on fire.

A lot of people just yelled at him, but an armed citizen stopped the attack and told the guy he was going to kill him unless he stopped. He saved the woman's life and the other guy got arrested.

In our study, we redid the scenario so that the guy's going to set her on fire. We had a scale from one to seven, with one being, "No, I won't shoot," and seven would be, "I would shoot him." Normally, if the guy was beating up the woman, no one would shoot the guy. They would yell at him, but no one would shoot him outright. But the fire scenario moved it up to the threes and fours and they were more likely to forcefully intervene.

That's what I've been working on now because I'm interested in that blood in the streets scenario and does having a gun make you irrational so you pull the trigger?

eJournal: That is an interesting look at where we draw the line, what we will tolerate and what we won't. I'd like to hear your final conclusions. How can laypersons access your research?

Meyer: We presented some preliminary work at the meetings of the American Psychological Association and Association for Psychological Science. We'll send the latest iterations to the Association for Psychological Science in the spring. After that, the way academics work, is you send it to a journal to get accepted, and then it would be something that we could talk about.

eJournal: That is something we will look forward to then. And now, I really appreciate the time you've taken this morning to talk about your research so we can be better prepared for not just self defense but for putting on a legal defense, too. Thank you for sharing your time and knowledge.

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Please enjoy the next article.]*