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AN ABSTRACT OF THE THESIS OF Gary W. Hansen for the Master
of Arts in History presented February 27, 1976.

Title: The History of Gun Control in America

APPROVED BY MEMBERS OF THE THESIS COMMITTEE:

Gordon B. Dodds, Chairman

Thomas D. Morris

Morris K. Webb

This thesis examines the significant gun control
legislation enacted in the United States, and the movement
to enact it. It is a contention of this thesis that sentiment
favoring gun control comes essentially from urban
areas which are most remote from America's frontier heri-
tage, and the common usage of firearms. Sentiment opposing
gun control, on the other hand, comes primarily from the
West and South which are the areas nearest the frontier
heritage. The popularity of firearms in the United States
is also due, in large measure, to the pioneer background of

this nation. This thesis also contends that firearms legislation thus far enacted in America has been ineffective in reducing crime, and that further legislation could only inconvenience the honest citizen.

THE HISTORY OF GUN CONTROL IN AMERICA

by

GARY W. HANSEN

**A thesis submitted in partial fulfillment of the
requirements for the degree of**

**MASTER OF ARTS
in
HISTORY**

**Portland State University
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TO THE OFFICE OF GRADUATE STUDIES:

The members of the Committee approve the thesis of
Gary W. Hansen presented November 26, 1975.

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February 27, 1976

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CHAPTER I

AMERICANS AND GUNS

It is universally accepted that there are more privately owned guns in the United States than in any other country in the world. Though estimates vary, it is likely that there are about 90 to 100 million firearms in private hands in this country.¹ This high incidence of gun ownership is a cause of great consternation to many, both in the United States and abroad. To these people, mass gun ownership is a grave social danger. These people have sought for some decades now to control, in (varying degrees of severity, the availability of, and the freedom to own, firearms). (Their motive in this pursuit is the reduction of crime and accidents associated with guns). Before examining the movement for gun control, it seems logical to examine the historic association of Americans with guns which led to the great prevalence of firearms in this country.

Throughout America's frontier era, the relationship of the common citizen to firearms was a close one. The first settlers in the new world found game abundant, and for the first time, hunting was democratized. In the old world, all game belonged to the wealthy landlords upon whose property they dwelt. It was solely his right to harvest this game, and

he exercised this right either personally or through hired game keepers.² This tradition of game ownership persists to this day in parts of Europe. However, in America the common man was free to harvest the wild game of the land, and he exercised this freedom thoroughly. In addition to game animals, others such as wolves and foxes which were (or were thought to be) threats to domestic livestock also had to be dealt with. For these several purposes, the settler naturally equipped himself with a gun.

Hunting was not the only purpose for which the pioneer felt the need for a gun. Whether it was whites or Indians who actually commenced hostilities, the Indian posed a threat (though often only psychological) against which the pioneer had to rely largely upon his own means for protection. It was not possible in the pioneer era for the regular army (whether British or American) to protect all the scattered outposts of the frontier, so the defense came either from the individual or from local militia units which consisted of nothing more than a group of citizens banded together and armed with their own private weapons.

Even in the colonial period when many relied on guns for the utilitarian purposes of supplying food and protection, the seeds were being sown for a non-utilitarian enjoyment of the use of firearms. In the South, free from the restrictions against enjoyment of outdoor activities decreed by the Puritans of the northern colonies, hunting came to be enjoyed

for the sport that it provided as well as the meat.³ Target shooting, too, became a popular pastime in its own right, as well as for the useful expertise it could develop.⁴

For all these reasons, the gun was omnipresent on the frontier. It was a tool of everyday life. A boy was expected to become competent in its use at an early age so he could help provide his family with food and, if necessary, defense.⁵ Through this necessary acquaintance with the gun, he was also liable to learn to appreciate it for the sport and relaxation it could offer.

The importance of the gun to Americans can be seen in the ways in which they carefully adapted them to the situations which they faced. Early settlers east of the Mississippi found the inaccurate smooth-bore musket, and the heavy, large caliber Jaeger rifles of Europe poorly suited to their needs. They developed the Kentucky rifle as an answer to the environment which they faced. Its long barrel helped provide the accuracy to knock a squirrel out of a high tree without ruining the meat; its light weight made it easy to carry on long treks through the woods, and its relatively small bore provided many shots per pound of the powder and lead which might be difficult to replenish on the frontier. Though not suited to contemporary standard warfare tactics because of its inability to take a bayonet, the Kentucky showed its worth many times in the Revolution as a much superior weapon to the "Brown Bess" musket of British regulars in the irregular warfare along the frontier.

As explorers, fur trappers, and settlers pushed west of the Mississippi, the Kentucky rifle began to show weaknesses. It was replaced by the Plains rifle whose short barrel made it easy to carry and use on horseback, and which utilized a ball and powder charge heavy enough to drop a grizzly bear. As settlers pushed on to the plains and faced mounted Indians for the first time, the need for another weapon was made clear, a need met by Colonel Samuel Colt's invention of that distinctively American sidearm, the revolver. Of this weapon, Captain I. S. Sutton of the Texas Rangers said in 1850:

"They are the only weapon which enables the experienced frontiersman to defeat the mounted Indian in his own peculiar mode of warfare."⁶ As time passed, Americans developed other firearms particularly suited to their needs such as the saddle carbine and the buffalo rifle.

The gun did not necessarily decline in importance (or presence) as frontier conditions in an area ended. The United States remained predominantly rural until just after the First World War, and the gun played an important part in farm or ranch life, though the constant threat to personal safety had passed. The gun was still a necessity to the farmer for pest control and game was always welcome at the table. The custom of acquainting sons with firearms at an early age persisted as it does to this day in some areas, and the motivation behind this is clearly not entirely utilitarian.⁷

It was clear by the mid 19th century that guns were not

only tools for those who used them, but also sources of pleasure and relaxation. Precision target shooting had long been popular in America, but by this time it had begun to take on a more organized nature. In New York in 1866, the first national Schutzenfest (a type of precision shooting brought here by Swiss and German immigrants) was held.⁸ In 1873, the then two year-old National Rifle Association held its first annual match at its Creedmoor Range on Long Island.⁹ Such matches were quite frequent and indicate that the gun was a popular item of sport even in the very urban East. At about this same time, sport hunting was also gaining many adherents. In the late 1800's, the most notable American hunter of the time, Theodore Roosevelt, said, "Hunting in the Wilderness is of all pastimes the most attractive."¹⁰ In the nineteenth century, too, the famous Boone and Crockett club was founded to further the cause of sportsmanlike hunting.

Although the great majority of firearms were being used for the perfectly respectable (at least to most people of the time) purposes of hunting, target shooting and self defense, there is no doubt that others were being used for very different purposes. The violence of towns on the cattle and mining frontiers is legendary, but the urban centers of the east also showed alarming crime rates. It was in the second decade of the 20th century that America first became a predominantly urban nation. It was at this same time that organized efforts began to attribute the occurrence of crime to the availability

of guns, and to attempt to reduce crime through controlling the availability and ownership of firearms. At this time also many people began to associate the gun with crime and tragic accidents rather than hunting, target shooting, and self defense; and simultaneously to question the validity of these traditionally acceptable reasons for gun ownership. As a result of such attitudes, there has been a constant pressure, varying in intensity in relation to events within the nation, to implement gun control laws. This pressure has led to three major acts relating to firearms at the national level, and many at the local level. The remainder of this work will examine the forces and events leading to the gun control movement.

CHAPTER I

NOTES

¹"90 Million Firearms and Rising Rapidly," U. S. News and World Report, August 11, 1968, p. 40.

²Roger Caras, Death As A Way of Life (Boston: 1970), p. 19.

³Hans Huth, Nature and the American (Berkeley: 1957), p. 9.

⁴James B. Trefethen, Americans and Their Guns (Harrisburg, Pa.: 1967), p. 12.

⁵W. Eugene Hollon, Frontier Violence (New York: 1974), p. 107.

⁶Quoted in Walter Prescott Webb, The Great Plains (New York: 1931), p. 175.

⁷Hollon, op. cit., p. 107.

⁸Harold Peterson, Pageant of the Gun (Garden City, N.Y.: 1967), p. 188.

⁹Trefethen, op. cit., p. 50.

¹⁰Theodore Roosevelt, Theodore Roosevelt's America, Farida A. Wiley, ed. (New York: 1955), p. 182.

CHAPTER II

THE SULLIVAN LAW

The first significant gun control law to be adopted in the United States was a local one, the Sullivan Act, which was signed into law in New York State in 1911. The act is named for its author, Timothy D. Sullivan, a Tammany Hall politician. There is evidence, however, that Sullivan was greatly influenced in his drafting of the bill by New York County Coroner George P. Le Brun, who subsequently fought for further gun control measures.¹ The impetus for the act came almost entirely from New York City, which was alarmed by its high crime rate, and it was strongly supported by the New York Times.

Under the provisions of the Sullivan Act, a person must obtain a permit to purchase a handgun and another to own it. The application fee for a purchase permit was originally \$.50 but was raised within 10 years to \$20 (non-refundable). The purchaser is interviewed by police officers and must convince them that he has "good reason" to own a handgun. He is fingerprinted and must provide three personal references and four photographs of himself. If a permit is granted, the owner is then authorized to keep the pistol in only one place (usually his home). Target shooters and hunters must obtain a special license to allow them to transport their handguns. Upon the death of the owner, the handgun is confiscated. His estate

receives no compensation.² Various other provisions of the act have been removed or modified by amendment. One original provision created difficulties: a ban on non-citizens carrying a firearm of any type.

(The wounding by gunshot of New York City's Mayor William Gaynor in November 1910 seems to have been a great spur to the passage of the Sullivan Law. This incident, coupled with an increase in overall crime rates in New York City, promoted the act.³ In its campaign for the passage of the bill, the New York Times praised the ". . . large abilities, good humored eloquence, and political skill," of its author.⁴ The Times editorially hoped that the ". . . evil habits of pistol owning and carrying will gain a new odium, and will be abandoned by many--perhaps all outside the distinctly criminal class."⁵ All opposition to the bill was attributed to the economic interests of gun manufacturers and dealers.⁶ The Times stated that there was ". . . no argument against the bill except that it will reduce sales and thereby profits."⁷ The bill's author, Timothy Sullivan, stated that the bill would ". . . save more souls than all the preachers in the city talking for ten years."⁸

(There was surprisingly little opposition to the Sullivan Act at the time of its passage. This may be due to the fact that it received almost no publicity between the time of its introduction in February of 1911 and its signing into law in May of the same year. With little publicity, and in this short a time, the opposition could hardly have mustered its

full forces. Only one vote was cast against the Act in the state Senate,⁹ and two in the Assembly.¹⁰ In his opposition to the act, state Senator Ferris voiced sentiments which would be repeated again and again in other battles over gun control when he said: "You can't force a burglar to get a license for a gun."¹¹ He also argued against the licensing and registration provision of the bill on the grounds that it was an unnecessary encumbrance on the honest citizen seeking a handgun for home protection.¹²

As soon as the act was signed on May 30, 1911 (it went into effect September 1), it became an object of much greater controversy than it had been while still awaiting passage. This may be because its provisions were just then receiving enough publicity to be known to the bulk of the population. The question immediately arose as to whether or not a person who already owned a handgun would have to surrender it if he were not granted a permit. It was decided he would.¹³ Many were outraged when on September 2, the day after the bill went into effect, an Italian emigrant named James Palermo was arrested as he walked out of a hardware store with a shotgun he had just purchased for hunting for violation of the proscription on foreigners carrying arms.¹⁴ There were several arrests of this type in following weeks which invariably resulted in acquittal.

On September 6, 1911, New York district attorney, Charles Whitman, stated that he considered the section prohibiting keeping unlicensed pistols in the home to be an invalid in-

fringement on the right to bear arms.¹⁵ To test this particular point, a New York City lawyer, Joseph Darling, boldly informed a police captain that he was in possession of an unregistered handgun. After being arrested for this violation of the Sullivan Act, he stated: "There are 500,000 persons with pistols in their homes and I want this law defined, I want to know what are my rights; what are the rights of any citizen . . . , I have not procured a license because I think this law is unconstitutional."¹⁶ References to constitutionality refer to the United States' Constitution's Second Amendment which states: "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."

Darling was supported in his cause by Justice Francis Pendleton of the state Supreme Court, who also said the law could not apply to guns kept in the home. Reporting on his views, the Times said: "Justice Pendleton observed that any broader construction would bring the constitutionality of the law itself into question as an act exceeding the police power and interfering with the rights of citizens to take measures for self protection."¹⁷

This particular question was settled on January 4, 1912, when Darling's case was settled in the state appellate court. The majority held that the law could restrict handguns in the home and held that the act was "regulatory, not prohibitive".¹⁸ The minority opinion by two judges said the law "prevents householders from defending themselves against marauders."¹⁹

In the first few years after the passage of the Sullivan Act, there were few favorable comments being made on its efficacy. An article in the Times in February 1912 stated:

"Pistol affrays, hold-ups, and lawlessness have in no way decreased in the last six months."²⁰ Magistrate Joseph E.

Corrigan stated: "The new anti-pistol carrying law is ridiculous . . . You can't pick up a paper nowadays without reading of a shooting scrape."²¹ (In October 1912, the Times, which

had so strongly backed the Sullivan Act, flatly stated: "The Sullivan Act . . . has not proven effective in Manhattan during the first year."²² Justice John Geoff of the state Supreme

Court said of the law: "Its a law that works injury on the honest citizen and affords no protection to citizens against the criminal."²³ The figures in fact show that in New York County in 1911, there were 93 homicides by shooting, while in 1912, there were 114.²⁴

(Besides concern with the fact that criminals were still well armed, there was also considerable concern over those who were being refused permits. In one instance, a medical doctor who had been held up and sought protection was refused a permit to purchase a handgun.²⁵ This was and is a common occurrence under the Sullivan Act, as there is no uniform standard for granting or refusing a permit and perfectly reputable citizens can be denied a permit if the officials do not feel he has "good cause" to own a handgun.

As time passed, the Sullivan Law came to be more accepted and even gained some praise. The Times interviewed coroner

George P. Le Brun, the man credited with inspiring the law in March of 1914. Le Brun praised the act and stated that seventy-five percent of all homicides are caused by the presence of a weapon, and that guns are of little value for defensive purposes. He admitted that there had been no decrease in homicides since the Sullivan Act, but pointed out also that homicides had not increased either. This was by this time true. The number of homicides had stabilized.²⁶

By 1919, Le Brun was able to claim a victory for the Sullivan Law. The statistics clearly showed that homicides with guns had followed a downward trend for the past several years, rather than increasing as they had before the Act. There is no doubt that the numbers show this, but a more relevant question is whether the Sullivan Act was the cause of this. The answer seems to be no. While homicides with guns had decreased since 1914, so had homicides by other means.²⁷ An explanation for the decrease might be the outbreak of the First World War in Europe, which helped provide employment for those who might otherwise have turned to crime. After America's entry into the war, perhaps some who would otherwise have been shooting New Yorkers were instead engaged in the socially acceptable pastime of shooting Germans. There seems to be some validity to this since by the 1920's, murder of all types was again on the upswing. At any rate, the lower murder by gun rate seems part of a general trend rather than a benefit of the Sullivan Act.

Currently, there is a great deal of controversy over the

Sullivan Act. Proponents of gun control often hold it up as a model which the nation should follow, but even they are split over the question of its efficiency. It would be hard to assert that New York has been made a safe and non-violent city since the Sullivan Act, but those who favor the measure point out that the rate of murder with firearms in New York City is lower than in other U. S. cities with less stringent or no gun laws. Only about 25% of New York City's murders are committed with guns as opposed to 72% in Dallas and 43.5% in Los Angeles.²⁸ Those who favor stringent gun control but oppose the Sullivan Act attribute its failure to the easier availability of firearms outside New York, and assert that only federal regulations can be effective.²⁹

In analysis, there seems little reason to believe that the Sullivan Act has been effective in preventing crime. The fact that a smaller percentage of people are murdered with guns in New York hardly seems relevant. The goal is to prevent violent crime. It could hardly matter to the victim that he was killed with a weapon other than a gun. Also, the reason for the low gun murder rate is quite possibly a cultural one. There is evidence that some ethnic groups that are prominently represented in New York City have a greater affinity for the knife than the gun.³⁰ In examining such percentages, it would seem wise to note that while the number of gun murders for the United States as a whole has declined 20% since 1930,³¹ in New York it has increased 30% since 1940. There is obviously something involved here which is much more important than the

stringency of gun controls. In addition to its lack of effectiveness in reducing crime, there is no doubt that the Sullivan Act affects the honest citizen seeking to own a handgun. If there be any doubt of this, consider New York City Police Department Deputy Commissioner Leonard Reisman's reply to a question from Congressman Clark W. Thompson during a congressional inquiry in the 1960's:

MR. THOMPSON: You, in other words discourage the ownership of a pistol under any conditions?

MR. REISMAN: Yes, we do.³²

The police, of course, must grant the permit to buy a pistol. In one remarkable case, a cab driver was told he must surrender his hack license before he would be issued a pistol license. Perhaps the best summation of the Sullivan Act was given by the New York Times, its great advocate, in 1924:

"A harsh critic would have some excuse for saying it is ignored by those who alone would make nefarious use of deadly weapons and is effective only in imposing inconvenience and expense on those whose one purpose in arming themselves would be legitimate defense of their persons and property."³³

The reason for the passage of the Sullivan Act would at first glance seem to be obvious--an attempt to reduce violent crime. But a closer look finds other interesting factors involved. First, violent crime was nothing new to New York. Why was a very stringent law so suddenly passed? Second, the passage of the act followed closely on a shooting (that of Mayor

Gaynor) which attracted much attention. Undoubtedly, this sensational incident inspired in many New Yorkers (especially the politicians who passed it) more desire for gun control than did the many commonplace crimes which constantly occurred. It was the emotional impact of the crime, not an ongoing intellectual analysis of the crime problem, that led to the bill's passage.

The timing of the act is perhaps even more significant. The act was passed just at the time that America was becoming an urban nation. The frontier era had officially ended just two decades earlier and now it was becoming obvious that America's future would belong more to the city than to the yeoman farmer. This may hardly seem relevant to New York City (which was certainly the predominant force in the passage of the act) which had already been a great urban center for over a century, but from a psychological viewpoint, it may indeed be relevant. New York was part of a rural frontier nation whose bright future had always seemed to shine in the west. As long as the country was in this state, the gun would be a common item of everyday life; even those living in New York City would recognize it as such, though it was not a common tool in their particular section of the country. When it was clear that America would no longer be a rural nation, those living in areas most remote from rural America became less tolerant of its ways. The gun was now seen by many of the city's inhabitants as the instrument of the criminal rather

than the tool or hobby of the honest citizen. Thus, sentiment for restricting the ownership of firearms was nurtured. While this is admittedly speculative, it is reinforced somewhat by the fact that there seems to have been little or no pressure for gun controls before this time, and even to this day such stringent regulations have been enacted only in the largest cities in the east.

CHAPTER II

NOTES

¹New York Times, March 1, 1914, p. 10.

²Robert Kukla, Gun Control (Harrisburg, Pennsylvania: 1973), pp. 307-315.

³New York Times, op. cit., April 27, 1911, p. 8.

⁴Ibid., May 12, 1911, p. 10.

⁵Ibid., May 17, 1911, p. 12.

⁶Ibid., May 10, 1911, p. 8.

⁷Ibid., May 12, 1911, p. 10.

⁸Ibid., May 10, 1911, p. 8.

⁹Ibid., May 10, 1911, p. 3.

¹⁰Ibid., May 17, 1911, p. 12.

¹¹Ibid., May 11, 1911, p. 3.

¹²Ibid.

¹³Ibid., August 30, 1911, p. 6.

¹⁴Ibid., September 2, 1911, p. 6.

¹⁵Ibid., September 6, 1911, p. 20.

¹⁶Ibid., September 24, 1911, p. 11.

¹⁷Ibid., January 3, 1912, p. 8.

¹⁸Ibid., January 4, 1912, p. 18.

¹⁹Ibid.

²⁰Ibid., February 25, 1912, p. 14.

²¹Ibid.

²²Ibid.

²³Ibid.

²⁴Ibid., January 3, 1919, p. 3.

²⁵Ibid., November 27, 1911, p. 12.

²⁶Ibid., January 3, 1919, p. 3.

²⁷Ibid.

²⁸Carl Bakal, The Right To Bear Arms (New York: 1966), p. 270.

²⁹Robert Sherril, The Saturday Night Special (New York: 1973), p. 238.

³⁰John McDonald, The Murderer and His Victim (Springfield: 1961), p. 56.

³¹"How Guilty is the Gun?", National Review, July 21, 1968, p. 640.

³²Kukla, op. cit., p. 246.

³³New York Times, February 4, 1924, p. 12.

CHAPTER III

THE 1920'S

It was in the years immediately following the First World War, the same time that America became a predominantly urban nation, that sentiment for federal gun control legislation began to arise. Such sentiment came from two immediate sources: first, the same spirit of idealistic reform which led to prohibition, and second, the rise of organized crime in the 1920s. Though extreme measures died with little support, one federal regulation (a rather pointless one) was enacted, and the opponents of the gun did exert some influence.

An unidentified Baptist minister, speaking in 1921, indicated both the extremity of proposals of the era, and the clear tie of the gun control movement of the era with prohibitionist sentiment:

Let the W.C.T.U. and other reformers get busy in a reform that will mean something worthwhile . . . Let's fight the gun . . . Let's put out of commission every manufacturer of arms for individual use. We put the saloon keeper out of business and stopped the brewer and distiller. Why not take away the rights of those men who manufacture arms to shoot and kill. Why not include the toy pistol as well and save our boys and little children from getting the habit. Why not have another amendment to the Constitution of the United States of America. Why not prohibit the manufacture and sale of guns, pistols, firearms of every description to everybody, private individual, officer of the law, corporation, business concern, everybody? Why not? If nobody had a gun, nobody would need a gun.¹

The minister's challenge evoked some controversy and brought several answers to his challenge of "why not". Captain Paul Curtis, Jr., writing in Field & Stream, said: "Truly we are in a dangerously Puritanical age when a few mollycoddles, with good intentions, can try out their theories for the prevention of crime at the expense of every honest, red-blooded man in the land."² The Wall Street Journal also opposed any such regulations on the grounds that experience with the Sullivan Law had shown that gun control was ineffective. In commenting on harsh legislation, the Journal said: "It sends to jail honest people, ignorant of the law, and it makes the armed miscreant safe in carrying a gun . . . "³ Nevertheless, sentiment such as that of the minister was growing. In 1921, Senator John K. Shields of Tennessee introduced a bill to prohibit the sale of handguns.⁴ His measure was not very popular and was not even debated on the floor of the Senate.

The campaign for gun control continued, however, carried out mostly by newspapers of large eastern cities.⁵ The anti-gun forces enjoyed at least one victory in 1924 when Sears Roebuck announced that it was discontinuing the sale of all firearms. In explaining this decision, Chairman of the Board Julius Rosenwald stated: "We feel the moral side of all public questions is the right side, not only because we want to be right, but because it is good business."⁶ Apparently, either morality changed rapidly or the proscription on gun sales was not good for business as it did not long survive. The Washington News, in commenting on this action by Sears, also

commented on the passing of the frontier in saying: " . . . even homes don't need guns for protection as they once did."⁷

A second victory for gun control proponents also seemed imminent in 1924. In this year, a bill (HR 9093) introduced to ban the sale of pistols through the mails was passed by the House of Representatives. This bill would only have prohibited sending pistols through the mails.⁸ It would not have ended mail order sales of handguns since they could still be ordered by mail and delivered by express or other means than the U. S. mail. Thus, the only effect of the bill was to create the nuisance of paying higher delivery charges on mail order purchases. Despite this fact, the bill was debated in Congress as hotly as if it had been of major significance to either side in the question. The reason for this may have been that the pro-gun forces saw HR 9093 as an entering wedge for further controls. A measure to prohibit transport of weapons by means other than the mails had already been proposed,⁹ and of course there was much current talk of greater restrictions or bans on some, or even all, firearms. Conversely, the anti-gun forces, besides seeing some utility in HR 9093 itself, knew if this measure died, they could pass no stricter regulations.

The stated purpose of the HR 9093 was to control crime in large cities.¹⁰ The major concern for its passage clearly came from the urban centers of the nation, not the rural countryside or small towns. Despite the aforementioned weakness of the bill, the hope of its proponents that it alone

would reduce crime was made obvious when Congressman John Miller of Washington was asked if he felt the measure would prevent any criminal from obtaining firearms. He replied: "I certainly do." Miller also made a common assertion about the handgun which is still heard today when he indicated that he felt such guns have no sporting use and stated that they are "an especially designed weapon with which to take human life."¹²

The chief speaker for the pro-gun forces was Congressman Thomas Blanton of Texas, a state with a rich frontier heritage. Congressman Blanton stated that he would like to see criminals disarmed, but he felt such legislation would not accomplish this. He also stated that he did not feel that men normally had the right to go about carrying guns, but that their right to keep them must be protected.¹³

In speaking of the desirability of keeping handguns, Blanton made an interesting statement which was prophetic in its allusion to Americans facing Oriental martial arts and perhaps echoed the then current fear Americans felt of the "Yellow Peril":

I want to say this: I hope that every American boy, whether he is from Texas, New York, or Washington, will know how to use a six-shooter. I hope he will learn from his hip to hit a dime 20 paces off. It would be their only means of defense in combating that deadly art of jiu jitsu in close quarters should war ever face them with such dangers. It is not brave men who know how to shoot straight that violate laws or carry concealed weapons.¹⁴

Despite Blanton's pleadings, HR 9093 passed the house

by a vote of 282 to 39. The Grand Rapids Herald, in praising the bill and backing further regulations, made assertions similar to those of Congressman Miller when its editorial page said of the pistol: "It is not the weapon of sportsmen or backwoods pioneers. It is not the favorite of target shooters. It is not bought to kill game or break clay pigeons. It's single and sole purpose is the killing of human beings."¹⁵ Despite beliefs such as those of the Herald, HR 9093 had reached its high point in the Congressional vote. It was referred to committee by the Senate without debate.

The defeat of HR 9093 did not discourage proponents of strict gun control. By 1926, New York City Chief City Magistrate William McAdoo had proposed a federal law which would have, for all practical purposes, banned all handgun sales. McAdoo had long been a supporter of his state's Sullivan Law and now wanted the nation to adopt a much stricter measure. McAdoo's bill proposed placing a tax of \$100 on the sale, gift, or barter of every handgun, and a tax of one dollar on each round of handgun ammunition with ammunition to be sold only in quantities of fifty, one hundred, or one thousand. Such weapons already owned would be seized and destroyed.¹⁶ Lamar Berman, in 1926, published a book, Outlawing the Pistol, in which he supported measures such as those of McAdoo. In this book, Berman argues for the need of strong gun control at the federal level on the grounds that prohibition had not been effective until enacted on the federal level."¹⁷ This argument

is odd since shortly before this he stated that violations of the National Prohibition Act were the most common form of crime. It would seem that Berman--from his viewpoint in the middle of the "noble experiment"--could have made up his mind about the efficacy of it.

Besides backing stricter regulation of guns, McAdoo was also a supporter of placing greater regulations on automobiles, which he also considered one of the great contributors to crime.¹⁸ This is an unusual reversal of roles since in more recent times, pro-gun forces have frequently argued that cars kill more people and are more used in crime and involved in accidents than are guns, yet no one proposes very strict regulations on them; and this argument has been given no credence by their opponents. At any rate, neither of McAdoo's proposals on either cars or guns was destined for acceptance. The bill he had drafted died without debate on the floor of Congress.

(The year 1927 saw the adoption of a bill, HR 4502, to) ban the shipment of handguns by mail. This bill was virtually identical to the earlier HR 9093 which had died in the Senate. Though these two bills were virtually the same, there was no hot debate over the later measure as there had been with the earlier one, and HR 4502 easily passed in both the House and the Senate. The reason for this is not entirely clear, but it may well be that since there was no imminent threat of the passage of a ban on transporting a handgun by means other than the mail, the nuisance imposed by the bill would be worth enduring if its passage would temporarily satisfy the opposition.

Too, the eloquent Mr. Blanton was not present to argue against the measure. There were some assertions that HR 4502 would abridge the right to bear arms, and the bill's proponents again expressed their doubts of the handgun's non-criminal uses. However, debate was tepid.¹⁹ The measure was signed into law by President Calvin Coolidge (who at the time discouraged passage of any stricter measures) on February 8, 1927.²⁰ This act was the culmination of the gun control efforts of the 1920's.

The ban on pistols by mail has been in effect for 48 years now. Seemingly no one has since suggested that it helped to disarm criminals. It was a senseless measure. (If crimi- / nals could obtain guns by mail before 1927, they could obtain them by express after. At the same time, the honest citizen was now forced to pay higher fees for the delivery of handguns and to have to travel in some cases a considerable distance to an express office to pick them up. HR 4502 meets the classic description of gun control legislation offered by pro-gun people in that it worked hardship on the honest citizen while in no way hindering the criminal.

CHAPTER III

NOTES

¹"For Pocket Disarmament," Literary Digest, June 25, 1921, p. 30.

²"The Necessity of Pistol Toting," Literary Digest, August 6, 1921, p. 33.

³Ibid.

⁴Ibid.

⁵"Closing the Mails to Murder," Literary Digest, January 10, 1925, p. 33.

⁶"A Spike for the One-Hand Gun," Literary Digest, December 13, 1924, p. 34.

⁷Ibid.

⁸Congressional Record, 68th Congress, 2nd Session, December 17, 1924 (Washington, D. C.: 1921), p. 725.

⁹Ibid., p. 726.

¹²Ibid., p. 727.

¹⁰Ibid., p. 725.

¹³Ibid.

¹¹Ibid., p. 726.

¹⁴Ibid., p. 728.

¹⁵"Closing the Mails to Murder," Literary Digest, January 10, 1925, pp. 33-34.

¹⁶Lamar Berman, Outlawing the Pistol (New York: 1926), p. 35.

¹⁷Ibid., p. 53.

¹⁸Ibid., p. 37.

¹⁹Congressional Record, 69th Congress, 1st Session, May 19, 1926, pp. 9692-9696.

CHAPTER IV

THE 1930S

The decade of the 1930s was an eventful one in the field of gun control. This decade saw the adoption of the first two significant gun control laws on the federal level: the National Firearms Act in 1934, and the Federal Firearms Act in 1938. Though these two laws were not controversial in their final forms since they did not affect the right of honest citizens to own rifles, pistols, and shotguns, the controversy over the initial stricter version of the first of these led to another significant event: the first involvement of the National Rifle Association (NRA) in the battle over gun control legislation. In addition, there was at the beginning of the decade of the thirties a nearly successful attempt to repeal New York's Sullivan Law.

There was some carryover from the 1920's in the motivation of those seeking gun control in the thirties. The idealistic extremism of those seeking to ban all guns was still present, but was diminished in strength, probably due to recognition of the obvious failure of the similar attempt to ban liquor. The concern over disarming the criminal had increased as people witnessed the depredations of organized crime in the twenties and early thirties. There was a similarity to the Sullivan Law in the passage of the National

Firearms Act in that both were spurred by attempted political assassinations. Those opposing stringent firearms laws continued to argue that they hindered only the honest citizen.

The near repeal of the Sullivan Act came as a result of the attempt to pass the Uniform Firearms Act in New York. This act had been drawn up in the 1920s by Karl T. Frederick, a New York attorney and NRA member (and later NRA president), and a group of members of the United States Revolver Association, an organization for competitive target pistol shooters. This act banned possession of handguns by persons who had been convicted of a crime of violence, minors under age eighteen, drug addicts, and habitual drunkards. It required a permit to carry a concealed weapon in a vehicle. In addition, the act required dealers to be licensed and provided a 48-hour cooling off period between purchase and delivery of a handgun as a method to help prevent crimes of passion. Such laws are today universally in effect, but were unprecedented at the time. During the twenties, the Uniform Firearms Act was adopted by California, North Dakota, and New Hampshire. In the thirties, it was adopted by Alabama, Indiana, Pennsylvania, South Dakota, and Washington. The act was approved by the National Conference of Commissioners on Uniform Laws in 1926, and by the American Bar Association in 1930.¹

It was clear from the start that the Uniform Firearms Act would meet a somewhat hostile reception in New York. New York City's Police Commissioner, George V. McLaughlin, in 1926 attributed the law to firearms manufacturers eager to

protect their economic interests. He rightly pointed out that the act would not prevent formerly non-violent felons from obtaining handguns, but rather foolishly attacked the act's definition of a pistol as a firearm with a barrel under twelve inches by saying that a criminal could easily obtain a handgun with a barrel thirteen inches in length.² Handguns with barrels over twelve, or even ten inches are extremely rare, and are hardly concealable. They are almost never employed in the commission of crimes.

The Uniform Firearms Act, in a slightly modified form, was introduced in New York in 1931 as the Hanley-Fake Act. The act passed handily in both the senate and the assembly. All that stood between its passage and the replacement of the Sullivan Act was the signature of Governor Franklin D. Roosevelt.³

Roosevelt held an open hearing on the bill in March of 1932. The chief opposition to the bill at this hearing was McLaughlin's successor as New York City Police Commissioner, John Mulrooney. Mulrooney had already succeeded in having the bill amended so as to exempt New York City from its provisions. Now he argued against it replacing the Sullivan Act in any part of the state on the grounds that it would enable residents of New York City to avoid the harsher act by simply purchasing guns outside the city.

In testifying for the Hanley-Fake bill, Karl Frederick said that the honest citizen should not be forced to be fingerprinted before he could purchase a gun; that this

classed him as no better than a criminal. Roosevelt replied that one should feel no stigma in being fingerprinted. To this, Judge George Champlin from upstate New York retorted that citizens in his part of the state felt as Frederick did on this matter and frequently evaded the fingerprinting provision of the Sullivan Act. Also speaking in favor of the Hanley-Fake Act were Assistant District Attorney James Wilson of New York City and Walter Newcomb of Erie County. They both spoke of the ineffectiveness of the Sullivan Act, and its inconvenience to the honest citizen.⁴

Despite the sentiment favoring the new law, Roosevelt decided to veto its passage. In announcing his veto, Roosevelt again urged that citizens should not be offended by the fingerprinting requirement of the Sullivan Act, and also denigrated the legitimate applications of handguns.⁵ The only serious challenge to the Sullivan Act died with this bill.

By 1933, sentiment was growing for some kind of gun control legislation on the federal level, seemingly spurred by the attempted assassination of President-Elect Franklin Roosevelt by Guissepe Zangara early in that year. Writing in Vanity Fair in 1933, Stanley Walker referred to the United States as a "gat goofy nation," and clearly related America's predilection for violence to guns and to the frontier heritage when he attributed national violence to ". . . customs of the country which date back to border days when disputes were settled with fists or with the gun,

and the silly, meaningless and haphazard regulations governing the sale and regulation of firearms."⁶

In July of 1933, Attorney-General Homer Cummings stated that existing gun controls were inadequate, and that legislation on the matter was required.⁷ Cummings would prove to be the dominant force in the move for gun control in the 1930s, and indeed promised a "fight to the finish" on this issue.⁸ Cummings was an arch-enemy of crime and was not adverse to employing exaggerations to prove his points. In one instance, he stated that the armed underworld was twice the size of the entire U. S. Armed Forces. This works out to one in every 244 citizens being an armed gangster.⁹ He arrived at this figure by counting all armed crimes in the nation's largest cities, assuming that each crime had been committed by a different person, then doubling this figure since the number of people in these cities totalled about half the population of the U. S.¹⁰ This is hardly scientific methodology.

Cummings urged passage of a law which would place extremely severe regulations on "gangster type" weapons. Cummings' definition of gangster type weapons included machine guns, silencers, sawed-off shotguns, and all handguns.¹¹ It was over the issue of handguns that the NRA became involved in the controversy.

The NRA had originally been formed as a result of the poor marksmanship exhibited by Union forces from the urban east during the Civil War. Confederate forces from rural

areas where guns were an everyday item had consistently out-shot them, and had cost the Union many lives. The goal of the NRA at the time of its organization in 1871 was to encourage civilian marksmanship so as to provide a reservoir of trained marksmen in times of war.¹² The NRA sponsored local, national, and international matches in order to promote interest in marksmanship; and it soon broadened its activities to include the interests of hunters and gun collectors as well as target shooters. The government had shown considerable interest in the activities of the NRA. One of its early presidents was former President Ulysses S. Grant. President Theodore Roosevelt was an enthusiastic life member of the NRA, and in 1905 he signed a bill which allowed NRA members to purchase surplus guns, ammunition, and shooting equipment from the government at low cost.¹³ When Cummings' proposed bill threatened the right of ownership of weapons commonly kept by its members, the NRA became involved in the area of firearms legislation.

Just how much support Cummings' original bill had is hard to determine. The bill was backed by the General Federation of Women's Clubs, which boasted two million members. Mrs. Grace Poole, president of the federation, said their motto was: "disarm the gangster, not arm the citizen."¹⁴ The federation felt that its greatest enemy in the battle for gun control was the NRA, but boasted that its two million members could best the one million of the NRA. This is an interesting comment, since NRA membership at the time was about 50,000.

When Cummings' original bill, including virtually confiscatory regulations of handguns, was proposed, the NRA notified its members, a large percentage of whom wrote to their legislators to make the opposition to the bill known. NRA officials also testified before a Congressional Committee considering the bill.¹⁵ The Federation of Women's Clubs did about the same to promote the bill. The results of this confrontation are made clear in congressional debate over the final version of the bill which had eliminated provisions on handguns. When a member of the committee which had considered the original bill was asked why pistols and revolvers had been eliminated from the act, he replied:

Protests came to the committee from some ladies' organizations throughout the country objecting to the elimination of pistols and revolvers. The majority of the committee were of the opinion, however, that the ordinary, law abiding citizen who feels that a pistol or revolver is essential in his home for the protection of himself and his family should not be classed with criminals, racketeers, and gangsters; should not be compelled to register his firearms and have his fingerprints taken and be placed in the same class with gangsters, racketeers, and those who are known as criminals.¹⁶

With provisions on handguns removed, the NRA fully supported the act. There was no objection made to the removal of handguns from the bill in Congressional debate. The bill passed with no debate in the Senate. In the House, Congressman Blanton who had so strongly argued against handgun control a decade before indicated his support for the bill and when asked by a colleague what the bill was he replied: "This is to stop gangsters from buying machine guns."¹⁷ The bill was signed into law in 1934 and became known as the National

Firearms Act. In its major provisions, it put a virtually confiscatory \$200 tax on the purchase of machine guns, silencers, sawed-off shotguns and rifles, and certain other gangster-type weapons. Sporting arms were not affected.]

Those who favored the stronger law proposed by Cummings accused the NRA of lobbying and carrying out the dictates of the arms industry. The facts do not seem to bear this out. The General Federation of Women's Clubs was just as involved in the battle as the NRA, and its voice was clearly heard. The NRA is financially supported by the arms industry only in that it accepts advertising from them in its journal, The American Rifleman, even as it does from other sources. The NRA and the arms industry have differed several times in their positions on gun control. The NRA is not hireling of its interest.

Cummings and his supporters were greatly discouraged by the final provisions of the National Firearms Act. By October of 1934, Cummings had come out in favor of registration of all guns, including rifles and shotguns. He did not state what fee was to be fixed on registration. Cummings stated that he did not know if fear of registration arose from " . . . frontier tradition or fear of firearms manufacturers."¹⁸ At the same time, he said he would again ask Congress to include handguns in the National Firearms Act, presumably also under the \$200 tax provision.¹⁹ In the same year, it was announced that Cummings would introduce on the federal level the Alco Bill, named for its author, California

Director of Prisons, Julian Alco. This bill called for outlawing entirely the possession of any weapon capable of being concealed. The Alco Bill died, however, after it was condemned by the California State Police Officers Association, who said it would encourage rather than prevent crime; and that it was " . . . opposed to every tradition of a hardy and red-blooded, self-reliant, and law-abiding race of Californians and Americans." ²⁰

For the remainder of the 1930s, Cummings introduced or inspired numerous bills for more stringent gun control laws. These generally called either for the registration of all guns, or for including handguns under the National Firearms Act. It would be pointless to discuss all of these since they were very similar, and there is little evidence that any were very popular.] They never got far in Congress and were not debated on the floor.] A poll taken in 1938 does reveal heavy public sentiment (84%) favoring registration of pistols.²¹ There are several reasons, however, why this should not be taken as indicating support for measures such as Cummings proposed. First, the term registration is disarming. Simply asking someone if he favors registration does not reveal to him such provisions as \$10 to \$200 registration fees, fingerprinting, interviews, and likely refusal of permission to purchase a handgun (as under the Sullivan Act). Also, the press does not reveal in the period 1934 to 1938 such strong sentiment for pistol registration from the public. According to its index, more letters appeared in the New York Times in

this period opposing gun control than favoring it. It would seem that if 84% had favored Cummings' measures, they would at least have received some extensive debate on the floor of Congress--but they did not.

The second federal act concerning firearms in the thirties came in 1938. The act, which had been proposed as an alternate to one of Cummings' bills which would have banned all mail order sales of handguns and registered all guns,²² was heartily endorsed by the NRA. The American Rifleman said of this act: "The Bill meets the support of every law abiding shooter in the country."²³ Cummings' bill was scarcely considered and the alternate bill passed almost without debate. This law is known as the Federal Firearms Act of 1938. The major provisions of this act make it a federal offense for a felon to transport, ship, receive, or carry firearms or handgun ammunition across state borders, made it illegal to possess a firearm on which the serial number had been altered and required dealers to keep records of gun sales.²⁴ With the passage of this act, the major push for gun control in the 1930s ended.

Both the gun control acts of the 1930s are good ones in that they are aimed squarely at criminals and do not affect law-abiding citizens. Honest citizens do not buy machine guns, silencers, or sawed-off shotguns (with the exception of a few collectors); and do not obliterate serial numbers.

These laws are useful in that they may provide an offense on

which to convict a criminal when evidence of a more serious offense is lacking, just as do the income tax laws enacted at about the same time. If they infringed on the rights of honest citizens, these laws would be less desirable--but they do not. Whether they have done anything to stop the commission of crimes with firearms is very debatable. The provisions against sawed-off shotguns can easily be evaded by anyone with a long barrellled shotgun and a hacksaw. While machine guns are less visible in crime now than they were in the 30s, this is probably more due to the ending of prohibition and mob warfare than to the National Firearms Act. Homer Cummings himself said that criminals steal their machine guns.²⁵ We still read occasionally of thefts of automatic weapons from National Guard armories and other sources to supply criminals. Thus, probably such weapons are still available to those criminals who want them, but now juries can convict the criminal for having them.

CHAPTER IV

NOTES

¹Bakal, op. cit., pp. 159-161.

²Ibid.

³Ibid., p. 162.

⁴New York Times, March 25, 1932, p. 4.

⁵Ibid., March 29, 1932, p. 4.

⁶Stanley Walker, "A Gat Goofy Nation," Quoted in Review of Reviews, August, 1933, p. 55.

⁷New York Times, July 18, 1933, p. 7.

⁸Bakal, op. cit., p. 176.

⁹Sherril, op. cit., p. 48.

¹⁰National Rifle Association, Firearms & Laws Review 1975 (Washington, D. C.: 1975), p. 55.

¹¹Bakal, op. cit., pp. 168-169.

¹²Trefethen, op. cit., pp. 30-35.

¹³Ibid., p. 130.

¹⁴"Club Women Mapping War on Gangsters," Literary Digest, June 16, 1934, p. 19.

¹⁵Bakal, op. cit., pp. 170-174.

¹⁶Congressional Record, 73rd Congress, 2nd Session, June 13, 1934, p. 11400.

¹⁷Ibid.

¹⁸New York Times, October 19, 1934, p. 3.

¹⁹Ibid., October 29, p. 2.

²⁰Trefethen, op. cit., p. 294.

²¹George Gallup, The Gallup Poll: 1935-1971, pp. 99-100.

²²Bakal, op. cit., pp. 176-177.

²³"Progress Report on Firearms Legislation," American Rifleman, April, 1937, p. 39.

²⁴Trefethen, op. cit., p. 294.

²⁵New York Times, October 29, 1934, p. 2.

CHAPTER V

1940 TO 1960

The period from 1940 to 1960 was a relatively quiet one in the field of gun control legislation, at least at the federal level. This gap is probably due in large part to events of the Second World War, the Korean War, and the Cold War which made it seem undesirable to many Americans to in any way obstruct the right of citizens to own firearms. Also, this period was without both the organized gang warfare of the twenties and thirties and the attempts at major political assassinations which had drawn so much attention to the gun control issue. During this same period, however, events in the firearms world began to make even more evident the link of the firearms owner to his frontier heritage.

As 1940 dawned, with America's entry in the Second World War rapidly approaching, there was a minor movement for gun control for two new reasons. First, there was a desire to disarm subversive groups and individuals. Second, it was thought that registration would be a helpful method of taking an inventory of privately owned arms which might be useful in national defense.¹ It is not specified whether proponents of these measures expected spies to dutifully step forward to register their handguns; or if they were fearful of Nisei suddenly forming armed battalions to storm San Francisco. The second reason

ignores the fact that if the situation were desperate enough to require that privately owned guns be pressed into service, virtually any type would be useful, as demonstrated in Britain in the early days of the war. }

Britain's plight reveals another reason why Americans did not want to institute gun control laws at this time. They were witnessing what was happening in European countries with strict gun control laws. Britain is the best known example here. Strict gun control laws had been in effect in the United Kingdom for decades before the outbreak of World War II, and its populace was largely disarmed. When invasion by Germany threatened, they were so desperate for weapons that some Home Guardsmen were actually armed with the same "Brown Bess" muskets their forebears had carried in the American Revolution almost two centuries earlier.² American citizens were even called on to donate their personal arms to aid British defense, and about 7,000 guns were given by Americans for this purpose.³

In other parts of Europe. Americans saw citizens being forced to surrender their registered guns to the invading Nazis. This fact has been given much attention by pro-gun forces in opposing registration, but has been minimized by anti-gun forces. Carl Bakal, in his popular book, The Right To Bear Arms (subsequently re-titled No Right to Bear Arms), has indicated that the Nazis did not depend on registration lists to seize firearms, but merely issued proclamations ordering their surrender and prescribing harsh penalties for

those failing to comply. He also indicates that an armed citizenry would pose little threat to invading military forces anyway.⁴ Bakal appears to be incorrect in both these assertions.

First, let us consider the effectiveness of issuing a proclamation banning guns and harshly punishing offenders. Certainly, many would surrender their arms under the proclamation, but not those who were willing to use them against the enemy in the first place. These people would realize that they were facing a death penalty for resisting, so why should they fear the same for bearing arms? Also, there is the fact that Bakal is simply not correct in stating that the Nazis did not depend on registration lists to confiscate arms. In at least some countries, they did. This was certainly the case in Czechoslovakia⁵ and Denmark⁶. Lastly, consider Bakal's assertion that privately owned guns were of little consequence anyway. If this were true, why did the Nazis confiscate them in every country they invaded? Why have all totalitarian governments in recent times taken this action? This does not imply that such actions are not sometimes undertaken by non-totalitarian governments, but simply states that they invariably are taken by totalitarian governments. At any rate, one can easily see why, with the examples of Europe close at hand, Americans were not anxious to enact anti-gun laws in the early forties.

After American entry into the war, it seemed that any stigma which might have been attached to the NRA in the

controversy over gun control in the thirties would be erased, as its varied services proved valuable to the war effort. Fifty-five to sixty percent of all NRA members served in the Armed Forces during the war, and ten percent of all servicemen received their marksmanship training from NRA members. The NRA furnished, without charge to the government, firearms training films and manuals which were adopted for official use. Over 150 ranges owned by NRA affiliated clubs were loaned or leased to the government. The plans for the Home Guard units which were formed by many states were drawn up by the NRA, and the NRA even recruited dogs and trainers for Coast Guard Beach Patrols through its contacts with sportsmen.⁷

The services of the NRA to the country during the war were acknowledged by President Harry Truman on November 14, 1945, in the following message:

The National Rifle Association, in the periods between our last four wars, has done much to encourage the improvement of small arms and marksmanship in the Regular services, as well as in the National Guard, Reserve units, and the civilian population.

During the war just ended, the contributions of the association . . . have materially aided our war effort.

I hope the splendid program which the National Rifle Association has followed during the past three-quarters of a century will be continued. It is a program which is good for a free America.⁸

[This was high praise for the NRA and, by extension, for civilian gun ownership. The lessons of war had seemed to prove the value of an armed citizenry, and with the Cold War and Korea threatening a renewal of major hostilities, it would be

the late fifties before there was again any significant sentiment for more stringent federal gun control legislation.]

In the immediate post-war years, events within the gun world began to emphasize the extent of the role which the frontier heritage plays in gun ownership. Both those who favor and those who oppose stringent gun control legislation admit to the importance of our frontier past in the desire to own guns. Those who oppose gun control claim that our association with the frontier gave us the opportunity to learn of the pleasures that shooting sports could provide. The desire to collect guns springs from a desire to preserve historic items of the past. The ownership of firearms is seen as a right of all free men. Those who favor strict gun control admit that the frontier heritage has led to the predilection of Americans to own guns, but feel this is a childish and dangerous thing. W. Eugene Hollon, in his book, Frontier Violence, says:

"Americans have not known a true frontier for more than three generations, yet we refuse to grow out of our cowboy mentality and our love for guns. What started out as a necessity for survival has become part of our national culture."⁹ Whether for good or for bad, the guns that people have been buying for the past thirty years clearly show that gun owners have as much interest in the frontier in their selection of arms as in obtaining the most efficient weapons for their use.

The Colt Single Action Army or Peacemaker revolver is probably the most famous gun in the world. This pistol, in .45 caliber, was the standard sidearm of U. S. Armed Forces

from 1873 to 1892, and was revived by the military for a time in the early 1900s when it was found that the newer .38 revolvers had insufficient stopping power against fanatical native insurgents in the Philippines. In addition, it was offered in thirty-six calibers and numerous variations for civilian use. It has been featured in virtually every western movie since The Great Train Robbery. By the 1930s, these guns were a drag on the market and could be picked up in pawn shops for a few dollars. The model was discontinued in 1940 as Colt geared up for war production. The last batch were chambered for the .455 British service cartridge, and these obsolescent weapons were shipped to England to arm the Home Guard. Shortly after the war, with the model no longer in production, used specimens of this arm were bringing five to ten times their normal price. Demand was so great that literally dozens of copies of the Single Action Army revolver appeared on the market, manufactured both here and abroad. In the U. S., the Sturm-Ruger Corporation, which had previously produced only a semi-automatic .22 pistol, introduced a line of external copies of the Peacemaker in caliber ranging from .22 to .44 magnum and soon established itself as one of the major sporting arms producers. Finally, in 1955, Colt gave in to the overwhelming demand and resumed production of the Single Action Army.¹⁰

This type of story has repeated itself many times in the years since World War II. The western styled Winchester Model 94 Carbine has continued to be a best seller after 81 years of

continuous production. By the early 1950s, mass production of the muzzle loading Kentucky Rifle had commenced in order to meet a growing demand. The Civil War Centennial brought production of Colt, Remington, and other cap and ball revolvers, and of Civil War type rifled muskets. Today it is possible to buy replicas of virtually any muzzle loading weapon ever used in America.¹¹ The single shot hunting rifle, modeled after those of the late 1800s, has also returned after being entirely absent for 60 years. The Ruger Corporation, which had risen to fame for its line of frontier styled handguns, also spurred the single shot's return by its introduction of the first modern single shot in the 1960s.¹² The new single shots include replicas of the Springfield Cavalry Carbine of the Indian War era and the Remington buffalo rifle. The link to the frontier could hardly be clearer. It is plain that no one in the shooting world wishes to deny, or is ashamed of, his frontier heritage.

[Meanwhile, in the area of firearms legislation, some sentiment for stricter controls had again risen by the later 1950s. The reason for this is difficult to ascertain since the newspapers and magazines of this period do not demonstrate a great deal of interest in the subject. Neither was there any major rise in violent crimes, nor any spectacular political assassinations at this time. Nevertheless, a Gallup poll in August of 1959 showed that 75% of the population as a whole and 65% of gun owners would favor a law requiring a police permit for a person to buy any gun.¹³ Another poll in September

of the same year showed 59% of all persons interviewed favoring a total ban on handguns, except for police use. This same poll showed that 49% of the respondents had a gun in their home. The only major reason suggested by the press in the 1950s for such high anti-gun sentiment is a concern over the eruption of violence over the civil rights issue in the south.¹⁴

Despite the sentiment exhibited by the polls, there were few measures introduced for gun control on the federal level in the fifties, and these did not progress far. Five gun control bills introduced in the late fifties all died in committees.¹⁵ In reconciling the polls with these facts, one is forced to conclude that either the polls were not accurate, the respondents were not sufficiently concerned with the question to press for action on the matter, or that when it came to actually supporting such measures, their feelings were more conservative. The death of the bills has been attributed by anti-gun forces to the efforts of arms manufacturers,¹⁶ but analysis throws some doubt on this. First, as previously mentioned, the press shows little interest in gun control at this time. If people had backed gun legislation in the 1950s, the press would reflect this. Second, in the late 50s, the arms manufacturers tried to force through their own gun law. This was a measure to ban importation of military guns which were readily converted to sporting use at a lesser cost than domestic sporting arms.¹⁷ This measure (which was not backed by

the NRA) was ultimately defeated. If the arms industry could block other's gun bills, why couldn't it pass its own? Gun laws died in the 1950s simply because there was insufficient support for them, regardless of what people said in the polls.

The period of the 1940s and 50s was a relatively quiet one in the gun control controversy. It was, however, a prelude to the storm of the 1960s.

CHAPTER V

NOTES

¹"Our Point of View," Scientific American, November 1940, p. 243; May, 1941, p. 259.

²The World of Guns, (Skokie, Illinois, 1964), pp. 19-23.

³Kukla, op. cit., p. 123.

⁴Bakal, op. cit., pp. 277-282.

⁵Kukla, op. cit., p. 439.

⁶Ibid., p. 440.

⁷Ibid., pp. 121-123.

⁸Ibid., pp. 123-125.

⁹Hollon, op. cit., p. 121.

¹⁰John Amber, "Ruger's Reactionary Rifle," 1967 Gun Digest, p. 4 (Chicago: 1967).

¹¹Toby Bridges, ed., Black Powder Gun Digest (Northfield, Illinois: 1972), pp. 272-279.

¹²Amber, op. cit., p. 6.

¹³Gallup, op. cit., pp. 1625-1627.

¹⁴"Sale of Firearms," New Republic, June 18, 1956, p.2.

¹⁵"Legislative Activity in 1960," The American Rifleman, July, 1960, p. 20.

¹⁶Bakal, op. cit., pp. 121-123.

¹⁷"Foreign Military Arms Embargo," American Rifleman, September 1960, p. 6.

CHAPTER VI

THE 1960'S

The sixties have thus far proved to be the stormiest decade for the gun control controversy. This decade was marked by sensational political assassinations and by massive urban violence. Many laid the blame for these tragedies on the availability of firearms. Reaction against guns led to numerous proposals for stringent gun controls, and in the heat of the controversy many intemperate remarks were made by people on both sides of the issue. There was an intensification of feeling against even traditionally acceptable uses of firearms. Most significantly, the sixties saw the adoption of the first federal gun law which inconvenienced the honest gun owner.

Somewhat surprisingly, the sixties opened on a note of harmony between shooters and those seeking further gun control legislation. Both sides acknowledged that a problem did exist. This problem was the sale of firearms by mail to criminals and minors. At the time, the only restriction on mail order sales was that the order had to be accompanied by a signed statement that the buyer was over 18 (21 for handguns) and had not been convicted of a felony. No check was generally made on the accuracy of these statements. The fact is that interstate shipments to felons and minors were already

illegal under the Federal Firearms Act and enforcement of this act would have alleviated this problem. The push, however, was for new legislation.¹

The major impetus for gun laws in the early sixties came from Senator Thomas Dodd of Connecticut. Dodd had become concerned with the problems in mail order gun sales as a result of his work with the Senate Judiciary Subcommittee to Investigate Juvenile Delinquency, which began large scale study of the availability of firearms to minors in March of 1961. The subcommittee was aided in its study by the NRA and other representatives of shooters and the firearms industry.² The bill finally decided on by Dodd to cope with the problem was introduced in August 1963 as S. 1975. This bill merely required that a notarized sworn statement be sent with orders for handguns. This mild measure was supported by the NRA and other shooters' groups.³

President John F. Kennedy was assassinated by Lee Harvey Oswald with a war surplus rifle on November 22, 1963. On November 27, Dodd introduced a series of amendments to his bill and stated that he would use the assassination of President Kennedy as a "tragic opportunity" to strengthen it. Dodd's amended bill included all firearms, not just handguns; and required that the affidavit sent with the order be certified by the chief law enforcement official of the buyer's locality. Thus the bill would have made it more difficult to purchase a gun by mail than it was to buy a gun locally almost anywhere except New York. Dodd soon modified this

latter measure to require instead that the buyer furnish the seller with the law enforcement official's name and address, and that the seller notify the official of the buyer's name and address and the type of gun he was purchasing.⁴ This latter change had been requested by the NRA, who felt the original proposal would have been tantamount to licensing. Dodd made the change readily, seemingly indicating that he felt the NRA-approved alternative would be just as effective.⁵

Though Dodd's newly amended bill extended controls to rifles and shotguns, the NRA continued to support it. During hearings on the amended bill, when NRA Executive Vice President Franklin Orth was asked by Senator Philip Hart if the NRA supported S. 1975, he replied: "In the form introduced this morning the NRA supports the bill of Senator Dodd."⁶

The fact that the NRA supported this bill is important since it has frequently been implied that the NRA led the opposition to the bill.⁷ Dodd himself realized that this was not the case and said of those who suggested it: "I think there has been a studied effort to have it appear that the NRA is opposed . . . That just is not so."⁸

[Despite the fact that the NRA supported S. 1975, opposition to it did arise in the shooting world. The main reason for this seems to have been confusion over the provisions of the bill, perhaps caused in part by the rapid series of amendments introduced to the bill. Many shooters thought the bill included registration, which was felt to be undesirable. Some simply did not know what the bill called for

and opposed it because in the highly emotional period following the assassination, they feared very restrictive measures might be passed. Such fears were likely aroused by the rash of articles that appeared in the weeks following the assassination supporting strict gun laws. One such article appearing in Newsweek cited a number of mail order ads which had recently appeared in gun magazines. One of these ads offered a .22 caliber gun concealed within a pen. An item such as this, clearly useful only for criminal purposes, would surely upset the average reader. What Newsweek failed to mention was that the pen fired only blanks, and was about as dangerous as a firecracker. This article also attributed a peculiar morbidity to shooters by saying that the price of Italian Carcano rifles (the type used to shoot Kennedy) would increase rapidly from about \$15 to \$100 due to interest in having a gun like that used in the murder.⁹ Twelve years later, Carcanos sell for about \$30, a smaller rate of increase than that of most military rifles.

This same article in Newsweek also attacked the "frontiersman" attitude of shooters who relied on the protection of the second amendment, saying they ". . . seem to miss the fact that the frontier is secure and the armed forces, National Guard and local police protect the nation . . ." ¹⁰ The question of the rights insured by the second amendment is one that had been raised even at the time of the passage of the Sullivan Law, and has become much more controversial in recent years. Though a constitutional interpretation is far beyond

the scope of this paper, since arguments over the amendment became increasingly common in the 1960s, it is appropriate that some discussion be given to the meaning of this amendment.

Article II of the Bill of Rights states: "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." Those who say this amendment does not guarantee a citizen the right to own guns have two basic arguments: first, the right to bear arms extends only to the militia and in current times, the National Guard is the equivalent of the militia; second, the word "people" in this amendment confers a collective rather than an individual right.¹¹ Upon examination, these arguments seem to hold little weight.

Considered in terms of the milieu in which it was written, the second amendment seems to have had two basic purposes. The first of these was to insure the availability of a republican army. The fear held by the founding fathers of standing armies is well known, and the militia system was a viable alternative. The militia at this time was considered to consist of all able bodied men between sixteen and sixty, hardly equivalent to the National Guard. While the development of large standing armies may seem to have outdated this concept, an act of Congress indicates that it perhaps has not. In 1903, Congress specifically defined the militia as consisting of two parts: the organized militia,

which is equivalent to the National Guard; and the unorganized militia, which consists of all able bodied men from eighteen to forty-five.¹² Thus in 116 years, the definition of militia changed by only a few years in age limits. That the second amendment confers an individual right rather than a collective right seems obvious from the fact that the entire Bill of Rights is meant to insure the rights of individuals.

The second purpose behind the second amendment was to insure the right to revolution. This may seem strange, but it is perfectly in harmony with the political theories of John Locke, who greatly influenced the framers of the Constitution. The people had the right to change the government in redress of grievances. That this was an intent of the amendment is made clear in the debate over its passage in Congress. During this debate, Elbridge Gerry said that the purpose of the Bill of Rights was to provide protection against the government.¹³ He was not contradicted.

It should be made clear that the second amendment is not a total ban on any regulation of firearms, but a ban on any infringement of the right to have them. The author will not attempt here to define at what point this right is infringed, or whether the original reasons for the amendment are still valid. Suffice it to say that unless the second amendment is repealed, the citizen does have a constitutional right to bear arms.

While newspapers and magazines were pressing for passage of even more stringent measures, Dodd's bill was

making little progress. Opposition to the bill came chiefly from those who thought the bill amounted to registration and hadn't taken the time to determine the facts, and from political extremists. It is a disadvantage for pro-gun forces that extremists of both the left and right have frequently sided with them on the gun control issue and have thus made it easy for their opponents to employ the tactic of guilt by association. Those favoring gun control have always made the most of statements such as those of a man who objected to S. 1975, saying that it and the civil rights movement were both part of the international communist conspiracy.¹⁴ Leftist groups such as the Black Panthers have also opposed gun control.

Just why the Dodd bill did not pass or even get out of committee hearings is hard to determine. Despite the opposition to it, the bill did have the backing of the NRA, the arms industry, and, according to polls, 78% of the population.¹⁵ Nevertheless, S. 1975 died at the end of the 88th Congress in 1964. Dodd replaced it with an identical bill in 1965, but soon withdrew this replacement and instead submitted at the request of the Johnson Administration a much different bill, S. 1592.¹⁶

S. 1592 would, in its most important measure, have ended all interstate mail order sales of firearms to individuals and prohibited the importation of all foreign military guns and other guns deemed unsuitable for sporting purposes (possibly including all handguns, by some inter-

pretations.)¹⁷ There were many reasons why legitimate gun owners objected to this new Dodd bill. The ban on mail order guns would make it impossible to obtain rare guns or other guns which were in short supply locally. It would also make it impossible to take advantage of bargain prices offered by out-of-state dealers. An outright ban on mail order sales seemed to be a foolishly harsh measure when the provisions of S. 1975 would have screened mail order sales more closely than most local ones. The ban on importation of foreign military guns was just as objectionable. It was absurd to declare such guns as unsuitable for sporting purposes when they had been used for just such purposes for decades, in either original configuration, or converted into custom sporting weapons. Military guns were also a specialty of many collectors who would be deprived of their hobby if the law passed. A proscription on foreign military arms seemed pointless anyway since there was no way it could deter criminals from getting some other kind of gun. Considering all these factors, it should not be surprising that the shooting world, including the NRA, was almost unanimous in its opposition to S. 1592.

Dodd's new bill had much support in the Johnson Administration. Attorney General Nicholas Katzenbach, in backing the bill, made a well-publicized statement that a study had shown that of about 4,000 Chicagoans who bought mail order guns, 25% had criminal records.¹⁸ What Katzenbach did not mention is that this supposedly representative sampling was

taken from a ghetto area, and that 24% of these "criminal records" were for traffic offenses.¹⁹

The battle over S. 1592 continued throughout 1965 and into 1966. The arguments over the bill remained basically the same as those of past gun control controversies. Support for the bill increased in August 1966, when Charles Whitman, a student at the University of Texas, shot 44 fellow students, killing 13.²⁰ The day after this tragedy, President Lyndon Johnson publicly called for gun registration and stricter gun control legislation.²¹ A poll taken shortly after the incident showed 68% favoring stricter laws. As usually follows such incidents, the major news magazines all published articles backing stricter gun laws. The only article appearing outside of gun magazines opposing strict legislation at this time was published in the conservative journal of opinion, National Review. In this article, William Buckley, Jr., defended the traditional purposes for keeping arms, and pointed out that neither Dodd's bill nor any bill short of a totalitarian one would have kept Whitman from acquiring a gun.²²

Despite the boost it received from the Whitman incident, S. 1592 made no progress. It died at the end of 1966, but Dodd introduced a similar bill, S. 1, in 1967. By this time, Dodd's once friendly relations with the shooting world had changed entirely. Dodd had said in 1965: "I am not against guns. I own some myself."²³ In 1967, he said: "I never saw any sense to guns anyway, and I do not go backward by saying

so."²⁴ It is obviously impossible to reconcile these statements; surely, on one occasion, Dodd was lying.

The situation in the gun control controversy in the first months of 1968 was about the same as it had been since 1965. Dodd and others continued to push for strict gun laws and made little progress. This changed on April 4 of that year when Martin Luther King, Jr., was assassinated by a gunman in Memphis, Tennessee. On this same day, a Senate Judiciary Committee approved a provision of the Omnibus Crime Bill to ban the mail order sale of handguns.²⁵ The Omnibus Crime Bill was a series of sweeping laws which the Johnson Administration had proposed as a result of crime and the urban disturbances of the sixties.

As might be expected, the shooting of King led to another spate of anti-gun articles in the media. The Boston Sunday Globe ran an article on the gun control controversy which concluded with this quote from Swedish sociologist Gunnar Myrdal: "I am against all your gun laws. It is argued that the Constitution supports them by holding that every citizen has the right to bear arms. Then to hell with the Constitution."²⁶

Despite such sentiments, it appeared that no further action than the ban on mail order handguns would be enacted. In May of 1968, an attempt by Senator Dodd to add long guns to the mail order ban was turned down by a vote of 54 to 29 in the Senate.²⁷ Then, on June 5, 1968, Senator Robert Kennedy was assassinated.

Senator Kennedy's death led to the greatest wave of

anti-gun sentiment yet seen. The NRA headquarters building in Washington, D. C. was picketed for a week by people carrying signs bearing such slogans as: "Stop Violence, Stop the NRA," and "Lobby for Murder."²⁸ The NRA received thousands of telegrams blaming it directly for the shooting of Kennedy.²⁹ Literally dozens of bills for gun controls were introduced in Congress ranging in severity from simple affidavit systems for mail order purchase to total bans on civilian ownership of some types of guns. Magazine articles were the most fervent yet in their calls for gun control.

An article in Time played heavily on the role of the frontier in gun ownership in America. After describing most frontiersmen as "anti-social misfits," the article goes on to say: "Emulating their mythicized forebears, Americans have turned their country into an arsenal." The NRA was blamed for defeating gun control laws, and it was pointed out that John Kennedy had sought a ban on importation of military guns in the late fifties, thus implying that the NRA defeated this measure and thus held some culpability for the shooting of Kennedy with such a weapon. It was cleverly ignored that Kennedy had backed this bill to protect the economic interests of the American sporting arms industry, who had requested the bill, rather than as an anti-crime measure. The article argued against there being any Constitutional right to bear arms, questioned the right to use guns for home defense, and ridiculed the argument of the NRA that registration will be a first step towards confiscation.³⁰ This feeling of the

NRA on the subject of registration has often been attacked as absurdly alarmist, but both the sentiments of anti-gun forces and bills actually introduced in the sixties and seventies show that it is absolutely justified.

Newsweek also played heavily on the frontier heritage in its article on gun control. In speaking of the number of homicides and suicides in the U. S., the article said: "In a nation with a frontier tradition this grisly record has somehow been accepted as a matter of course." The Constitutional guarantee of the right to bear arms was interpreted by Newsweek as not applying to individuals. In speaking of those who held dissimilar views, the frontier again came up when the article said: "With their frontier traditions, Americans have long assumed that they have a Constitutional right to bear arms."³¹ Newsweek very astutely interpreted pro-gun sentiment when it said:

The NRA is riding a deep current in the American tradition: the self reliance and individual responsibility that tamed a wilderness and built a nation. This feeling is by no means dead even in the sophisticated eastern half of the nation, but it runs strongest in the west and the deep south--and it runs through all layers of society.³²

Newsweek also denigrated the possibility of confiscation of guns being a goal of pro-gun control forces. In a rather unethical manner, Newsweek included in its article a reproduction of an ad for non-fireable replicas of famous firearms. Unfortunately, the print stating that the reproductions were not shootable was so small in Newsweek's reproduction that

it is nearly illegible, thus the reader is left with the impression that the deadly guns pictured could be bought through the mail for \$15.³³

An article in New Republic utterly belies the assertion that confiscation was not being sought by some in the anti-gun movement. The following quotation gives ample reason to explain the apprehension felt by the NRA and other shooters over the push for gun control:

Put simply, private citizens should be disarmed. A modest effort in this direction would include the following first steps: No person should be permitted to buy or possess a hand gun or ammunition for any hand gun. Possession of all automatic and semi-automatic firearms should be banned. So should all rifles. However, licenses for the purchase of shot-guns for sporting purposes could be obtained from the local police chief who would be required to enforce certain federal standards.³⁴

These "first steps" would confiscate an absolute minimum of two-thirds of all privately owned guns.³⁵ Others shared the sentiments of New Republic. An editorial in the Detroit Daily Press said: "No private citizen has any reason or need at any time to possess a gun."³⁶

Gun owners were attacked on psychological grounds, too. The Freudian theory of guns as phallic symbols was frequently brought up and it was suggested that gun collectors were trying to compensate for their sexual inadequacy. This ignores, of course, the fact that Freud interpreted virtually all things, including baseball games, in sexual terms. One is reminded, too, of an incident in which Freud, while puffing on a cigar, was reminded by a colleague that cigars are phallic symbols. To this, Freud replied: "Sometimes a cigar is just a cigar."³⁷

An interesting exchange over the psychological implications of gun collecting occurred in the letter columns of Playboy magazine. A woman named Barbara Rurik wrote a letter to the magazine describing in very graphic terms her belief that guns are substitute phalluses. She then went on to say: "From my own experience and in comparing notes with other women, the facts are plain: Gun nuts make lousy lovers."³⁸

Playboy printed the following reply to Ms. Rurik's letter from William Gilmore, Assistant NRA director of public relations:

I have no way of knowing how scientific Barbara Rurik has been in making this study, but I'm sure that among the 1,100,000 members of the National Rifle Association of America, we can come up with as many volunteers as she may need to continue her research.³⁹

Playboy also received numerous offers of assistance for Ms. Rurik from individual gun owners, and testimonials as to the error of her conclusions from their wives and girlfriends.

└ Congress was not sitting idle on the gun control question while the media was pressing for stricter laws. On the very day that Senator Kennedy died, the Omnibus Crime Bill, including the ban on mail order handguns, was passed by the House after having previously received approval in the Senate.⁴⁰ Though harsher measures had been rejected shortly before, in the emotional atmosphere following the assassination, they again gained strength.

It was apparent shortly after the start of the post-assassination push for gun control that the legislative battle would concern primarily three measures: registration, a ban

on mail order sales, and a ban on importation of foreign military arms. Both harsher and more lenient measures were proposed, but the battle centered around these. Most of the major firearms manufacturers in the country joined in backing a proposal for licensing gun owners.⁴¹ This measure was opposed by the NRA, again disproving the assertion that the NRA is a hireling of the arms industry. At any rate, the proposal of the arms industry received little attention in Congress.

Debate in Congress generally centered on the same old arguments from both sides. Proponents of registration said it would help to keep firearms out of criminals' hands and would help to trace guns used in crimes. Opponents of registration pointed out that criminals do not register their guns; that New York City has a high crime rate despite its registration laws; and that instead of helping to trace criminals, registration could frequently incriminate the innocent since a high percentage of guns used in crime are stolen from honest citizens.⁴²

[Supporters of the gun control bills made much of the low crime rates in European countries with very harsh gun laws. This was met with the assertion that the lower crime rates are due to cultural, rather than legal differences. While the anti-gun forces accepted the assumption that the presence of firearms leads to violence, their opponents argued that the mere presence of an inanimate object does not lead to the commission of a crime, and that guns can even prevent crime.

A letter from an Idaho Sheriff was quoted in Congress which stated that the low armed-crime rate in his city was probably attributable to the fact that virtually all honest citizens in the city owned guns.⁴³

[The mood in most of the country clearly favored some gun control. A Harris poll in June of 1968 showed that 81% favored registration.⁴⁴ The reasons for doubting that the figures were actually this high have already been explained. Too, in this case one must consider that some were probably voicing mere emotional reaction to the assassination, and others were perhaps merely joining in a "bandwagon" effect; but the fact remains that sentiment was high for some action. Several strict laws were enacted locally. New York City in August enacted registration of rifles and shotguns, supplementing the registration of handguns that had been required for fifty-seven years under the Sullivan Act.⁴⁵ Chicago, too, enacted registration of all guns in 1968.⁴⁶ An attempt was made in New Jersey to pass a law confiscating all privately owned handguns, and registering all long guns. This measure was defeated, however.⁴⁷ With such strong sentiment common, it was inevitable that some legislation would be adopted.]

[In July of 1968, three bills to register guns came to a vote in Congress. A bill by Senator Joseph Tydings of Maryland to require federal registration in all states which failed to enact their own registration laws was defeated 55-31. A similar measure by Senator Henry Jackson of Washington which would have given the states until 1971 to enact such legisla-

tion was defeated 48-35. A third bill by Senator Edward Brooke of Massachusetts to simply require nationwide registration of firearms was defeated 53-31. The majority of votes against these bills came from Western or Southern states, where the frontier heritage is most apparent.⁴⁸]

[The defeat of registration was the only victory for pro-gun forces in 1968. The victory of gun control proponents came in September when the Federal Gun Control Act of 1968 (FGCA) was adopted. Every vote against this bill in the Senate came from a Western or Southern state.⁴⁹ The New York Times commented on the sectional nature of the opposition to gun control in saying: " . . . it was increasingly apparent that the popular pressure for strong gun controls that existed immediately after the Kennedy assassination had been replaced by opposition built up among Western and Southern Senators."⁵⁰ The sections of the Federal Gun Control Act which are most relevant here banned mail order sales of all firearms and ammunition made since 1898 (except muzzle loaders), banned importation of all military guns, banned sales of guns and ammunition to persons living outside the state of the seller, and required dealers to keep records of all ammunition sales. Importation of small foreign handguns was also prohibited by a system which required pistols to earn a certain number of points based on size, weight, caliber, and other factors.⁵¹]

[The Federal Gun Control Act has been in effect for seven years now. In this time the crime rate, including the murder and armed robbery rates, has risen. Only a fool would assert

that this effort at gun control has been successful in thwarting crime. On the other hand, FGCA '68 has imposed a heavy burden on the legitimate gun owner. One must pay whatever prices local stores demand for arms and ammunition. A person owning a gun chambered for a rare cartridge which is unobtainable locally may simply have to give up hopes of shooting the gun, though ammunition could formerly be obtained from mail order establishments. It is now difficult to obtain a military arms at low cost to be converted to sporting use or to be used for hunting or target shooting. The collector of military rifles or pistols can no longer hope to complete his collection without paying exorbitant rates for additions. A person on an out-of-state hunting trip can not even replenish his ammunition supply. FGCA is another law which meets the classic description of gun control by its opponents: it hurts the honest citizen while not affecting the criminal.

[Though the FGCA was the major action in the field of gun control in the Sixties, there was still another significant event concerning it in this decade. This was the report on firearms and violence by the National Commission on the Causes and Prevention of Violence, which had been established by Lyndon Johnson and extended by Richard Nixon. This report took a strong anti-gun stand. It concluded that strict gun laws would reduce violence with guns, that there was no Constitutional right for individuals to bear arms, and that firearms were largely useless for self-defense.⁵² It is recommended a system of licensing handguns which would require a purchase to show

"good reason" to own a handgun (reminiscent of the Sullivan Act). It was estimated that the recommended handgun law would reduce the number of privately owned handguns by 90%. Owners of confiscated guns would be compensated an average of \$20 per gun. Registration and licensing of long guns was also recommended.⁵³

The recommendations of the commission went unheeded, probably due to the opposition of the Nixon Administration. The measures favored by the commission would seem almost modest, however, compared to some of the proposals which would arise in the Seventies.

CHAPTER VI

NOTES

¹Bakal, op. cit., pp. 188-190.

²Kukla, op. cit., pp. 27-28.

³Ibid., p. 35.

⁴Ibid., p. 37.

⁵Trefethen, op. cit., p. 294

⁶Kukla, op. cit., p. 45.

⁷Sherril, op. cit., pp. 170-173.

⁸Bakal, op. cit., p. 200.

⁹"Right to Bear Arms," Newsweek, December 9, 1963, pp. 71-72.

¹⁰Ibid., p. 72.

¹¹Bakal, op. cit., pp. 304-308.

¹²W. Cleon Skousen, "Gun Control or Political Control," Law and Order, October 1975, p. 22.

¹³Gale and Seaton's History of Debates in Congress, p. 778 (August 17, 1789).

¹⁴Bakal, op. cit., p. 199.

¹⁵Gallup, op. cit., p. 1858.

¹⁶Kukla, op. cit., p. 69.

¹⁷Ibid., p. 133.

¹⁸Ibid., pp. 131-132.

¹⁹Ibid.

²⁰Ibid., p. 205.

²¹New York Times, August 2, 1966, p. 1.

²²William F. Buckley, "On the Right," National Review, August 23, 1966, p. 821.

²³Kukla, op. cit., p. 216.

²⁴Ibid.

²⁵Ibid., p. 343..

²⁶Ibid.

²⁷Ibid., p. 344.

²⁸Ibid., p. 345.

²⁹Congressional Record, 90th Congress, 2nd Session, p. 22148, July 18, 1968.

³⁰"The Gun Under Fire," Time, June 21, 1968, pp. 14-18.

³¹"A Question of Guns," Newsweek, June 24, 1968, pp. 81-85.

³²Ibid., p. 84.

³³Ibid., p. 83.

³⁴"The Kind of Gun Control We Need," New Republic, June 22, 1968, pp. 10-11.

³⁵George D. Newton and Franklin Zimring, Firearms and Violence in American Life (Washington, D. C.: 1969), p. xi.

³⁶Kukla, op. cit., Back Cover.

³⁷"The Gun Under Fire," op. cit., p. 18.

³⁸"Dear Playboy," Playboy, November, 1968, p. 72.

³⁹Ibid., February, 1969, p. 69.

⁴⁰"The Gun Under Fire," op. cit., p. 82.

⁴¹Ibid.

⁴²Congressional Record, 90th Congress, 2nd Session, p. 22773, July 23, 1968.

⁴³Ibid., p. 22148.

⁴⁴Ibid., p. 21787.

⁴⁵"N.Y.C. Red Tape Chokes Gun Registration," The American Rifleman, October, 1968, p. 70.

⁴⁶Ibid., May, 1968, p. 6.

⁴⁷Ibid., August, 1968, p. 22.

⁴⁸Ibid., November, 1968, pp. 23-25.

⁴⁹New York Times, September 19, 1968, p. 36.

⁵⁰Ibid.

⁵¹NRA Firearms and Laws Review, op. cit., pp. 99-103.

⁵²Newton and Zimring, op. cit., pp. xi-xv.

⁵³Ibid., pp. 139-147.

CHAPTER VII

THE 1970S

The 1970s have seen the introduction of gun control legislation in Congress similar to the stringent measures proposed in the Twenties. The term: "Saturday night special", once known only to gun enthusiasts, has become a household word, though it is doubtful that ~~many~~ know its true meaning. The Seventies have seen an increasing attack on the traditionally acceptable reasons for gun ownership. As in past decades, politically motivated shootings have led to demands for stricter gun control legislation. The decade also saw an incident in enforcing a federal gun act which drew fire from both pro and anti-gun people.

The first significant development concerning gun control in the Seventies was a victory for pro-gun forces. The provision of the FGCA which required that records be kept of all ammunition sales had always been controversial. Those who opposed gun control argued that while this measure was useless as a crime prevention, it was time-consuming for the sportsman and amounted to a type of "back-door registration. Many of those who favored stricter gun controls also came to believe that the record-keeping provision was pointless and supported its repeal. Late in 1970, rifle and shotgun cartridges were

exempted from the record-keeping provision. The chief opposition to the repeal of this provision came from Senators Dodd, Kennedy, and Brooke.¹

Also in 1970, a matter related to guns was receiving a great deal of national attention. A network television special entitled "Say Goodbye," which was about endangered species of animals, included several scenes of endangered animals being hunted in very unsportsmanlike ways. One scene showed a mother polar bear with two cubs being shot from a helicopter. It was later revealed that this bear was not actually shot by a hunter, but had merely been shot with a tranquilizer gun to provide film footage for the special. Several other scenes were similarly staged. The discovery of this fakery led to the imposition of stricter standards on televised nature programs, but damage had already been done to the image of the hunter.²

Despite the fact that the FGCA had already been softened somewhat, sentiment for stricter gun controls was by no means dead. There were still many working for stricter legislation, especially on handguns, and a new type of legislation was being considered which gun control opponents hoped would receive little opposition.

The object of this new legislation was the so-called Saturday night special. Before the Seventies, this term was familiar primarily to those in the fields of gun collecting and law enforcement. A Saturday night special was normally considered by people in these areas to be a cheap, small, inaccurate, and somewhat unreliable handgun. The special is

usually a revolver of either .22 or .32 caliber. Such weapons are of little interest to the knowledgeable gun owner. They are not accurate enough for hunting or target shooting, and their low power and questionable reliability make them undesirable as defensive weapons. These guns are, however, frequently used by criminals. Since NRA members are unlikely to own Saturday night specials, and major U. S. companies do not produce them, legislators felt they could attack the special with little fear of the so-called gun lobby. The definitions of the "special" in some bills indicates, however, that many were concerned with banning more than just cheap and poorly made weapons. Opposition arose also to banning even the true "special" for several reasons.

The best known of the early bills to ban the Saturday night special was introduced by Senator Birch Bayh. This bill, while touted as a ban only on the generally useless "special", actually required that handguns meet a variety of complex criteria to be exempt from the ban. The bill would in fact have made illegal the production and possession of one third of the models of handguns manufactured in America. Among these were two of the most popular .22 caliber sporting pistols made in the U. S.: the 4 1/2 inch barreled, fixed-sight versions of the Ruger Standard Automatic, and the Colt Woodsman. Despite the sweeping ban that Bayh's bill would have imposed, the bill was publicized as a ban only on the "special".³

At the same time that the Saturday night special was becoming a subject of concern, other attempts were being made to

institute more sweeping measures. In 1971, Congressman Emmanuel Celler introduced a bill to ban all handguns and register all rifles and shotguns.⁴ Later in the same year, Senator Philip Hart of Michigan introduced a bill which would have outlawed ownership of handguns by all persons except police and security guards. Handguns already owned were to be purchased by the government at fair market value. Still another bill to prohibit ownership of handguns was introduced by Congressman Abner Mikva of Illinois.⁵

The more extreme measures proposed were not very popular at this time. Hart's attempt to ban pistols was defeated by a vote of 84 to 7 in the Senate. A measure by Senator Kennedy to register all firearms failed 78 to 11. A proposal by Senator Adlai Stevenson III to license and register handguns also went down 75 to 16.⁶ Part of the unpopularity of these measures is probably due to the opposition of the Nixon Administration to registration and other strict regulations. Nixon had, however, come out in favor of some legislation aimed at the "special", but major sentiment for such legislation would arise only in the emotional atmosphere following another spectacular shooting.⁷

On May 15, 1972, Governor George Wallace of Alabama was shot by Arthur Bremer, with a short barreled .38 revolver. The wounds suffered by Wallace resulted in permanent paralysis of his legs. This, of course, resulted in another flurry of activity in the gun control controversy. The press and many public figures immediately expressed their belief that this

was further evidence that rigid gun control was needed. In an editorial on the ABC television network news on the night of the shooting, Howard K. Smith said: "Gun laws would not take away guns, they would register them," an odd comment considering some of the bills then pending in Congress. Mayor Richard Daley of Chicago said the day after the shooting: "I would hope that this would be the opportunity to do some soul-searching by the Congress to outlaw handguns."⁸ Congress apparently agreed with Daley since on the same day, a Senate Subcommittee approved one of the Saturday night special bills. This bill would simply have banned all handguns with barrels less than three inches in length.⁹ It should be noted here that Bremer's pistol was not a true Saturday night special, but an American-made Charter Arms revolver selling for about \$100.

Commenting on the approval of this bill, the New York Times said: "The move started yesterday by a Senate Judiciary Subcommittee to clamp down on the sale of snub-nosed handguns must become the jumping-off point for a much broader and conclusive effort."¹⁰ Although these sentiments were echoed by many, this bill progressed no further probably because most of the legislators realized that it takes only a hacksaw to turn an eight-inch barreled handgun into one with a barrel of two inches.

Senator Bayh's bill on Saturday night specials made somewhat more progress. It was passed by the Senate and referred to committee in the House. While the bill was under consideration, Senator Bayh received an interesting letter from Myron Lance, a convicted murderer with a long criminal

record who was serving a prison sentence. Lance concluded his letter in the following manner: "I hope they pass that gun law. It'll make it harder for citizens to protect themselves. That way we could get guns easier."¹¹ Bayh's bill eventually died in committee. The reason for this was probably the opposition to a bill which would prohibit many good-quality, domestically-produced handguns, and a general feeling that the measure would have been ineffective. Too, some legislators may have been thinking of what had happened the previous year in an attempt to enforce the last gun control act they had passed.

On June 7, 1971, a group of Treasury Department agents, accompanied by Montgomery County (Maryland) police officers, raided the apartment of Mr. and Mrs. Kenyon Ballew. The agents were acting on a tip that they had received that Ballew's apartment was loaded with live hand grenades, which was a violation of the FGCA as well as local laws. This tip came from a seventeen-year old housebreaker who had been arrested by the county police. Fourteen treasury agents and twelve county police took part in the raid.¹² The agents knocked at the door of the apartment. Mrs. Ballew, who was sitting nude in the bedroom, called out: "Who is it?" The agents say they identified themselves. Mrs. Ballew says she heard no answer. When the door was not opened seconds after a second knock, six agents broke down the door with a battering ram. Mrs. Ballew screamed to her husband, who she said was in the bathtub, to get a gun. Ballew, a gun collector and NRA member, grabbed a replica of a Colt cap and ball revolver. Rushing to the living room,

Ballew saw the first two agents to enter the apartment. These men were undercover agents dressed as hippies. Before Ballew could raise the revolver, he was shot through the head by one of the Treasury agents. Mrs. Ballew screamed, "Murder! Get the police." The agents replied, "We are the police," arrested Mrs. Ballew, and sent Ballew to a hospital. Ballew is permanently paralyzed as a result of his wound.¹³

No live grenades were found in Ballew's apartment. Ballew did have a couple of dummy grenades of the type frequently sold by surplus stores as souvenirs. Federal authorities lamely argued that Ballew could have activated them by pouring in the black powder he kept for use in his muzzle loading guns--but he had not.¹⁴

The Ballew case attracted much publicity, and the actions of the agents in the raid were criticized by groups as diverse as the American Civil Liberties Union, which opposes gun ownership, and the NRA. Ballew brought a five million dollar suit against the government for negligence. The suit was finally decided against Ballew in 1975. In his decision, the Federal Judge indicated that he was convinced the agents had properly identified themselves, and that he did not believe Ballew had been taking a bath at the time of the raid since the agents said he was "bone dry".¹⁵ The judge did not indicate why he thought two innocent people would try to resist 26 law enforcement officers, or what evil doings he thought the nude Ballew was up to since he was not taking a bath.

Another flurry of activity occurred after the shooting

of Senator John Stennis in January of 1973. The pattern followed was generally the same as that in the Wallace shooting. Articles were printed favoring gun control, bills were introduced, but none was passed. A bill introduced by Senator Kennedy after the shooting of Stennis would have banned all pistols with barrels under 10 inches.¹⁶ This, of course, would virtually ban all handguns since only two or three models have barrels over 10 inches. Perhaps a contributing factor to the failure of any gun control legislation to pass after the shootings of Wallace and Stennis is the fact that both men continued to oppose gun control after recovering from their wounds.

Most gun control legislation in the Seventies has concentrated on handguns. Those favoring strict or prohibitory laws on handguns argue that they have no sporting application, and are virtually useless for defense. Gun owners, of course, hotly dispute this. Some legislation on the local level has, however, been concerned with long guns as well, and we can reasonably expect such proposed laws to become more evident at the national level.

In Massachusetts in 1974, a law was adopted requiring all gun owners to be licensed and obtain a Firearms Identification Card. Anyone possessing a gun, even a B B gun, without a card is subject to a mandatory one-year prison sentence.¹⁷ In Washington, D. C., a bill was introduced to confiscate all privately owned pistols and shotguns with no compensation to the owner. A rifle could be owned under a permit, but would have to be kept at a gun club.¹⁸ The bill was ultimately

withdrawn in the face of strong opposition.

A rather bizarre attempt to ban handguns via a circuitous route came in 1974 and 1975 when the U. S. Consumer Product Safety Commission attempted to ban handgun bullets (not the whole cartridge, just the projectile) as a hazardous substance. Authority for the commission to take this step was denied by Congress, however.¹⁹

Throughout 1974 and 1975, bills have constantly been before Congress calling for registration of some or all guns, prohibition of Saturday night specials, or a total ban on handguns. Registration and the total ban have of course been opposed by pro-gun forces on the traditional grounds. The NRA has come to oppose the Saturday night special bans for several reasons. First, the Saturday night special is seldom well defined and bills would often proscribe quality handguns. Second, the NRA holds that the ban on "specials" would be just a first step towards more sweeping bans. Third, the NRA holds that bans ". . . employing size, metallurgical or similar standards or characteristics, is arbitrary and unsound. Such legislation is ineffective in the prevention or reduction of crime and ignores the crime-deterrent effect of the possession of firearms by law-abiding owners."²⁰ Opposition to Saturday night special laws has also arisen among the black community. Black spokesmen claim that blacks in high crime areas need guns for defense, and can only afford the "specials".²¹ Despite the opposition, a new effort to enact further gun controls would be spurred by the two attempted assassinations of President Gerald

Ford (who has backed a Saturday night special ban, but opposed registration or stricter measures) in September 1975.

Lynette Fromme, a member of the Manson family, attempted to shoot Ford on September 3rd with a government model .45 automatic at a distance of about two feet. Fortunately, she had failed to chamber a cartridge in the gun. On September 20, Sally Moore shot at and missed Ford with a short barreled .38 revolver. These incidents were immediately followed by the usual pressure for gun control. Senator Edward Kennedy said after these attempted shootings: "The overriding lessons of these nearly tragic events is that if America cares about the safety of its leaders, it can no longer ignore the shocking absence of responsible gun control."²² Mayor Richard Daley of Chicago said: "You don't see someone shooting rabbits with a handgun. The only thing you hunt is human beings."²³ (One might note that if Mayor Daley would ever browse through some gun magazines he would frequently see people shooting rabbits with handguns.) There was also at this time a heavy attack on the so-called gun lobby.²⁴

New gun control measures were introduced in Congress, and ones which had lain dormant were revived. A measure by Congressman John Conyers of Michigan to ban all handguns was killed in a subcommittee. A bill for registration, introduced by Senators Jacob Javits and Charles Percy was, however, under consideration as was one for registration and licensing gun owners, proposed by Congressman Peter Rodino.²⁵ The fate of these bills remains to be seen.

Two public opinion polls taken in 1975 on the topic of

gun control show somewhat contradictory results. The Harris Poll, taken after the attempted shootings of Ford, shows 77% favoring handgun registration and only 19% opposing. In 1971, the results were 66% favoring and 30% opposing, thus a strong increase in public opinion favoring handgun registration would be indicated.²⁶ To the question of whether handguns should be banned, the Gallup Poll, taken before the assassination attempts, shows 55% opposing and 41% favoring. In 1959, 59% had favored the handgun ban and 35% opposed.²⁷ The increased numbers favoring registration is probably to a large extent attributable to the fact that many people are unaware of the fees, fingerprinting, photographing, and other inconveniences which are frequently connected with registration. The growing opposition to a ban on handguns, however, seems to indicate a growing feeling that such an action would only disarm the honest citizen and make him more vulnerable to the criminal. The growing sale of handguns in the Seventies may indicate that more and more people are coming to feel that they cannot rely entirely on the police for protection; or it may only mean that they are discovering the sporting applications of handguns--but it certainly does mean that they will not support a ban on these weapons.

CHAPTER VII

NOTES

¹"Backdoor Registration of Ammo Partly Ended," The American Rifleman, January 1970, p. 34.

²"Say Goodbye to How Much?", Ibid., June 1971, p. 65.

³Ashley Halsey, Jr., "What the Bayh Bill Would Really Do," Ibid., September 1972, p. 24; 68.

⁴"New Drive Against Handguns," Ibid., July 1971, p. 42.

⁵"New Bill Would Abolish Handguns," Ibid., November 1971, pp. 48-50.

⁶"Mikva Discounts 5-1 Vote Against Gun Ban," Ibid., February 1972, p. 47.

⁷Sherril, op. cit., p. 301.

⁸New York Times, May 17, 1972, p. 26.

⁹Ibid., May 18, 1972, p. 37.

¹⁰Ibid., p. 46.

¹¹"What the Bayh Bill Would Really Do," The American Rifleman, September 1972, p. 24.

¹²"How the 1968 Gun Act Caused A Shooting," Ibid., August 1971, p. 46.

¹³Sherril, op. cit., pp. 274-278.

¹⁴"How the 1968 Gun Act Caused a Shooting," The American Rifleman, August 1971, p. 46.

¹⁵Mailing from "Citizens Committee for the Right to Keep and Bear Arms," August 1975.

¹⁶"New Drive Against Handguns Begun," The American Rifleman, April 1973, p. 49.

¹⁷John Lachuck, "Conyer's Committee Gags Gun Owners," Guns and Ammo, November 1975, p. 86.

¹⁸Mailing from "The Citizen's Committee for the Right to Keep and Bear Arms," June 1975.

¹⁹Ashley Halsey, Jr., "Attempt to Ban Handgun Ammo Seen as Attack on All Guns," American Rifleman, March 1975, p. 14.

²⁰NRA Policy on Firearms Controls.

²¹"Protecting the President," Time, October 16, 1975, p. 17.

²²Ibid., p. 7.

²³Ibid., p. 16.

²⁴Christian Science Monitor, October 29, 1975, p. 7.

²⁵The Oregonian, October 29, 1975, p. A6.

²⁶The Oregon Journal, October 27, 1975, p. 24.

²⁷"Big News That All News Media Missed," The American Rifleman, July 1975, p. 22.

CHAPTER VIII

THE MEDIA

In previous chapters we have seen the strong anti-gun sentiment expressed by the press following spectacular crimes. Up to this point, the role of the press in gun control has received little comment, and that of books and television has been largely ignored. The reason for leaving the discussion of the media to a separate chapter is that the mass media comprises a strong force favoring gun control. Outside of publications aimed specifically at the hunter or shooter, the major national publications are almost monolithic in their support of gun control. The same can be said for the three major television networks. Influential books have also been written favoring gun control, whereas those opposing gun control seldom receive notice outside the pro-gun community. The sum effect of this has been to make it almost impossible for the urban American who takes no interest in guns to believe that there is more than one reasonable side to the gun control controversy.

Some of the content of articles on gun control in the mass circulation news magazines has already been examined. More insight into these articles can be gained, however, by examining the pictures which accompany the text.

Herblock cartoons seem to be a favorite illustration to accompany gun control articles. One of these cartoons printed in an article in Newsweek shortly after the assassination of John Kennedy showed a mail order gun ad headed "Sportsmen! Kids! Maniacs!"¹ Another of these cartoons appeared in Time after the attempted shooting of President Ford. This cartoon featured Lynette Fromme as the "1975 National Rifle Association Poster Girl." She was pictured holding a pistol in one hand and a sign saying: "Preserve our sacred right to bear arms," in the other.² These cartoons are never balanced with the inclusion of the anti-gun control cartoons which frequently appear in shooting magazines. A misleading reproduction of an ad for model guns has previously been cited.

Anti-gun articles have by no means been limited solely to news magazines. Women's magazines have run many in recent years. One in Good Housekeeping was entitled: "Let's Turn in Our Guns As An Act of Conscience." Carl Bakal's anti-gun book, The Right To Bear Arms, was based on a series of articles he did for Harpers. Readers Digest, a magazine with an enormous circulation, has run several anti-gun articles since the early sixties, but none opposing gun control. Father Paul Weber, S. J., writing in Christian Century, referred to the NRA as "public enemy No. 2."⁴ The only publications, in fact, in which one can expect to see the pro-gun view fairly represented is in hunting and shooting magazines; and occasionally in conservative journals of opinion. These publications,

of course, reach only a small fraction of the numbers of people reached by gun law proponents. Considering this, it seems rather inaccurate of Congressman Michael Harrington to accuse pro-gun forces of the ". . . use of their extensive media connections to state the details of proposed bills."⁵

The television networks also take the anti-gun line. Their view is presented both in news and entertainment programs. In 1964, CBS broadcast a special entitled "Murder and the Right to Bear Arms." Throughout this program, it was suggested that the NRA was opposed to all gun legislation, though at the very time of the broadcast the organization was supporting Senator Dodd's S. 1975. The only argument against gun control presented on this show was the Constitutional one, while much footage was given to relatives of people killed by gunmen, extremist groups practicing with guns, and other scenes meant to draw an emotional response to the issue.⁶ Though the program purported to give a history of gun control in the United States, no mention was made of the famous Sullivan Act. Statistically, the program erred when it tried to link the availability of guns with suicides, and later pointed to Japan and Sweden as models of countries with strict gun laws. The suicide rates in Japan and Sweden are among the world's highest.⁷ Though "Murder and the Right to Bear Arms" was certainly one-sided, there would be even less objective programs in the future.

In 1967, NBC presented a special on the gun control issue entitled "Whose Right to Bear Arms." The main tactic of this show was to associate gun owners with Nazis, the

Ku Klux Klan, Charles Whitman, and Lee Harvey Oswald. Scenes were randomly interspersed of such scenes as hunters shooting ducks, and Jack Ruby shooting Lee Harvey Oswald. An American Nazi was shown holding out a rifle and saying:

You're going to need one of these things. You're going to know how to use it, and the Communists know it, and that is why they're having a program, a campaign, to take away from you your right, your constitutional right, to keep and bear arms.⁸

A spokesman for the Ku Klux Klan was also asked for his views on guns. His reply was: "We in the Klan advocate that everybody in America buy a weapon . . . We feel that in due time they're going to need these weapons."⁹

Another scene which undoubtedly evoked much emotional response showed an NBC employee buying a Carcano rifle on the anniversary of the shooting of President Kennedy and walking about the streets of Dallas with it. Another employee again evoked the association with Nazism when he was shown purchasing a swastika armband and a semi-automatic carbine in the same store. Throughout the program, the only legitimate argument presented against gun control was, again, the Constitutional one which is in some ways the least compelling of many.¹⁰

Another program on gun control was presented on NBC in 1975. This special was entitled "A Shooting Gallery Called America." This program deplored the large sales of guns and connected this with the rise in crime. This program was filled with films of gun crimes in progress, and again with tearful interviews of those who had been shot. The argument for self-

defense was presented by a cheerful old man gleefully anticipating shooting an assailant.¹¹ In one way, the very unfairness of this special was an advantage to pro-gun forces since it led to one of the few articles defending them that has ever appeared in a mass circulation magazine.

Writing in TV Guide, Patrick Buchanan scoured "Shooting Gallery" as " . . . a simplistic, emotional, single dimensional cri de coeur against the hand gun in American society."¹²

Buchanan went on to oppose a Saturday night special ban on the grounds that it would not keep the criminal from obtaining a tool of his trade. Confiscation of all handguns was also opposed by Buchanan who felt that this step would create a situation similar to prohibition, with normally honest citizens becoming criminals by refusing to surrender their property. Buchanan answered the assertion that the presence of handguns is the cause of crime in the following manner:

Those millions of handguns purchases each year represent millions of votes of no confidence by the American people in the criminal justice system of the United States. They are more an effect than a cause of crime . . . The explosion in gun sales represents the very rational decisions of very rational but frightened Americans who have concluded, with justification, that their government cannot protect them, and, therefore, they had best provide for their own protection.¹³

While "A Shooting Gallery Called America" attacked the use of guns for self-defense, another program telecast in 1975 attacked their use in hunting. This program, broadcast by CBS, was entitled "The Guns of Autumn". "The Guns of Autumn" became a subject of controversy when all but one of its sponsors with-

drew their support of the program because of protests from shooters' groups. The objection to "The Guns of Autumn" is that it depicted the atypical hunter as typical. Hunters were shown shooting animals that were absolutely helpless, handling guns in an unsafe manner, littering the landscape, and doing numerous other objectionable things. There was no effort at all to present the typical, careful hunter.¹⁴ Everyone knows there are unscrupulous hunters--shooting magazines have voiced concern over them for years--but they are not typical.

To the credit of CBS, shooters were given a chance to answer "The Guns of Autumn" in a program entitled "Echoes of The Guns of Autumn". This program was not telecast in prime time, however, but on a Sunday afternoon. It has been asserted that pro-hunting shows on television more than balance "The Guns of Autumn." There is, however, only one pro-hunting show on network television. This program is "The American Sportsman" which is broadcast a few weeks a year on Sunday afternoons. Big game hunting ceased to be depicted on "The American Sportsman" several years ago due to pressure from anti-hunting groups.

Even in entertainment programs, the gun is attacked. On "All in The Family," Archie Bunker is congratulated by a man for his televised editorial against gun control. The man then pulls a gun on him and robs him. On "McCloud," the Marshall says the entire police force would be thankful if strict laws confiscated

all guns. On "Good Times" the entire family is aghast when the husband brings home a gun, and delighted when he sees the error of his ways and discards it. The examples are endless.

There have been four major books published on gun control in America: The Right to Bear Arms (later re-titled No Right to Bear Arms) by Carl Bakal; The Saturday Night Special by Robert Sherril; To Keep and Bear Arms by Bill R. Davidson; and Gun Control by Robert Kukla. The first two books favor gun control while the latter two oppose it. The pro-gun books have scarcely penetrated beyond the shooting community and thus merit no discussion here, while the anti-gun books have received much national attention.

Bakal's book has been the most popular and influential work on the subject of gun control in the United States. This book originally appeared in 1966, when Dodd's S. 1592 was under consideration, and was re-issued under its new title after the shooting of Robert Kennedy. Bakal plays heavily upon the theme that gun control has been blocked by an enormously strong gun lobby, headed by the NRA and financially backed by the arms industry. Bakal never mentions that only 22% of the NRA's income comes from the arms industry,¹⁵ an amount derived from advertisements in The American Rifleman. Neither does Bakal mention the different stands sometimes taken by the NRA and the industry on gun control.

Bakal's assertion that more than 750,000 Americans have been killed by guns since 1900 has been frequently quoted. It appears, however, that Bakal fabricated this figure. Govern-

ment statistics are not available on the number of Americans killed by guns before 1930. To look at a single year, Bakal states that 7,873 murders occurred with firearms in 1933. Attorney General Homer Cummings (who was certainly not noted for understatement) gave a figure of 3,514.¹⁶ Bakal's figure is an error of great proportions. One can find many other errors, distortions, and omissions in Bakal's book.

Sherril's book, whose full title is The Saturday Night Special and Other Guns with which Americans Won the West, Protected Bootleg Franchises, Slew Wildlife, Robbed Countless Banks, Shot Husbands Purposely and by Mistake & Killed Presidents-- Together with the Debate Over Continuing Same, was published in 1973. Sherril apparently would like to see America disarmed down to the last cap gun, but ultimately concludes that America is too corrupt and too under the thrall of the gun lobby to take even a faltering step in this direction.

One of Sherril's proposals is that the police should be disarmed before the rest of the citizenry. He gives five "splendid reasons" for taking this step. Here are two of them:

Splendid reason 1: Cops are morally inferior to the rest of the community . . . Splended reason 3: Cops range from mentally odd to mentally unbalanced.¹⁷

Sherril also comments on the Kenyon Ballew incident. He asserts that this tragedy occurred as a result of a conspiracy between the NRA and the Treasury Department to convince the public that gun laws are bad.¹⁸ This book is replete with similarly bizarre theories and ideas. Despite this, it received excellent reviews in leading publications.

Considering the treatment that guns have received in the popular media, it is surprising that even one-third of the population continues to oppose confiscation laws. How possibly can the person who is not involved in the shooting sports come to any conclusion other than that guns are a menace to our society and should be removed from it? The gun is seen by them only as a tool of the criminal, the mentally unbalanced, and the political extremists. Hunting and self-defense are attacked and target shooting is ignored. It is clear also why opposition to gun laws comes mainly from the West and the South. It is in these areas that people are nearest to their frontier heritage and are most likely to learn about guns through personal experience, or that of acquaintances rather than through the mass media. Conversely, one can see why the media takes the stand it does. The television networks and the major publications are based in the urban east where they are farthest from the influence of the frontier. They probably represent the opinion of their section, but not of the nation as a whole. The problem is, with their great influence, the mass media are trying to mold the entire nation after their own image.

CHAPTER VIII

NOTES

¹"Right to Bear Arms," Newsweek, December 9, 1963, p. 70.

²"Protecting the President," Time, October 6, 1975, p.17.

³William Manchester, "Let's Turn In Our Guns as an Act of Conscience," Good Housekeeping, November 1968, p. 167.

⁴Paul J. Weber, "The National Rifle Association: Public Enemy No. 2," Christian Century, October 16, 1974, p. 958.

⁵Michael J. Harrington, "The Politics of Gun Control," The Nation, January 12, 1974, p. 42.

⁶Kukla, op. cit., pp. 64-67.

⁷Richard Starnes, "You Might Call It, 'CBS Distorts,'" Field and Stream, September 1964, pp. 20-22.

⁸Kukla, op. cit., p. 225.

⁹Ibid.

¹⁰Ibid., p. 227.

¹¹Patrick Buchanan, "Why America is Becoming an Armed Camp," reprinted from TV Guide in Shooting Times, September 1975, pp. 42-43.

¹²Ibid.

¹³Ibid.

¹⁴Kevin Phillips, "Guns of Autumn 'Misses Bullseye But Still Scores,'" TV Guide, September 27, 1975, pp. A3-4.

¹⁵Harrington, op. cit., p. 41.

¹⁶Kukla, op. cit., p. 215.

¹⁷Sherril, op. cit., pp. 248; 258.

¹⁸Ibid., pp. 278-280.

CHAPTER IX

CONCLUSIONS

The arguments in the gun control controversy have scarcely changed since its beginning. Proponents of gun control argue that strictly regulating the sale of, or prohibiting some or all types of firearms, will reduce violent crimes. Opponents of gun control assert that it will not. Supporters of gun control maintain that efforts to pass strict legislation have been thwarted by a small but powerful gun lobby. Shooters deny this. Gun owners, on the other hand, avow that even registration of firearms is too harsh a step since it will lead to confiscation. Let us, in conclusion, look at these arguments. X

The matter of the gun lobby has already been discussed. A gun lobby does exist in that the NRA was in recent years forced to register as such, but how can any reasonable person believe that an organization with slightly over one million members, receiving only one-fifth of its income from the arms industry, can thwart the strong desires of 60 to 80% of the American public? While the NRA has claimed credit for the defeat of some of its political opponents, we must realistically evaluate how much impact its one million members have at the ballot box. The NRA is not a hireling of the arms industry, and it should be remembered that the wishes of both the industry

and NRA have been beaten in Congress: that of the arms industry by the failure to ban imports of military guns in the late Fifties, and that of the NRA by the passage of the FGCA. The reason that stricter gun control laws have not been adopted is simple: those opposing gun control care more about the issue than those favoring it. Legislators have voted against gun control either because they ideologically oppose it, or because they feel they are better representing their constituents by voting for the interests of those with the strongest beliefs, though not necessarily the strongest numbers. There are several reasons why the quality of pro-gun sentiment is higher than that of anti-gun sentiment.

The forces opposing gun control are stronger in their beliefs than their opponents, first, because they fear an infringement on one of their major interests. The majority who oppose gun control are among the 50% of the population who are gun owners. They face a tangible loss through either the fees and red tape of registration and licensing, or the greater loss of confiscation. Secondly, the gun is more than just a tool or hobby to many Americans. These gun owners have a strong sense of the role of the gun in the building of America and feel it is their birthright and heritage to be armed. These are the citizens most acutely aware of their frontier heritage. Lastly, the pro-gun person is likely to be stronger in his beliefs because he is probably familiar with the arguments of both sides of the controversy, and has made a conscious

choice between them. A person cannot help but hear the anti-gun arguments if he watches television or reads the major national magazines. One must make a special effort to learn the best arguments of the pro-gun faction. Certainly, any non-gun owner who opposes gun control must have made such an effort.

Proponents of gun control, on the other hand, are more likely to be swayed by emotionalism. Certainly, anti-gun sentiment runs highest after sensational crimes and ebbs at other times. The fact that much anti-gun sentiment is not well thought out is indicated too by a poll which showed 77% favoring gun control, but only 51% believing that it would result in less violence in this country.¹ As previously indicated, anti-gun factions are also likely to have arrived at their opinions through contact with only the more popular sources. None of the foregoing in any way intimates that there are not many gun control advocates who have arrived at their opinions through a careful and detailed study of the subject.

In the question of whether gun control reduces violent crime, we have already seen that the gun control previously enacted in the United States has not done this. The reason for this lack of effectiveness, according to those seeking gun control, is that current laws are not strong enough to have any effect. This assertion is usually followed by the example of a European nation with strict gun laws and low violent crime rates. Since Britain is the most common

example, let us now examine the efficacy of the gun laws of that nation.

Colin Greenwood, Chief Inspector of Britain's West Yorkshire Constabulary, has written an extensive study of his country's firearms laws entitled Firearms Control. Here is his evaluation of the effect of Britain's laws in reducing the use of guns in crime:

No matter how one approaches the figures, one is forced to the rather startling conclusion that the use of firearms in crime was very much less when there were no controls of any sort and when anyone, convicted criminal or lunatic, could buy any type of firearms without restriction. Half a century of strict controls on pistols has ended, perversely, with a far greater use of this class of weapon in crime than ever before.²

Greenwood's figures also indicate that use of guns in crime would not have been higher without controls.³

The most logical argument for gun control is not that it will have any immediate effect, but that it will eventually dry up the supply of guns for criminals. Here is Greenwood's evaluation of this theory:

The evidence produced in Chapter 15 indicates that fifty years of very strict controls on pistols have left a very vast pool of illegal weapons. Large numbers are surrendered to the police each year and it is difficult to avoid the conclusion that this is only the tip of the iceberg . . . If this statement is true in relation to pistols it must be much more so in relation to shotguns. Strict controls on pistols since 1920 have failed to bring under control large numbers of these weapons. The less strict controls on shotguns have applied since 1968 and, on this evidence, it would seem that the numbers of illegally held shotguns will still be vast in the year 2000.⁴

The ultimate desirability of gun control as a law enforcement aid is summarized by Greenwood as follows:

To continue with the process of attempting to deal with the criminal use of firearms by placing more restrictions on legitimate users is not likely to achieve anything. But the great danger lies, not in the ineffectiveness of such restrictions, but in a belief that they will solve the problem.⁵

While we are looking at Europe, let us not forget Switzerland, which has the loosest gun control laws on the continent. Also, Switzerland's system of universal military training requires that every man from twenty-one to fifty keep his selective-fire rifle (classified in the U. S. as a machine gun) or pistol in his home along with ammunition for it. Switzerland's armed crime rate is so low that separate statistics are not kept on it.⁶

As for the assertion by pro-gun forces that registration would lead to confiscation, it is very clear that this might well be the case. We have already examined a number of bills which would have confiscated privately owned guns including one which passed the Senate that would have prohibited one-third of all American handguns. Bills which have had less success have proposed more sweeping confiscations. A registration law would increase the chances for confiscation since there are inevitably calls for stricter measures as each gun control law proves ineffective. Thus confiscation of handguns could lead to confiscation of long guns.

Besides the fact that it is ineffective as a crime deterrent, another argument against registration is an economic one. In 1968, government-sponsored research indicated that a registration and licensing system similar to New York's would

cost \$72.87 per gun owner.⁷ Inflation should put this figure over \$100. What was not paid of this fee directly by the gun owner would of course be paid by the taxpayer.

An argument frequently put forth for disarming even the normally honest citizen is that fatal shootings resulting from domestic quarrels would result only in injuries were a gun not available. While it is true that statistics show that a person who is shot is more likely to die than a person who is stabbed or bludgeoned, it is likely that a person who really intends to kill will use a gun, while many assaults with other weapons are really intended only to result in injury. After all, people have never had a great deal of difficulty in killing other people with knives when they really wished to do so. At any rate, this seems a flimsy argument for disarming the population at large.

Accidental deaths with firearms are also frequently cited as a reason for enacting strict gun control legislation. It is, of course, true that if fewer people had guns, fewer people would have accidents with guns. ~~One blushes to repeat such often heard arguments,~~ but it is equally true that if less people had cars, less people would have accidents with cars; and if less people swam, less people would drown. Owning a gun, like many other things, incurs certain responsibilities which if not properly assumed can lead to disaster. Statistics show that gun ownership is relatively safe--20 times safer than driving and over three times safer than water

sports.⁸ Again, in preventing accidents, we cannot penalize many for the mistakes of the few.

We have already examined the attacks upon traditionally acceptable uses of guns which have arisen in recent times. About target shooting and hunting there is little to say other than that in reality target ranges are not often frequented by Nazis or Klansmen; and the average hunter is not the type portrayed in "The Guns of Autumn." Self-defense, however, bears further comment.

First, let us very briefly consider the moral question in self-defense. It is frequently decried in print that householders or small businessmen wish to meet a poor house-breaker or robber with a deadly weapon. While it is true that most robbers and burglars are unarmed and probably not dangerous, in the age of Charles Manson, who can blame an honest citizen for not wanting to take a chance? Too, most people who keep guns for defense do not intend to use the gun unless the criminal seems dangerous. Even if there is some doubt as to the danger posed by a burglar, which is it preferable to risk: the life of a felon, or the life of one's self and one's family?

From a practical standpoint, there is considerable dispute, even among law enforcement officials, as to the ability of people to defend themselves with guns. In a televised interview in October 1975, Police Chief Bruce Baker of Portland, Oregon, said of handguns: ". . . they don't protect anyone," and called for a ban on their sale to private citizens. On

the other hand, Chief Edward Davis of Los Angeles has opposed any further gun control legislation, and has advised citizens that it is their responsibility to protect their homes and family since the police cannot always be present.⁹

There are not a great deal of statistics available to indicate how frequently guns are used by private citizens to thwart crime. We do know, however, that two per cent of home burglaries end in the burglar being captured or shot by armed citizens.¹⁰ This figure has frequently been cited by gun control proponents as evidence that guns are seldom useful for defense. Whether two per cent of a certain crime being stopped by armed citizens is a low figure is certainly a subjective judgement. However, when one considers that guns are present in only half of all American homes, and that many people have no intention of using their guns for defense, the figure of two per cent appears in a different light. This figure also appears in a different light when one considers that only one-fifth of such crimes result in arrest by the police.¹¹ One other figure that is available on the use of guns by private citizens against criminals is that 45 per cent of all criminals shot in Chicago during its lawless decade of the Thirties were shot by private individuals.¹²

The frequently heard assertion that handguns are meant only to kill people should also be dealt with. Rebuttal need not be lengthy. The statement is simply not true. Reference to a few shooting magazines should reveal to anyone that handguns are extensively used for hunting and target shooting.

In summary, the case seems clear. Restrictive gun control does not achieve its goals and can only inconvenience the honest citizen. It also seems clear why there are more privately owned guns in America than any other country in the world. The gun is a part of our frontier heritage, and it is not an evil one.

CHAPTER IX

NOTES

¹The Oregon Journal, October 27, 1975, p. 24.

²Colin Greenwood, Firearms Control (London: 1972), p. 243.

³Ibid., p. 244.

⁴Ibid., p. 242.

⁵Ibid., pp. 253-254.

⁶Ibid., p. 4.

⁷Skousen, op. cit., p. 27.

⁸NRA, Firearms and Laws Review, op. cit., p. 85.

⁹Skousen, op. cit., p. 26.

¹⁰"90 Million Guns and Rising," op. cit., p. 41.

¹¹John Conklin, Robbery (Philadelphia: 1972), p. 150.

BIBLIOGRAPHY

GOVERNMENT DOCUMENTS

Legislative Reference Service. Combating Crime in the U. S., Washington, D. C.: U. S. Government Printing Office, 1967.

Newton, George, and Franklin Zimring. Firearms and Violence in American Life. Washington, D. C.: U. S. Government Printing Office, 1969.

U. S. Congressional Record. 66th Congress, 1st Session--94th Congress, 1st Session. Washington, D. C.: U. S. Government Printing Office, 1919-1975.

NEWSPAPERS

Christian Science Monitor, 1973-1975.

New York Times, 1910-1975.

The Oregonian, 1963-1975.

The Oregon Journal, 1975.

BOOKS

Amber, John. 1967 Gun Digest. Chicago: Gun Digest Company, 1967.

Berman, Lamar. Outlawing the Pistol. New York: H. W. Wilson Company, 1926.

Bridges, Toby. Black Powder Gun Digest. Northfield, Illinois: Digest Books, 1972.

Caras, Roger. Death as a Way of Life. Boston: Little, Brown, and Company, 1970.

Davidson, Bill. To Keep and Bear Arms. New Rochelle: Arlington House, 1969.

- Gales' and Seaton's History of Debates in Congress. Washington, D. C.: Gale's and Seaton, 1834.
- Gallup, George. The Gallup Poll. New York: Random House, 1972.
- Greenwood, Colin. Firearms Control. London: Routledge and Kegan Paul, 1972.
- Hollon, W. Eugene. Frontier Violence. New York: Oxford University Press, 1974.
- Huth, Hans. Nature and the American. Berkely: University of California Press, 1957.
- Kukla, Robert. Gun Control. Harrisburg, Pennsylvania: Stackpole Books, 1973.
- NRA Firearms and Laws Review. Washington, D. C.: National Rifle Association, 1975.
- Peterson, Harold. Pageant of the Gun. New York: Doubleday, 1967.
- Roosevelt, Theodore. Theodore Roosevelt's America. ed. by Farida A. Wiley. New York: Devin Adair, 1955.
- Sherril, Robert. The Saturday Night Special. New York: Charterhouse, 1973.
- Trefethen, James B. Americans and Their Guns. Harrisburg, Pennsylvania: Stackpole Books, 1967.
- Webb, Walter Prescott. The Great Plains. Boston: Ginn and Company, 1931.
- The World of Guns. Skokie, Illinois: Publishers Development Corporation, 1964.

ARTICLES

- The American Rifleman 1937, 1958-75.
- Buchanan, Patrick. "Why America is Becoming an Armed Camp," Reprinted from TV Guide in Shooting Times, September 1975.
- Buckley, William. "On the Right", National Review. August 23, 1966.
- "Closing the Mails to Murder," Literary Digest, January 10, 1925.

"Club Women Mapping War Against Gangsters," Literary Digest, June 16, 1934.

"Dear Playboy," Playboy, November, 1968; February, 1969.

"For Pocket Disarmament," Literary Digest, June 25, 1921.

"The Gun Under Fire," Time, June 21, 1968.

Harrington, Michael. "The Politics of Gun Control," The Nation, January 12, 1974.

Hofstadter, Richard, "America as a Gun Culture," American Heritage, August 1970.

"How Guilty is the Gun?", National Review, July 21, 1968.

"The Kind of Gun Control We Need," New Republic, June 22, 1968.

Lachuck, John. "Conyers' Committee Gags Gun Owners," Guns & Ammo, November 1975.

Manchester, William, "Lets Turn in Our Guns as an Act of Conscience," Good Housekeeping, November 1968.

"The Necessity of Pistol Toting," Literary Digest, August 6, 1921.

"90 Million Firearms and Rapidly Rising," U. S. News and World Report, August 11, 1968.

"Our Point of View," Scientific American, November 1940, May 1941.

Phillips, Kevin. "Guns of Autumn Misses Bullseye But Still Scores," TV Guide, September 27, 1975.

"Protecting the President," Time, October 6, 1975.

"A Question of Guns," Newsweek, June 24, 1975.

"Right to Bear Arms," Newsweek, December 9, 1963.

"Sale of Firearms," New Republic, June 18, 1956.

Skousen, W. Cleon. "Gun Control or Political Control," Law and Order, October 1975.

"A Spike for the One Hand Gun," Literary Digest, December 13, 1924.

Starnes, Richard. "You Might Call it, 'CBS Distorts,'" Field & Stream, September 1964.

Walker, Stanley, "A Gat Goofy Nation," reprinted from Vanity Fair, in Review of Reviews, August 1933.

Weber, Paul, "The National Rifle Association: Public Enemy No. 2," Christian Century, October 16, 1974.

PAMPHLETS

Citizens Committee for the Right to Keep and Bear Arms.
Mailing, June 1975; August, 1975.

NRA. NRA Fact Book on Firearms Control.

NRA. NRA Policy on Firearms Control.