

UNIVERSITY OF SOUTHAMPTON

An Analysis of the Anti-Gun and Pro-Gun Stances of the National Congressional Delegations
for New York, Texas, Connecticut, and South Carolina, in the Firearms Restrictions
Controversy of the 1960s.

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ABSTRACT

This thesis investigates the pro-gun and anti-gun stances of the national congressional delegations for New York, Texas, Connecticut, and South Carolina, in the firearms restrictions controversy of the 1960s. Use has been made of a wide variety of sources available to commentators at the time and of the records and papers of the relevant politicians which were not.

In the absence of any historiographical debate regarding the firearms restrictions controversy of the 1960s this study breaks new ground. By focusing attention on a sizeable body of individuals who investigated and debated the pros and cons of gun control throughout the 1960s the attempt has been made to shed light on the confusing melee of interests, beliefs, and fears, which directed opinions on the subject. With the national legislators from New York and Connecticut falling predominantly into the anti-gun camp and those from the other two adopting in the main a pro-gun stance, using votes on the Gun Control Act of 1968 as a reference point, the opportunity has been presented for a close study of the arguments behind each position, and for suggestions to be made as to where the strengths and weaknesses of each faction would appear to have lain.

For the national congressional delegations from New York, Texas, Connecticut and South Carolina, there were four main arenas of debate in the firearms restrictions controversy of the 1960s. One, set up by advocates of such restrictions, centred around the proposition that gun controls were an effective tool against gun violence. It was in this arena that anti-gun factions seemed at their strongest. The latter three arenas of debate centred around the separate claims of opponents that most of the firearms restrictions under discussion amounted to a violation of the 'individual liberties' of law-abiding owners/would be owners of guns, an invasion of constitutionally defined states' rights, and, finally, an infringement of a constitutional or even natural right of individuals to keep and bear arms. It was in these three arenas where the position of pro-gun factions appeared most forbidding. A fifth arena of debate concerning the extent to which the congressional delegations under question chose to accuse opponents or proponents of firearms restrictions of placing the fate of the domestic small arms industry too close to the heart of their objectives, was of less prominence.

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by James William Murrell

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Introduction

Whether the cause or simply the moment, 1968 has come to symbolise change when viewed through the experiences of the United States of America (U. S.). The Tet offensive proved the popular turning point against military escalation in Vietnam. Beyond this the once powerful forces for social reform at home splintered in a manner which would characterise them for years to come as the 1968 Presidential election landed the Republican R. M. Nixon in the White House.

The Gun Control Act of 1968, designed principally to restrict the interstate shipment of firearms and their ammunition to private individuals, would seem of limited import alongside such company. Yet, this, too, links 1968 with change of an historical nature. It was only the third wide-ranging federal Act devoted to a form of firearms control, the first in thirty years, and the first to implement significant restrictions that stretched to firearms traditionally favoured for sporting purposes, most notably rifles and shotguns. Whilst the language of the Gun Control Act made no such bold claims, passage in itself indicated that the nation which had ‘. . . fired the shot heard “round the world”¹’ was taking its first distinctive step against a gun culture centuries in the making.

Historical studies of the firearms issue cover a wide range of subjects such as the legal right to keep and bear arms, the actual experience of individuals/groups seeking to exercise this right, the gun culture, and the fate of the small arms manufacturer. Many of these studies commence with the same lamentation. In the 1970s, Lee Kennett and James LaVerne Anderson opened their history of the gun in America with the comment that ‘. . . between the technical and antiquarian works on the gun itself, and the recent and partisan writings on gun control, there is a broad, largely unexplored field for historical inquiry’.² Even as late as 1994, Joyce Lee Malcolm prefaced her investigation into the origins of the Anglo-American right to keep and bear arms with the observation that being ‘. . . the focus of a highly emotional controversy, the subject has attracted more belligerents eager to furnish ammunition for their

¹ R. W. Emerson, ‘Concord Hymn’. Quoted in: Lee Kennett and J. L. V. Anderson, The Gun in America, Third printing, (Westport/London, 1976), p. 57.

² Lee Kennett and J. L. V. Anderson, Op. Cit., p. ix.

viewpoint than scholars prepared to analyze and inform'.³ This state of affairs leaves many options open for historians with related interests.

A variety of studies covering a substantial number of disciplines have been conducted into the firearms restrictions controversy of the 1960s. Topics investigated include, amongst others, the construction of the Gun Control Act in Congress, the widespread distress over levels of gun violence, the concerns of gun enthusiasts over the prospect of firearms restrictions, the actual effects of the Gun Control Act, and the pressure group activities of America's most popular gun club, the National Rifle Association (N. R. A.). In all of these studies, however, explanations concerning the reasons behind and intricacies of a national congressman's membership of the anti-gun or pro-gun camps remain thin on the ground and unsatisfactory. Four works in particular pay the closest attention to this area. One of these was put together by an historian, two by political scientists, and the fourth by an investigative journalist. Written in the early to mid 1970s, all four of them relied primarily on the evidence to be gleaned from the Congressional Record, the Congressional Quarterly, the hearings of relevant congressional committees, newspapers, predominantly those with publishing houses in New York, and publications of the gun press.

A brief reference has already been made to the first of these. Lee Kennett and James LaVerne Anderson devoted a chapter of their extensive history of the gun in America to 'The Crisis of the Sixties'.⁴ Covering as many themes as they did it should come as no surprise that the space given to each is short. Admitting that the terms anti-gun and pro-gun were oversimplifications, they argued that the dividing line was drawn in relation to those controls which would affect legitimate users as well as criminals, juveniles, and other irresponsible types.⁵ With regard to national congressmen themselves comments were brief. Kennett and Anderson were only able to make a few observations concerning a bare minimum of those individuals key to the formation of the Gun Control Act. A couple of passing comments were made about the regional divisions between the two national congressional camps; north-eastern states gave the appearance of being predominantly anti-gun, whilst southern and

³ J. L. Malcolm, To Keep and Bear Arms - The Origins of an Anglo-American Right, First Harvard University Press paperback edition, (Cambridge/London, 1996), p. x.

⁴ Lee Kennett and J. L. V. Anderson, Op. Cit., pp. 216-45.

⁵ Ibid., p. 232.

western states formed variations of a pro-gun stance. Finally came a reference to the pressures that an election year put on those national congressional delegates having to vote on firearms restrictions in 1968.⁶

Investigating the theory that interest group behaviour can be determined by internal factors such as organisational structure, ideology, cohesion, and size of membership, as much as by external factors like structure of the political system, activities and policies of government, and attitudes of society, Don Stephen Cupps conducted the second of these works; a case study of the N. R. A. and its activities in 1968.⁷ The nature of his research ensured that the time spent discussing national congressmen revolved around those individuals essential to the actual construction of the firearms restrictions, and paid closer attention to the methods used to sabotage or pass legislation rather than the underlying motivation for each individual's stance. The detailed narrative provides useful references to Bills presented for consideration, but any attempt that can be made to analyse the dimensions behind the pro-gun and anti-gun camps from this research is limited by the emphasis being placed on political science. Two extremes are presented: no controls and the registration of firearms and licensing of owners; the abolition of private ownership having been barely whispered by politicians in the 1960s. Anything offered by national congressmen between these poles is heralded as nothing more than a compromise, a political tactic, with a view to damage limitation, rather than an indication of a many sided debate. The emphasis on 1968 alone also confuses the picture given the short-term popular reactions to the political assassinations of civil rights leader Martin Luther King, Jr., and presidential hopeful Senator R. F. Kennedy of New York, the extensive urban rioting of that year, and the implications of these phenomena for the elections that year.

The third investigation came from another political scientist, John Karl Hudzik, who conducted a study of Senate firearms voting behaviour in roll calls during the last few months

⁶ The implication is made here that national congressional delegates from western and southern states were less likely to vote in favour of firearms restrictions in election years.

⁷ D. S. Cupps, Bullets, Ballots, and Politics: The National Rifle Association Fights Gun Control, Unpublished Dissertation, (Princeton University, Department of Political Science, University Microfilms, 1970).

of the Ninetieth Congress.⁸ The research model used ‘. . . assumes that contending sides on gun legislation can be differentiated by the construction of ideal types, defined in a behavioural sense rather than in a philosophically deductive sense’.⁹ The project went on to compare this voting behaviour with that on other types of legislation, and then, by using 1960 census data, with certain demographic characteristics. The mathematical analysis uncovers a number of interesting relationships of which population density seems the strongest; those Senators from high density populations proving most likely to vote for controls.¹⁰ The conclusion is also made that, with regard to firearms voting, regional divisions, along similar lines to those identified by Lee Kennett and James LaVerne Anderson, were of more importance than party affiliation.¹¹ The brief attention paid to the attitudes and arguments of the Senators discerns between the pro-gun stance of the South, dominated by fears of the creation of a police state, and that of the West, emphasising the need to defend the rights of law-abiding sportsmen, though the evidence provided seems somewhat selective.¹² Hudzik’s work does help to indicate who might vote for firearms controls and who might not, but the research model used poses problems for those seeking to get closer to the reasons behind and intricacies of an anti-gun or pro-gun stance. Mathematical analysis sheds little light on the exceptions to the rule, for instance, which a closer look at what is actually being said might be able to do. Relying on roll calls, Hudzik’s investigation made inevitable the need to focus attention on

⁸ J. K. Hudzik, Firearms Legislation: The 90th Congress, Unpublished Dissertation, (Michigan State University, Department of Political Science, University Microfilms, 1971).

⁹ Ibid., (Abstract, p. 2).

¹⁰ Ibid., pp. 234-5.

¹¹ Ibid., (Abstract, p. 3).

¹² Ibid., pp. 110-2. The evidence gathered for this centred on debates in the Senate on September 18th, 1968, alone, and drew on comments made by only four Senators: James Eastland, Mississippi, Strom Thurmond, South Carolina, Peter Dominick, Colorado, Alan Bible, Nevada.

1968, which limits further, for reasons mentioned above, the help it can give to an understanding of the two firearms camps.

The most lively of the four works came from Robert Sherrill; an investigative journalist whose criticism of American institutions in various publications guaranteed that by 1973 he had been banned from the White House and placed on a so-called 'enemy list'.¹³ Filled to the brim with anecdotes and wisecracks, and leaking with antiestablishment proclamations, Sherrill's 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 and Killed Presidents (Together with the Debate Over Continuing Same), is, nevertheless, a remarkably informative account of what could be described generally as America and the firearms controversy of the 1960s. At a pace that is both fast and furious a vast range of ground is covered. Popular mythology, police brutality, interest group activity, bureaucratic incompetence, and many other matters come under Sherrill's critical scrutiny. Accusations are made and a great many more implied. Descriptions of the two opposing camps within and without Congress as anti-gun and pro-gun are rapidly discredited as unworkable. The division of the latter into the 'sports' and the 'hucksters',¹⁴ and the inclusion of Senator T. J. Dodd, of Connecticut, perhaps the most publicised advocate of firearms restrictions throughout the 1960s, amongst the ranks of the 'hucksters'¹⁵ makes for tantalising reading. Unfortunately Sherrill's fondness for the conspiracy theory makes his ultimate conclusion, that the Gun Control Act was not as strong as it could have been due to the financial interests at stake,¹⁶ and was only passed at all because of an ingrained racism that

¹³ Robert Sherrill, The Saturday Night Special, (New York, 1973), p. 337.

¹⁴ Ibid., p. 74. References to the 'sports' were made to imply individuals enthusiastic about a wide range of recreational activities with firearms, and comments on the 'hucksters' were directed at individuals with a special interest in promoting the domestic small arms industry in particular.

¹⁵ Ibid., pp. 71-3.

¹⁶ At one point it seemed to be implied that the passage of any law at all was a miracle; the financial interests that threatened ranging from all National Rifle Association (N. R. A.) members to the North Atlantic Treaty Organisation (N. A. T. O.).

was diffused throughout society,¹⁷ a little less than convincing. The melee of interests, beliefs and fears that The Saturday Night Special uncovers seem too complex to fit so easily under this all embracing umbrella. The confusion that is so colourfully illustrated deserves greater attention.

The object of my study of the anti-gun and pro-gun stances of the national congressional delegations of New York, Texas, Connecticut, and South Carolina, in the firearms restrictions controversy of the 1960s, has not been to determine why the Gun Control Act passed through Congress when it did, and in the shape that it did. Such a goal could only be achieved through a close study of the key players in the debates inside and outside Congress and through a careful analysis of the political processes which aided and restricted opponents and proponents of gun controls.

Nor have I made an effort to construct models of behaviour for the members of different political parties. No clear correlation between stances adopted by, and party allegiance of, national congressional delegates falling under the purview of this study was detectable. The Gun Control Act itself had strong support and fierce opposition from both Democrats and Republicans. Going further, Democrats who pushed for far stronger firearms restrictions than those contained within the Gun Control Act, such as T. J. Dodd,¹⁸ could find

¹⁷ The argument fails to provide a particularly satisfactory reason for why many of the staunchest opponents to any form of firearms restrictions came from the southern states. The South may not have suffered so dramatically from the racially oriented urban rioting of the late 1960s which affected so many northern cities, but the history of civil rights disputes in the South would suggest that the predominantly white national congressional delegates from this region would have been more than happy to support legislation designed to disarm African-Americans alone.

¹⁸ See for instance: Letter to 'My dear friend:', July 17, 1968, 'Series III: Administrative and Legislative Files, Subseries: Speeches, Articles, and Press Releases, Box 211, Folder 5690', Records and Papers of Thomas J. Dodd, Dodd Center, University of Connecticut, Storrs, Connecticut. Here, Dodd makes clear his support for the registration of firearms and the licensing of their owners; controls which never made it into the Gun Control Act.

allies in Republicans like Representative O. R. Reid, of New York's twenty sixth district.¹⁹ And, Republicans as enthusiastic as Senator Strom Thurmond, of South Carolina, to ensure only the slightest forms of gun control could ever be passed into law,²⁰ often found friends in Democrats; Representative John Dowdy, of Texas' seventh and then second districts, being a particularly lively example.²¹ In short, any effort to construct models of behaviour for the members of different political parties with regard to the firearms restrictions controversy of the 1960s would perhaps have revealed more about the shortcomings of party labels than about the actual debates in question.

Nor, indeed, have I tried to investigate how far the national congressional delegates under consideration truly represented their constituents. Those national congressmen I have studied did make the effort to assess the opinions of constituents on the issue of firearms restrictions through methods which ranged from sending out questionnaires to tabulating letters received.²² These kinds of activities suggest that an investigation of the stances

¹⁹ See for instance: Letter to 'Dear Neighbor:', July 25, 1968, 'Part 4, Congressional Files, 755, Series No. III, Box 154, Folder 154-9', Records and Papers of Ogden R. Reid, Manuscripts and Archives, Yale University Library, 130 Wall Street, Box 208240, New Haven, Connecticut. In this letter, can be found an example of Reid going so far as to support the registration of firearms and the licensing of their owners.

²⁰ See for instance: Letter to individual in Hilton Head Island, South Carolina, July 31, 1968, 'Subject Correspondence, 1968, Box 7, Crime 3 (Weapons Control), Folder 7', Records and Papers of Strom Thurmond, Special Collections, Clemson University Libraries, Clemson, South Carolina. Here, Thurmond announces that, '. . . I do not agree . . . that a uniform federal law is needed.'

²¹ See for instance: Letter to individual in Liberty, Texas, September 20, 1968, 'Legislation, Judiciary, Firearms A-C, 1968, Box 193, File 204', Records and Papers of John V. Dowdy, Baylor University Collections of Political Materials, Waco, Texas. Dowdy was never one to mince words: 'I am unalterably opposed to any federal gun control proposals.'

²² See for instance: News Release, April 28, 1966, pp. 1-3, 'Box 22, Folder - Press

adopted by the national congressional delegations of individual states can most definitely be a useful foundation stone for an assessment of the predominant attitudes amongst the states' wider populations. But the imperfections of returned questionnaires and correspondence as true gauges of public opinion, combined with the reality, given the size and diversity of many constituencies, that the best a national legislator could ever have hoped to offer the people at home was his/her good judgement and conscience, place obvious limits on any conclusions which might be reached.

Instead, the object of my study has been merely to shed more light on the confusion of interests, beliefs and fears which directed certain individuals' opinions in the gun control debates of the decade. More specifically, my aim has been to identify the chief arenas of debate for particular anti-gun and pro-gun factions in the firearms restrictions controversy, and to suggest where the strengths and weaknesses of each faction would appear to have lain.

In the early 1990s, public affairs analyst W. J. Vizzard, once an employee of the Bureau of Alcohol, Tobacco, and Firearms, conducted a short investigation into the history of gun control in the U. S. to highlight the difficulties that have been, are, and will be, faced by individuals seeking to formulate and implement firearms restrictions.²³ During the course of his work Vizzard identified ' . . . four theoretical orientations' within which opposing factions in gun control debates have operated.²⁴ The first of these centred around attitudes on crime control: proponents of firearms restrictions believing such measures capable of reducing levels

Releases, 1966', Records and Papers of John S. Monagan, Special Collections: Archives, Manuscripts, Rare Books, Dartmouth College Library, Hanover, New Hampshire. / Or / Gun Control Legislation Mail, July, 18, 1968, pp. 1-2, 'Box 90-1/90-2, Public Works (H/S/P) - Judic. Comm. Mon. Holiday Bill, Folder: Judiciary Gun Control Legislation, 90th Congr' - 1st Session, 1967, [1 of 4]', Records and Papers of R. C. McEwen, Owen D. Young Library, St. Lawrence University, Canton, New York.

²³ W. J. Vizzard, 'The Impact of Agenda Conflict on Policy Formulation and Implementation: The Case of Gun Control', J. E. Dizard, R. M. Muth, and S. P. Andrews, Jr., Editors, Guns in America: A Reader, (New York/London, 1999), pp. 131-44.

²⁴ Ibid., p. 137.

of crime; opponents less than convinced.²⁵ The second focused on issues of sovereignty: opponents of firearms restrictions appearing distrustful of ‘government and collective security’ and convinced that ‘sovereignty rests with the individual citizen’; proponents having substantial faith in ‘collective authority’ and the sovereignty of government.²⁶ The third involved cultural sympathies: proponents of firearms restrictions having ‘. . . little experience with firearms . . .’ and perceiving ‘. . . little legitimate purpose for them’; opponents proving ‘. . . likely to have a positive view of firearms and firearms owners’.²⁷ And finally, the fourth revolved around the debate that guns may, or may not, be a threat to ‘public health’.²⁸

My objective has not been to test the accuracy of this particular aspect of W. J. Vizzard’s observations through a careful analysis of certain individuals’ opinions in the gun control debates of the 1960s. Vizzard’s model was built from a general overview of gun control debates throughout the U. S. in the twentieth century, using a wide variety of primary and secondary sources, and was not presented as an example of all that was discussed all of the time. The ‘public health’ debate, for instance, is only a recent development borrowed most noticeably from the traffic control controversies of the 1970s and 1980s.²⁹ Vizzard’s general observations do, however, provide a precedent for my own more narrowly defined research.

My attention has focused on national congressional delegations for one reason especially. National congressmen, gun enthusiasts and others together, made up one of those groups of individuals who, sometimes out of choice and sometimes not, investigated and debated in considerable detail the pros and cons of firearms restrictions throughout the 1960s. From the initial investigations, beginning in 1961, of the Senate’s Subcommittee to Investigate

²⁵ Ibid., p. 138.

²⁶ Ibid., p. 138.

²⁷ Ibid., p. 139.

²⁸ Ibid., p. 139.

²⁹ C. E. Koop, M. D., and G. D. Lundberg, M. D., ‘Violence in America: A Public Health Emergency’, J. E. Dizard, R. M. Muth, and S. P. Andrews, Jr., Editors, Guns in America: A Reader, (New York/London, 1999), pp. 211-15.

Juvenile Delinquency into gun violence amongst juveniles, through to the concerns raised, in 1969, over the Interest Equalization Tax Extension Act's weakening of the Gun Control Act, national legislators found themselves at the very heart of the firearms restrictions controversy. Congressional Hearings on gun control in the Senate and the House of Representatives were far from unusual after 1962, whilst the Floor debates in both Houses during the Second Session of the Ninetieth Congress were an involved process. Beyond this, national congressional delegates could not avoid the huge outpourings of mail sent in by worried constituents. At the height of the Vietnam War, for instance, Senator Edward Kennedy of Massachusetts claimed he was receiving more mail concerning the firearms restrictions controversy than the war.³⁰ National congressmen could not avoid hearing the complaints and proclamations of a wide variety of proponents and opponents of firearms restrictions and were considerably vocal in their own right. This meant, first of all, that an historian putting national congressional delegations at the centre of his/her investigations would be assured of a rich source of primary source material. Secondly, it meant that a study of the stances adopted by national congressional delegations was likely to produce one of the most complete pictures of the various arenas of debate that grew out of this issue.

A study of the national congressional delegations from every state would never have been a realistic goal. The numbers of individuals involved would have been overwhelming and the size of the literature available for such an investigation would have made this project a lifetime's work. I have chosen to look at the national congressional delegations from New York, South Carolina, Connecticut and Texas, for two reasons in particular.

First of all each of these four states had individual traits that made them especially interesting with regard to the firearms restrictions controversy of the 1960s.

New York was a state with a long history of strong firearms restrictions. Indeed the state was infamous amongst opponents of gun controls for its passage of the Sullivan Act in 1911. Amongst other things this Act made it a felony for the unlicensed carrying of concealable firearms by residents of cities, towns, and villages, made it necessary for urban residents to gain permits to possess concealable firearms, and made it a requirement that dealers must see the carrying or possession permit of an individual before selling an handgun to him/her and must keep a record of all sales detailing the customer and the firearm.³¹ As the

³⁰ Robert Sherrill, Op. Cit., p. 195.

³¹ Lee Kennett, and J. L. V. Anderson, Op. Cit., pp. 181-2.

twentieth century progressed the Sullivan Act became a blueprint for the firearms controls of many other states and a weapon in the hands of individuals seeking strong federal restrictions.

Despite this, New York in the 1960s had a sizeable rural as well as urban community which posed an interesting dilemma for the national congressional delegations. In the words of Senator J. K. Javits:

Representing, as I do, a State with both a large urban and a large rural population, it is perhaps clearer to me than to some Senators that this is really a city-rural issue. We did not think of gun registration, in fact we had no reason to, until we had 70 percent of our population in the cities, where every man cannot have a rifle hanging above his fireplace.³²

National congressional delegates from New York had an interesting balancing act to play. The need was there to defend the traditional life of widely spaced rural communities in which firearms were used for a variety of everyday practices like, for instance, the protection of livestock and crops, and hunting. But also a concern was the maintenance of the safety of tightly packed urban dwellers. There was a form of gun culture which had grown with urban America; a gun culture which grew initially from the tensions of crowding so many diverse groups of people together in an unfamiliar setting; a gun culture which recognised firearms in the hands of private individuals as both an accepted defence against crime and the ultimate challenge to established order.³³ With racially tinged urban rioting across the U. S., especially in the North where African-American migrants from the South had built up substantial but impoverished urban communities as the twentieth century progressed, being so pronounced in the latter half of the 1960s, and media coverage so high, the self-destructive possibilities of this gun culture haunted many minds.

South Carolina was in the somewhat schizophrenic position of being home to some of the staunchest opponents of firearms restrictions, but, even as late as the mid 1960s, being the only state to have banned the sale of handguns altogether. Similarly to New York, South

³² Congressional Record, 90th Congress, 2nd Session, Vol. 114, (Government Printing Office, Washington, 1968), p. 27410.

³³ Lee Kennett and J. L. V. Anderson, Op. Cit., p. 145.

Carolina had a large rural community which valued a way of life in which firearms featured heavily. On top of this, however, South Carolina had its own special element of gun culture to draw upon. A martial spirit had been particularly strong in the South during the nineteenth century. Much of this martial spirit had in fact stemmed from the institution of slavery; the need to control slaves, to capture runaways, and, ultimately, to defend a particular way of life threatened by the aggressive nationalism of the North. More so than their Northern counterparts, southern militias, especially those voluntary organisations which had come to the fore as the mid nineteenth century approached and the failings of universal service became clear, had been a focus for the social life of many communities.³⁴ Hand in hand with this martial spirit had come what Augustus B. Longstreet described as ‘. . . the Southerner’s attachment to fighting weapons for pleasure and for business’.³⁵ In the South, the ability of an individual to use a firearm effectively had paved the way to real manhood.³⁶ This rich and romanticised history of attachment to firearms in the South, a part of the U. S. which often clung to images, both mythological and real, of its past, as the surviving cult of the Lost Cause reveals, could only have served to strengthen the opposition of the all-white national congressional delegations serving South Carolina to firearms restrictions in the controversy of the 1960s.

Going further, in the 1960s there remained a sizeable distrust in many southern states to the creeping encroachments of federal power. Dating back to the days when the Republic was born there existed a southern commitment to states’ rights which survived into the twentieth century, was revived dramatically as the federal government’s role expanded through President F. D. Roosevelt’s New Deal programmes, and thrived in the civil rights disputes of the 1940s, 1950s, and 1960s. National congressional delegates from South Carolina faced with federal gun control proposals had an extra point to consider in these debates.

³⁴ Ibid., p. 152.

³⁵ Quoted in: J. H. Franklin, The Militant South, 1806-1861, (Cambridge, 1956), p. 196.

³⁶ See for instance, E. S. Morgan, American Freedom, American Slavery: The Ordeal of Colonial Virginia, (New York, 1975), pp. 239-40, 377-79; Bertram Wyatt-Brown, Southern Honor: Ethics and Behaviour in the Old South, (New York, 1982), pp. 357-60; and J. H. Franklin, Op. Cit., pp. 14-62.

Connecticut gave all the appearances of being a state rich in proponents of strong firearms restrictions, but this northern state presented an unusual scenario. Throughout the decade T. J. Dodd served this state in the Senate and, certainly, in his role as chairman of the Senate's Subcommittee to Investigate Juvenile Delinquency, was widely recognised as the leading voice in the Congress for the enactment of stringent gun controls as a means of reducing the frequency of gun violence. Nevertheless, being home to some of the biggest domestic small arms producers, such as High Standard, Marlin, Sturm Ruger, Remington, Colt, Mossberg and Winchester, Connecticut had a number of special interests with regard to this issue. When it is added that in the Connecticut constitution it was spelt out perfectly clearly that, 'Every citizen has a right to bear arms in defense of himself and the state',³⁷ it would seem that the national congressional delegations from this state had an interesting balancing act of their own to play.

Despite extensive urbanisation in Texas by the 1960s, this state still had its rural dimensions in rural dwellers, rural workers and many of those urban centres which had grown out of 'agribusiness'.³⁸ As well as having a widely dispersed rural community in the 1960s, Texas had a history which contained a possibly unique blend of both southern and western characteristics to contribute to the development of a strong gun culture. The mystique and reality of the Old West had its own seat of honour for firearms in the hands of private individuals. As the historian R. M. Brown has discussed, certain values developed in the harsh surroundings where recourse to the courts was not easy; the doctrine of no duty to retreat, the imperative of personal self-redress, the homestead ethic, the ethic of individual enterprise, the Code of the West, and vigilantism, all established their prominence through America's expansion westward in the nineteenth century.³⁹ Firearms featured visibly in all of these.

³⁷ 'Article 1, Section 15', Connecticut Constitution.

³⁸ R. A. Calvert, and Arnolde De Leon, The History of Texas, Second edition, (Wheeling, 1996), p. 351. Refers to those urban centres which grew out of commercial agriculture and its supplementary manufacturing, processing, and merchandising.

³⁹ R. M. Brown, 'Violence', C. A. Milner II, C. A. O'Connor, and M. A. Sandweiss, Editors, The Oxford History of the American West, (New York/Oxford, 1994), pp. 393-6.

Texas's special blend of the South and the West has even created a slight inconsistency amongst the academics who have studied the firearms restrictions controversy of the 1960s; Lee Kennett and James LaVerne Anderson putting the Lone Star State in a western group with regard to votes against the Gun Control Act, but John Karl Hudzik placing it with the southern contingent.⁴⁰

But Texan gun culture did not go unchecked. Article 1, Section 23, of the Texas Constitution spelt out its proviso that, 'Every citizen shall have the right to keep and bear arms in the lawful defense of himself or the State; but the Legislature shall have power, by law, to regulate the wearing of arms, with a view to prevent crime'. The 1960s also presented their own challenges. President L. B. Johnson was a native of the Lone Star State and by 1968 was pushing publicly for some of the strictest forms of firearms restrictions under discussion; namely the registration of firearms and the licensing of their owners. And, going further, being the state in which President J. F. Kennedy was assassinated, in 1963, and where C. J. Whitman opened fire on unarmed students for one and a half hours of well publicised madness, in 1966, Texas was at times the emotional focal point of firearms restrictions proposals. The national congressional delegations serving Texas in this decade were being pulled in many directions by competing forces.

The individual traits which made New York, South Carolina, Connecticut and Texas, particularly interesting for this study of the firearms restrictions controversy of the 1960s, offered far more than window dressing. The diverse range of interests, histories, loyalties and emotions, to be found in relation to firearms in these four states decreased the possibility that any of principal debates behind the nation-wide controversy would be missed. This conclusion is strengthened when it is highlighted that these four states stretched across the geographical regions of Northeast, South and West, identified in Lee Kennett's and James LaVerne Anderson's brief analysis of the disputes leading up to the passage of the Gun Control Act.

This all leads to the second, and principal, reason for centring my attention on New York, South Carolina, Connecticut and Texas. These four states have been chosen with a view to keeping a balance between the pro-gun and anti-gun elements in the firearms restrictions controversy of the 1960s. With national congressional delegates from two of these states, New York and Connecticut, falling predominantly into the anti-gun camp, and those from the other two adopting in the main a pro-gun stance, using votes on the Gun

⁴⁰ Lee Kennett and J. L. V. Anderson, *Op. Cit.*, p. 244, and J. K. Hudzik, *Op. Cit.*, Appendix.

Control Act in the House of Representatives and the Senate as a reference point,⁴¹ the opportunity has been presented for a close analysis of the arguments behind each position.

A wide variety of primary source material has been used for this investigation into the anti-gun and pro-gun stances of the national congressional delegations from New York, Texas, Connecticut and South Carolina in the firearms restrictions controversy of the 1960s. Much of the primary evidence drawn upon by the four works highlighted above has been reinvestigated but, of course, with a comparative study of the relevant national congressmen in mind. Many of these national legislators sat on congressional committees which investigated the pros and cons of gun control, made speeches on the Floor of one or the other chamber of Congress, and found themselves quoted or interviewed in various contemporary publications. Various newspapers, the Congressional Record, and the proceedings of a select few Congressional Hearings have, therefore, proved invaluable to my study. Unlike earlier investigations, however, I have been able to make use of the records and papers of a large number of the national congressmen from the four states in question; records and papers which have become increasingly open for academic perusal as the distance between the present and the 1960s has lengthened. The records and papers contain a rich and diverse range of primary source material from detailed speeches down to the short letters written in reply to the mail of concerned constituents. Even the latter can provide an interesting insight to the stances adopted by the national legislators in question. Certainly each member of Congress had a sizeable staff which played its role in punching out these replies, and at times the quantity of mail received ensured that standard replies had to be drawn up to be sent *en masse* to all correspondents. This said, the national congressional delegates under examination did seem to keep a close personal control over the kinds of replies sent out, and were often keen to ensure these were not ambiguous in design. In a memo sent out in

⁴¹ The final roll calls available for study on the Gun Control Act, September 18, 1968, in the Senate, and October 10, 1968, in the House of Representatives, revealed only one national congressional delegate from the two north-eastern states voting against the legislation on offer. Six of over twenty national legislators serving Texas had a vote recorded in favour of the legislation, whilst within the South Carolinian ranks no supporters were to be found. Congressional Record, Op. Cit., pp. 27492 and 30587-8.

October, 1967, for instance, Representative R. C. Eckhardt, of Texas' eighth district, made clear his dissatisfaction with the letters being sent out from his staff:

Please note the correspondence that has been sent out by my office on firearms legislation. It seems to me it might be better not to equivocate so much.⁴²

The congressman then provided what he considered to be a more appropriate form of reply.⁴³ And even the replies which were sent out *en masse* could provide detailed information on a national congressman's position. When, for instance, Representative Jim Wright, of Texas' twelfth district, faced 1, 200 letters one week in 1968, he produced a form letter of some length which touched on a good number of issues: murders with various forms of firearms, hunting, the Constitution, tough penalties for misuse of deadly weapons, and waiting periods between the purchase and collection of handguns.⁴⁴ The records and papers enabled me to undertake a far closer investigation of the stances adopted by the national congressional delegations of New York, Texas, Connecticut and South Carolina, in the firearms restrictions controversy of the 1960s, than a reliance on evidence already used by other researchers would have made possible.

From the evidence studied it became obvious that for the national congressional delegations from New York, Texas, Connecticut and South Carolina, there were four main arenas of debate in the firearms restrictions controversy of the 1960s. One, set up by advocates of such restrictions, centred around the proposition that gun controls were an effective tool against gun violence. It was in this arena that anti-gun factions seemed at their

⁴² Memo, October 9, 1967, '95-147, Box 18, Folder 5: Gun Control Legislation (Against), Correspondence, Feb' 1967-June 1968', Records and Papers of Robert C. Eckhardt, Archives and Manuscripts, Center for American History, University of Texas at Austin, Austin, Texas.

⁴³ Letter sent to individual in Houston, Texas, October 9, 1967, '95-147, Box 18, Folder 5: Gun Control Legislation (Against), Correspondence, Feb' 1967-June 1968', Ibid.

⁴⁴ Letter to 'Dear Friend:', 'Box: 90th, 2'nd, Legislative, Judiciary, "Anti-gun Control", May 13-c.a. June, Folder (06/25/68-07/11/68)', Records and Papers of Jim Wright, Mary Coats Burnett Library, Texas Christian University, Fort Worth, Texas.

strongest. The latter three arenas of debate centred around the separate claims of opponents that most of the firearms restrictions under discussion amounted to a violation of the *individual liberties* of law-abiding owners/would be owners of guns, an invasion of constitutionally defined states' rights, and, finally, an infringement of a constitutional or even natural right of individuals to keep and bear arms. It was in these three arenas where the position of pro-gun factions appeared most forbidding. A fifth arena of debate concerning the extent to which the congressional delegations under question chose to accuse opponents or proponents of firearms restrictions of placing the fate of the domestic small arms industry too close to the heart of their objectives, was of less prominence. In the five chapters which follow each of these arenas of debate are analysed in turn.

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A heartfelt thanks goes to my family, friends and colleagues who have contributed to making this challenging exercise also an enjoyable one.

Chapter 1

Firearms Restrictions Versus Gun Violence

The firearms restrictions controversy in the United States of America (U. S.) during the 1960s grew most noticeably from the myriad debates surrounding the issue of crime control. A concern with crime, whether perpetrated by individuals, mobs, or organisations, was certainly not new in this decade. The spiralling rate of crime, however, added a level of urgency to the subject which ultimately guaranteed it a place on centre stage in the presidential elections of 1968; Republican candidate Richard M. Nixon's election promise to make 'the restoration of law and order'¹ his number one domestic priority played an important part in clearing the way for his passage into the White House. The cold statistics in themselves made very evident how the problem was worsening. The National Commission on the Causes and Prevention of Violence drew particular attention to the increase in the major violent offences of homicide, aggravated assault, and robbery, between 1964 and 1967:

Homicides:	1964, 9, 250	1967, 12, 100
Aggravated Assaults:	1964, 200, 000	1967, 253, 300
Robberies:	1964, 129, 830	1967, 202, 050 ²

More striking for the population at large, given the numbers of people involved and the media attention, were the urban riots, with their distinctly racial colouring, that peppered the country after the initial outburst in the Los Angeles community of Watts, on 11 August, 1965. And, if nothing else did, the dramatically publicised political assassinations, which included that of a President, drove home one particular point harder than ever: criminals could reach anyone.

Firearms featured prominently in all of these phenomena. The National Commission on the Causes and Prevention of Violence made quite manifest that the rise in the major

¹ Quoted in: W. H. Chafe, The Unfinished Journey - America Since World War II, Second edition, (New York/Oxford, 1991), p. 376.

² M. S. Eisenhower, Commission Statement on Firearms and Violence, National Commission on the Causes and Prevention of Violence, July 28, 1969, p. 10.

violent offences of homicide, aggravated assault, and robbery, between 1964 and 1967, was paralleled by a more substantial percentage of these crimes being committed with firearms:

Homicides:	1964, 55%	1967, 63%
Aggravated Assaults:	1964, 15%	1967, 21%
Robberies:	1964, Not available	1967, 37%

(Despite the unavailability of accurate figures for the percentage of robberies committed with firearms in 1964, the Commission seemed confident in reporting that firearms “. . . play an increasingly deadly role in aggravated assault and robbery”.)³

The ‘rooftop sniper’⁴ was an image popularly associated with the urban riots, even if the reality of firearm abuse throughout these episodes proved a less noteworthy affair.⁵ When it came to political assassinations, there was no disputing the fact that President J. F. Kennedy, Martin Luther King, Jr., and New York’s Senator R. F. Kennedy all met untimely ends as the result of some description of firearm falling into the wrong kinds of hands. It was hardly surprising that efforts to combat crime should turn their attention to the relationship between criminality and easy access to firearms when it is considered that the rise in firearms related crime coincided with a dramatic increase in the numbers of these instruments being purchased; according to the Stanford Research Institute, the total sales of rifles, shotguns, and pistols/revolvers, in 1967, were 132 % above those for 1963.⁶ Nor, therefore, should too many eyebrows be raised at the revelation that the first substantial federal firearms restrictions to emerge at the end of the 1960s, took the form of mere attachments to an extensive piece of

³ Ibid., pp. 3 and 10.

⁴ L. Kennett, and J. L. V. Anderson, The Gun in America, Third printing, (Westport/London, 1975), p. 237.

⁵ For a particularly acerbic twist on this see: R. Sherrill, The Saturday Night Special, (New York, 1973), pp. 257-258.

⁶ Quoted in: Firearms Facts, Compiled by the Criminal Division of the United States Department of Justice, July 16, 1968, p. 2.

legislation designed to tackle crime from many different angles; the Omnibus Crime Control and Safe Streets Act, of June, 1968.

It would be inaccurate to argue, however, that the firearms restrictions controversy of the 1960s grew entirely from debates surrounding the issue of crime control. This chapter has been entitled ‘firearms restrictions versus gun violence’, as opposed to ‘firearms restrictions versus gun *crime*’, to emphasise a point easy to miss in the debates of the day. It was a point hinted at in the preamble given to the Gun Control Act, of October, 1968, where the purpose of the ensuing restrictions was stated to be that of aiding the ‘fight against crime *and* violence’.⁷ It was also a point left unsaid, but implied, by the advocates of stricter firearms restrictions than those contained within the National, and Federal, Firearms Acts of the 1930s, when they spoke of the toll of ‘gunshot wounds’⁸ on the nation, as opposed to the toll of murders, or assaults, with firearms. Accidents, and suicides, with these weapons, also had their role to play in the controversy. Figures compiled by institutions such as the National Center for Health Statistics illustrated quite clearly that the steady increase in gun crime throughout the decade was mimicked by an increase in gun accidents and gun suicides:

	Gun Suicides	Gun Accidents
1962	9, 487	2, 092
1963	9, 595	2, 263
1964	9, 806	2, 275
1965	9, 898	2, 344
1966	10, 407	2, 558. ⁹

These latter incidents did not seem to hit the headlines with quite the intensity of the former but their occurrence by no means went unnoticed.

⁷ Gun Control Act, Public Law 90-618, Title 1, Section 101. *My emphasis*.

⁸ A. Landers, ‘Readers Urged to Demand Gun Laws’, Columbia Record, April 11, 1967.

⁹ Quoted in: Firearms Facts, Op. Cit., p. 10.

Other forms of gun violence existed; hunting, for instance, did not find itself immune to attack in the firearms restrictions controversy.¹⁰ This said, it was crimes, accidents and suicides, with guns, which provided the greatest stimulant to the debates; as Chapter 2 will show, hunting itself proved too deeply imbedded in the national culture to provide any substantial stimulus to demands for stricter firearms restrictions which might have focused attention on matters such as the suffering of animals. Thus the gun violence referred to in this chapter covers the three areas of crimes, accidents and suicides alone. Those individuals most enthusiastic about creating stricter firearms restrictions believed that this gun violence could be reduced by so doing, whilst those opposed to stricter legislation in this field did not display the same confidence.

This chapter will illustrate the extent to which the national congressional delegations from New York, Texas, Connecticut, and South Carolina, believed firearms restrictions could tackle the problems of gun violence. Attitudes will be analysed under three separate headings. First of all, a look will be taken at the more general discussions concerning whether or not new firearms restrictions could really make any positive contribution to the serious matter of controlling gun crime. Second, still centring on gun crime, will come a more specific study of debates concerning the kinds of firearms restrictions actually being proposed in the 1960s. Finally, the manner in which gun accidents and gun suicides were approached during the course of all the relevant proceedings will be assessed. This division should not be interpreted to suggest that the disputes over firearms restrictions were carefully structured in a similar fashion; this was in fact very far from the case. Instead an attempt is being made to display the key aspects of the subject matter in a fashion which highlights most straightforwardly four striking conclusions which can be drawn.

The first of these merely confirms what should, perhaps, have been expected, considering that in the Ninetieth Congress, national congressional delegates from New York and Connecticut voted predominantly in favour of the final version of the Gun Control Act, whilst most of their colleagues from Texas and South Carolina did quite the opposite. In short, the largest contingent from the two northern states was convinced that the implementation of a wide variety of firearms restrictions could reduce gun violence by a

¹⁰ See for instance: C. Bakal, The Right to Bear Arms, (New York/Toronto/London, 1966), pp. 309-326.

satisfactory margin. Its counterpart from the two southern states seemed very wary of this belief.

The second conclusion has wider implications. The national congressional delegations from New York and Connecticut, and those from South Carolina and Texas, were separated from each other on this issue by what seemed to amount to differing ideologies concerning the role of the individual and the role of U. S. society as a whole, meaning the collective unit of population and institutions, in the running of people's daily lives.¹¹ At times, in a manner which bordered on contradiction, the dominant voice from the two southern states' national congressmen enthused not only about the obligation of the individual to obey the law, but also about there being a necessity for individuals to carry the responsibility of protecting themselves and their own. From the northern states' national congressional delegates came the equally mixed message that people should voice their complaints with the State, meaning the collected entity of all bodies and all levels of government, in order to bring about needed change, but also that these same people should trust the State to protect them from themselves and others.¹²

Thirdly, there comes the interesting suggestion that, if the firearms restrictions controversy could have been contained within the arena of 'firearms restrictions versus gun violence', the ultimate success for the keenest supporters of the wide variety of additional firearms restrictions on offer might have come earlier and have been of more substance. This conclusion comes with reservations. It perhaps assumes too heavily that legislative disputes can be decided on strength of argument alone, and pays small heed to other fundamental aspects of political science, such as the manoeuvrings of interested groups and individuals, and the system of government in place. It also requires an acceptance of the belief that the arguments put forward by national congressional delegates from these states were entirely

¹¹ Throughout my thesis references made to 'U. S. society as a whole' are always made to imply the collective unit of population and institutions.

¹² Throughout my thesis references to 'the State', with the 'S' capitalised are always made to imply the collected entity of all bodies and all levels of government: federal, state, and local. The only exceptions to this rule come in direct quotes but in these the meaning intended by the individuals who, or documents which, are quoted will be clear.

representative of those permeating the rest of the country. With regard to the former, the proposal here is merely to suggest that the most dominant voice from the two southern states would have been very aware that a failure to strengthen objections to new firearms restrictions beyond the cry that ‘Gun violence will not be reduced!’ was leaving too much to chance. When it comes to the latter, there can be no doubt that certain aspects of the wider debate were underrepresented by the voices emerging from the congressional delegations of these four states; the absence of explicit references to African-Americans with firearms, even with the urban riots in full swing, being one of the most notable.¹³ This said, it can be argued that the urban/rural, northern/eastern/southern/western, and Republican/Democrat elements, contained within this collection of congressmen, give legitimacy to the claim that at least the key elements of discussions being held throughout the country were reflected here in microcosm.

¹³ This omission is interesting considering the remarks of Robert Sherrill, mentioned in the introduction to this thesis, to the effect that the Gun Control Act was only ever passed into law because of an ingrained racism that was diffused throughout U. S. society as a whole. To national congressional delegates from New York, South Carolina, Connecticut, and Texas, the fear of gun violence, perpetrated by whomever, was a prime ingredient to the firearms restrictions controversy of the 1960s. Gun violence certainly was perceived to be particularly rife amongst poor urban dwelling African-Americans as the racially tainted rioting ensued in the second half of this decade. Concerns over gun violence were most definitely heightened as a result of the rioting. It does not quite follow on, however, that the Gun Control Act might be better described as an African-American Control Act. This kind of leap assumes the existence of an agenda that presumably flew straight over the heads of the solid block of national congressional delegates from the South who voted against the Act. For an interesting analysis of how the Gun Control Act, and other firearms restrictions, might be successfully challenged today as discriminatory, with their emphasis being on lessening the availability of cheap guns and thus the only ones easily available through legitimate channels to the more economically challenged U. S. citizens, see: T. M. Funk, ‘Gun Control in America - A History of Discrimination Against the Poor and Minorities’, J. E. Dizard, R. M. Muth, and S. P. Andrews, Jr., Editors, Guns in America: A Reader, (New York/London, 1999), pp. 390-402.

The final conclusion relates most specifically to the national congressional delegations from Texas and South Carolina. Many legitimate reservations were voiced, from this gathering of politicians, about the belief that firearms restrictions could have a very positive effect on the ever-increasing rates of gun violence. There can be no question, however, that a number of the concerns raised carried double meanings, whilst others betrayed an element of inconsistency. The impression left was that objections to firearms restrictions went well beyond a simple dissatisfaction with spending a large amount of taxpayers' money on programmes which had little, if any, chance of meeting the result desired by all: a reduction in violence with guns. Other factors were at play.

New Firearms Restrictions To Combat Gun Crime

As the 1960s progressed there can be no doubt that law and order became a key concern for all of the congressmen falling under the purview of this study. The division between those opposed to an extensive overhaul of existing firearms restrictions, predominantly members of the Texan and South Carolinian delegations, and those in favour of such a move, the bulk of whom served the states of New York and Connecticut, was not one which separated those having no interest in acting against crime with guns from those who had such an interest. Indeed, one of the most visible opponents of new firearms restrictions from these four states, Senator Strom Thurmond, of South Carolina, was among those most eager to rally behind Richard M. Nixon's cry for a 'restoration to law and order', in the elections of 1968.¹⁴ The lines drawn between the opposing camps served instead as a dividing line between individuals who felt differently about which methods could combat crime with guns most effectively.

The dominant belief amongst national congressional delegates from New York and Connecticut was that new firearms restrictions were needed if crime with guns was to be

¹⁴ During some of the more heated moments of the firearms restrictions debates Senator Strom Thurmond, of South Carolina, proved one of the most enthusiastic opponents of new gun controls on the Senate Judiciary Committee's Subcommittee to Investigate Juvenile Delinquency; the congressional subcommittee with the longest running interest in this issue during the 1960s. Thurmond was also a key spokesperson for Nixon's election campaign.

reduced. An immense variety of statistics were served up throughout the decade to defend this stance. In particular, a great deal of attention was paid to the rates of crime with guns in countries which had strict firearms restrictions in place. The following from Representative R. D. McCarthy, of New York's thirty ninth district, was typical:

We have the highest murder rate of any advanced industrial nation in the world today. The murder rate in this country is five times the murder rate in Canada; five times the murder rate in Australia; 10 times the murder rate in Belgium; 20 times the murder rate in Denmark; 23 times the murder rate in West Germany; 54 times the murder rate in Great Britain; and 67 times the murder rate in Japan. / In all these countries that I have mentioned, they have gun laws of varying stringency and there is a direct correlation between the stringency of a nation's gun law and its murder rate. / We have the most permissive gun laws in the world today of any advanced industrial state.¹⁵

Another favourite was to point out how the levels of this kind of crime in those few states or cities in the U. S. with strict firearms restrictions compared so very favourably with other states or cities which did not. In 1963, for instance, Senator T. J. Dodd, of Connecticut, announced:

Federal figures show that in the 18 States which have bare minimum control laws over firearms, 65 percent of the murders were committed with guns. In the seven States with the most stringent firearm laws, 42 percent of the murders involved the use of guns. In other words, the States with some form of permit regulation had a felonious death rate from guns 23 percent lower than the States without these regulations.¹⁶

¹⁵ Congressional Record, 90th Congress, 2nd Session, Vol. 114, (Government Printing Office, Washington, 1968), p. 22747.

¹⁶ A Bill to Amend the Federal Firearms Act, p. 2, entered into the Congressional Record, August 2, 1963, 'Series III: Administrative and Legislative Files, Subseries: Speeches, Articles, and Press Releases, Box 197, Fd 4913', Records and Papers of Thomas J. Dodd, Dodd Center, University of Connecticut, Storrs, Connecticut.

Despite displaying a fondness for these eye-catching figures, and for studies concluding that ‘. . . the mere presence of the trigger pulls the finger’,¹⁷ a good number of the national congressmen from New York and Connecticut were also keen to make clear that they did not believe new firearms restrictions could serve as a panacea for gun crime.¹⁸

The ascendant voice from the national congressional delegations of New York and Connecticut betrayed a general sympathy for the fundamental ideology that underlay the extensive, though at the same time limited, programmes for combating poverty and inequality initiated that decade by Presidents John F. Kennedy and Lyndon B. Johnson. This ideology manifested itself in the belief that U. S. society as a whole was collectively to blame for the country’s social problems: the role of the State was to heed the protests of the discontented, and to become actively involved in putting the social ills which they identified to right. For many national congressional delegates from New York and Connecticut a particular attitude towards crime control grew from these beginnings. First of all came the understanding that crime extended from environment, both material and philosophical, and thus that methods of crime control needed to emphasise improving people’s surroundings. Secondly came the two-sided belief that although the State had a responsibility to protect citizens from becoming victims of crime, and thus to ensure that laws could be enforced effectively, it also had to guarantee that law enforcement paid some heed to the idea that U. S. society was itself at least partly culpable for the rising levels of crime; limited rights for the accused, and draconian punishments for the offender, were to be frowned upon.

¹⁷ Study Finds Guns Stimulate Violence, p. 1, entered into the Congressional Record, September 11, 1968, ‘Series III: Administrative and Legislative Files, Subseries: Speeches, Articles, and Press Releases, Box 211, Fd 5717’, Ibid.

¹⁸ See for instance: Speech made in the Senate following the assassination of Senator Robert F. Kennedy, June 12, 1968, ‘Box 114, Fd: June 12, 1968 (Mis.) Gun Control Legislation’, Records and Papers of Abraham A. Ribicoff, Manuscript Division, Library of Congress, Washington, D. C. / Or / Letter sent to individual in Lockport, New York, June 29, 1966, ‘Senate Papers, Correspondence: Subject File, 1966, Box 23, Folder: Crime: Firearms 6/1966-8/1966’, Records and Papers of Robert F. Kennedy, John F. Kennedy Library, Boston, Massachusetts.

A strong attraction to this dual approach to crime control, within the national congressional delegations of New York and Connecticut, seemed evident throughout most of the 1960s. It was displayed quite clearly, in April, 1968, by the active bipartisan support given by a plurality of national congressmen from New York to the recommendations put forward by the National Commission on Civil Disorders for bringing urban rioting to an end:

[The State should help to guarantee:]

- A decent job for every American able to work.
- A good education for every child.
- Decent homes for the one fifth of a nation who are ill-housed.
- Dignified social welfare for the ill, the indigent and the aged.
- Full equality before the law, effectively enforced.¹⁹

Elements of this dual approach could be seen in the almost unanimous approval given by national congressional delegates from New York and Connecticut to Title I of the Omnibus Crime Control and Safe Streets Act; the section designed to provide federal grants for the betterment of local and state law enforcement agencies.²⁰ The dissatisfaction expressed by so many of these individuals with Title II of that same Act which served to undermine certain Supreme Court rulings that had sought to protect the rights of the accused also illustrated a sustained interest.²¹

¹⁹ Taken from a statement signed by numerous members of the House of Representatives, nine of who served New York, which was quoted in: Press Release, April 10, 1968, 'Box 445', Records and Papers of William F. Ryan, Seeley G. Mudd Manuscript Library, 65 Olden Street, Princeton University Library, Princeton, New Jersey. Published with permission of the Princeton University Library.

²⁰ What complaints there were with Title I were directed at the manner in which the federal money was to be shared out: block grants to the states instead of direct grants to local communities.

²¹ See for instance the words of the Representative serving New York's twenty sixth district: Remarks Of Congressman Ogden R. Reid On The Floor Of The House With Regard To Title II Of The Law Enforcement And Criminal Justice Assistance Act As

Encouraging the adoption of new firearms restrictions to combat gun crime fit into this entire attitude on crime control quite neatly: society was guilty of having exacerbated the problem of gun crime by allowing easy access to firearms for too long; the State should be protecting its citizens, who should neither be having to protect themselves nor be permitted to take the law into their own hands.²² Unquestionably though, new firearms restrictions, as far as the majority of national congressmen from New York and Connecticut were concerned, could only play a small, though vital, part in reducing levels of gun crime. The final solution to this kind of crime, and perhaps all others as well, lay in a far more comprehensive programme which emphasised the need for the State to protect its citizens but, at the same time, to recognise the collective liability of U. S. society as a whole for the rising levels of criminal behaviour.

Despite this interest in a more comprehensive programme to combat all kinds of crime and despite repetitions to the effect that new firearms restrictions could not be a cure-all for

Well As The Gun Control Provisions, 'Part 4, Congressional Files, 755, Series No. III, 154, Folder 154-8', Records and Papers of Ogden R. Reid, Manuscripts and Archives, Yale University Library, 130 Wall Street, Box 208240, New Haven, Connecticut.

²² Throughout the 1960s media attention was caught by a variety of organised and unorganised groups, from both sides of the political spectrum, threatening vigilante action to secure a whole range of ends. These ends stretched from forcing the State to stamp out inequalities that pervaded U. S. society as a whole, to silencing the complaints of those who desired such change. To national congressional delegates from New York and Connecticut, vigilantes, whether organised bodies like the Black Panthers, and the Minutemen, or unorganised masses, like rioting urban dwellers, and other urbanites keen to defend themselves and their property when rioting came around the corner, all had one thing in common. Vigilantes could only make law and order problems worse. See for instance: Press Release from April 4, 1968, p. 2, 'Box 22 - Press Releases 1959-1969, Folder - Press Releases 1968', Records and Papers of John S. Monagan, Special Collections: Archives, Manuscripts, Rare Books, Dartmouth College Library, Hanover, New Hampshire. / Or / Remarks from Representative W. F. Ryan, of New York's twentieth district, in Congressional Record, Op. Cit., p. 21830.

gun crime, the national congressional delegations from New York and Connecticut did not always put this message across as clearly as they might have done. There seemed to be two reasons for this; both connected to the emotional impact of crimes with guns on the wider population.

First of all, it became increasingly obvious to the majority of national congressmen from these two states, that new firearms restrictions had more chance of becoming law if the general public could be rallied into providing active support for the idea.²³ It was also obvious, however, that sustaining the interest of the people at large was not easy; there were many cries of dismay from these national congressional delegates to the effect that the most substantial support for new firearms restrictions only came when somebody famous died.²⁴ Thus, out of necessity as it were, national congressmen from New York and Connecticut appeared to deliberately exaggerate, in actions, and in the use of particularly colourful language, the extent to which new firearms restrictions could combat gun crime. For instance, by altering his Bill, S. 1975, in November, 1963, after the assassination of President J. F. Kennedy, so that its provisions covered rifles and shotguns, rather than just handguns, T. J. Dodd gave the hazardous impression that he believed the amended proposal might have saved the President's life. Representative W. F. Ryan, of New York's twentieth district, also seemed to imply that he believed new firearms restrictions could have saved President J. F. Kennedy from assassination when he explained to a correspondent in 1967:

²³ Many national congressional delegates from New York and Connecticut went to some lengths to explain the courses of action open to members of the public convinced of the crime control utility of new firearms restrictions. See for instance: Letter sent to 'My dear friend', June 19, 1968, 'Series II: Subject Files, Box 130, Folder: Firearms 1968, Jan-Jun', Dodd, Op. Cit. / Or / Letter sent to 'Dear Reform Club President', July 1, 1968, 'Box 126, Fd. Gun Control', Ryan, Op. Cit.

²⁴ See for instance: Press Release, June 15, 1968, 'Box 179, Folder: Gun Statement, Released June 15, 1968', Records and Papers of Robert N. Giaimo, Dodd Center, University of Connecticut, Storrs, Connecticut. / Or / Remarks of Representative R. D. McCarthy, of New York's thirty ninth district, in Congressional Record, Op. Cit., p. 23078.

I would have thought that the assassination of our President would have resulted in prompt legislation to control firearms.²⁵

Secondly, however, a significant number of these congressmen seemed to become carried away by their own rhetoric. On occasion, lists of statistics and myriad examples of particularly nasty crimes committed with guns were far more prominent in appeals for new firearms restrictions than explanations as to why such measures might be expected to have any positive effect on violence of this nature.²⁶ Quite contrary to the denials referred to above, these kinds of presentation on the subject gave the false impression that many national congressional delegates from New York and Connecticut did believe new firearms restrictions could be a panacea for gun crime.

It could be argued that appealing to the emotional horror of gun crime as a means to rally much needed public support for new firearms restrictions, proved, at least ultimately, a successful course of action. The popular demand for new firearms restrictions in response to the traumatic events of 1968, which included the assassinations of Martin Luther King, Jr., and R. F. Kennedy, and yet another wave of widespread rioting, provided an important stimulus for passage of the Gun Control Act. A number of politicians previously less than enthusiastic about enacting new firearms restrictions did seem to warm to the idea when faced with an aroused public in an election year.²⁷ Assessing the extent to which this popular cry would have existed, and been sustained, without various long-time believers in the positive effect new firearms restrictions could have on gun crime, including the majority of national

²⁵ Letter sent to individual in New York, New York, March 30, 1967, 'Box 35, Fd. Fi ... 1967', Ryan, Op. Cit.

²⁶ See for instance: Remarks from Representative B. L. Podell, of New York's thirteenth district, in Congressional Record, Op. Cit., p. 22253. / Or / The Urgent Need for a Good Firearms Bill, entered into the Congressional Record, March 10, 1966, 'Series III: Administrative and Legislative Files, Subseries: Speeches, Articles, and Press Releases, Box 204, Fd. 5324', Dodd., Op. Cit.

²⁷ D. S. Cupps, Bullets, Ballots, and Politics: The National Rifle Association Fights Gun Control, Unpublished Dissertation, (Princeton University, Department of Political Science, University Microfilms, 1970), pp. 161-162.

congressional delegates serving New York and Connecticut at the time, adding their own sparks to the flame, would seem impossible, but the latter's contribution was unlikely to have discouraged the general public from making its demands. On another level, though, this kind of tactic was hazardous. Exaggerating the extent to which new firearms restrictions could reduce crimes with guns left proponents open to the charge of having failed to research the subject matter thoroughly enough; of being too hasty in grabbing for what was only a deceptively appropriate solution to the problem at hand. No matter how much research the national congressional delegates from New York and Connecticut who were supporting new firearms restrictions had done in this area and no matter how many times they stressed how much research had been put into the proposals they championed,²⁸ they remained easy to damn for emotionalism.

Unlike their colleagues from New York and Connecticut, national congressional delegates from Texas and South Carolina were predominantly of the opinion that new firearms restrictions did not have a great deal to offer in the battle against gun crime. They certainly had no quarrel with the assertion that gun crime was on the increase in the 1960s;²⁹ though there was a tendency to imply that the problem was urban as opposed to rural in nature and

²⁸ At the forefront of efforts to pass new firearms restrictions on Capitol Hill, Senator T. J. Dodd, of Connecticut, and, towards the latter end of the 1960s, Representative Emanuel Celler, of New York's tenth district, as well, were constantly forced to point out that the controls they championed were not panic reactions to rare but well publicised tragedies. See for instance: Senator Dodd Calls Upon Senate to Ignore Gun Lobby and Vote for Gun Control Legislation, May 7, 1968, p. 2, 'Series III: Administrative and Legislative Files, Subseries: Speeches, Articles, and Press Releases, Box 209, Fd. 5639', Dodd., Op. Cit. / Or / Remarks of Emanuel Celler in Congressional Record, Op. Cit., p. 22783.

²⁹ Drawing attention to the rise of crime in general, as opposed to specific references to gun crime, seemed the preferred course of action. See for instance: H. R. 5037 - Law Enforcement and Criminal Justice Act of 1967, August 8, 1967, p. 3, 'Box 1, House of Rep': Legislation, Gen., 1964-1968, 20', Records and Papers of Robert T. Ashmore, Modern Political Collections, South Caroliniana Library, University of South Carolina, Columbia, South Carolina.

thus, despite the rapid, and extensive, urbanisation of Texas in particular during the previous few decades, that it was a problem of less concern to them than to their northern neighbours.³⁰ They had a fondness for their own lists of statistics, however, which told a different tale to those presented by their counterparts in New York and Connecticut. They preferred the figures that suggested states and cities with strong firearms restrictions did not have significantly less gun crime than those without. Representative Ray Roberts, of Texas' fourth district, for instance, informed one correspondent who supported the congressman's stance against new firearms restrictions:

States which have passed such laws have certainly not stopped crime by so doing. New York, which has the strictest law of all, has a higher crime ratio than Texas, which has no such law.³¹

National congressmen from Texas and South Carolina also liked to turn their eyes to foreign countries, but what they saw did not instil any faith in the idea that new firearms restrictions could bring about any significant reduction in the number of crimes being committed with guns in the U. S.. Senator John Tower, of Texas, for instance, raised no dispute with a correspondent forwarding the following information:

England has very strict anti-gun laws covering all weapons. A London paper commented on the situation as follows: "The shadow of the gunman lies

³⁰ See for instance the brief dialogue between Representative C. W. Thompson, of Texas' ninth district, and the Deputy Commissioner of the New York City Police Department: 'On proposed amendments to the National Firearms Act and the Federal Firearms Act', Hearings Before the Committee on Ways and Means, United States House of Representatives, 89th Congress, 1st Session, July 12th, 13th, 14th, 19th, 20th, 21st, 22nd, 23rd, 26th, 27th and 28th, 1965, Parts 1 and 2, (Government Printing Office, Washington, 1965), p. 370.

³¹ Letter sent to individual in Tyler, Texas, August 16, 1966, 'Box 21, File 21.10', Records and Papers of Ray Roberts, James Gilliam Gee Library, Texas A & M University, Commerce, Texas.

[across] the land for the plain reason that any criminal or fool can get a gun.
Who can't get a gun? The honest, law-abiding citizen."³²

Perhaps most importantly, the dominant voice from the national congressional delegations of both Texas and South Carolina was quick to imply that those who championed new firearms restrictions believed such measures were a panacea for gun crime; from which point accusations of emotionalism were the obvious way forward.³³ There was a tendency to go one step further as well. People who emphasised the importance of new firearms restrictions in efforts to combat the rising level of crimes committed with guns were often accused by national congressmen from Texas and South Carolina of attempting to avert attention from what these legislators saw as the State's permissive attitude towards law enforcement. Representative John Dowdy, of Texas' second district, put the case as well as anyone else:

. . . officialdom . . . unwilling to crack down on the criminal element, conceived the gun-control agitation as a diversionary means, to carry public opinion away from crime and rioting, by claiming that gun control would do away with crime . . . / The first defense against [criminal] violence is respect for the law, including the right to try to change unwanted laws through orderly appeal to the legislative process. But when American political leaders began to stoop to justifying and encouraging riots, [criminal] violence, murder of police, firemen and soldiers, and television exploitation of hoodlums, there is a very real problem. But it is not because America is sick, as some claim; it is because

³² Letter sent from, and sent reply to, individual in Austin, Texas, July 18, and August 14, 1961, 'Box 266, Folder 4', Records and Papers of John G. Tower, John G. Tower Library, Southwestern University, Georgetown, Texas.

³³ See for instance: Letter sent to individual in New Braunfels, Texas, July 1, 1968, 'Box 391, File 5, Legislation, Firearms, Judiciary Committee, 1968', Records and Papers of O. C. Fisher, Baylor University Collections of Political Materials, Waco, Texas.

some of [our] politicians are stupid for collaborating with those who work to destroy law and order.³⁴

For these southern congressional delegates, ending the State's permissive attitude would do far more to reduce gun crimes than new firearms restrictions ever could.

The tendency to emphasise how more rigorous law enforcement, untainted by a loosely defined liberal permissiveness, would lower the level of gun crimes in a way new firearms restrictions never could, helped to highlight the specific ideology from out of which sprung the general positions that most national congressional delegates from Texas and South Carolina took on the issue of crime control. Needless to say this ideology differed markedly from that already identified amongst national congressmen serving New York and Connecticut. Here the underlying theme was that individuals should bear the main responsibility for their own social well-being, whilst the State ought to serve primarily, and function effectively, as the final voice of authority designed to keep individual passions in check. When applied to matters of crime control this separated out into two principal attitudes. The first was an emphasis on the guilt of individuals, rather than that of U. S. society as a whole, for criminal offences. The second translated into the belief that the State could reduce levels of crime most effectively by guaranteeing ' . . . swift arrest, swift incarceration and certain punishment for the crime involved';³⁵ the example of efficiency this exhibited being a sure *deterrent* to those contemplating a career of crime.

This attitude on crime control pervaded the ranks of the national congressional delegations from Texas and South Carolina throughout the 1960s. With regard to the first aspect of this Strom Thurmond proved particularly vocal in a lengthy presentation to the Twentieth Century Reformation Hour Freedom Rally, on 14 June, 1968:

³⁴ Untitled speech, August 31, 1968, p.2, 'Box 569, File 244, Speeches, 8/31/68, Gun Club', Records and Papers of John V. Dowdy, Baylor University Collections of Political Materials, Waco, Texas.

³⁵ Taken from brief remark made by Representative Earle Cabell, of Texas' fifth district, entered into the Congressional Record, June 26, 1967, 'Box 61, Fd. 15', Records and Papers of Earle Cabell, De Golyer Library, Southern Methodist University, Dallas, Texas.

Many commentators have indicated this land as a nation of violence, and have said that we, as a nation, bear a collective burden of guilt. / “Violence” is a misleading term to use in describing the threats to public safety which are rising everywhere. To speak of “a climate of violence” is as vague and impersonal as a weather report. Just as no one is responsible for the weather, so too the responsibility for violence is assigned to no individual. The old-fashioned word “crime” is much more appropriate because “crime” implies a “criminal.” If we maintain that violence is our problem, then nobody appears to be responsible for criminal actions; or to put it in the jargon of the secular sociologists, everybody is responsible. Such a conclusion makes a farce out of moral principles. / The truth is that our problem is not “violence,” but crime. We have individual criminals committing individual acts.³⁶

Once again, feelings towards the Omnibus Crime Control and Safe Streets Act were also illustrative. Like their opposite numbers from New York and Connecticut, national congressmen from Texas and South Carolina proved content with Title I’s provisions to improve local and state law enforcement agencies with the assistance of federal grants.³⁷ But these latter congressmen were also enthusiastic about certain aspects of the law which did not appeal to their counterparts in New York and Connecticut: Title II’s limitations on the rights of the accused;³⁸ and Title III’s authorisation of police wiretapping.³⁹ A passion for swift and

³⁶ Address by Senator Strom Thurmond to 20th Century Reformation Hour Freedom Rally, June 14, 1968, pp. 3-4, ‘Speeches, Box 30, Folder 100-11A-2607’, Records and Papers of Strom Thurmond, Special Collections, Clemson University Libraries, Clemson, South Carolina.

³⁷ They did not have the same concerns as their colleagues from the northern states over the manner in which federal grants would be handed out.

³⁸ See for instance: Untitled speech, August 31, 1968, p.7, ‘Box 569, File 244, Speeches, 8/31/68, Gun Club’, Dowdy, Op. Cit.. Here, Representative John Dowdy, of Texas’ second district, does not refer to Title II, but instead damns the Supreme Court decisions which the Title was designed to circumvent.

sure punishment of the criminal lay at the heart of the support given to the Omnibus Crime Control and Safe Streets Act by the national congressional delegates from the two southern states falling under the purview of this study.

With the pervasive attitude on crime control amongst national congressional delegates from Texas and South Carolina being to focus attention on the individuals committing criminal offences, and to ensure that these individuals were punished, a general objection to the idea that new firearms restrictions should be used as a means to reduce gun crime is not difficult to understand. New firearms restrictions did not, on the whole, centre exclusively enough on the criminal to have the desired effect.⁴⁰ National congressmen from Texas and South Carolina took this a few steps further by arguing that in fact new firearms restrictions might even help the criminal element by making it more difficult for law-abiding citizens to defend themselves and their own. Representative Wright Patman, of Texas' first district, provided one of the more colourful expressions of this:

Because too many of their sheep were being attacked by wolves, a group of shepherds decided to issue a proclamation that all wolves should have their fangs extracted, and that in simple fairness the sheep too should lose their teeth. After much argument, and as a special concession, the guard dogs were permitted to retain theirs -- provided they promised not to bite. As might be

³⁹ See for instance: Strom Thurmond *reports* to the People, May 6, 1968, p. 2, 'Speeches, Box 33, Folder 100-11A-2729', Thurmond, Op. Cit..

⁴⁰ The catchy remark that 'Guns do not kill people, people kill people.' was popular amongst these congressmen. See, for instance, the general approval given by Representative L. M. Rivers, of South Carolina's first district, to a correspondent expressing this sentiment: Letter sent from, and reply sent to, individual in Moncks Corner, South Carolina, March 27, and April 8, 1965, 'Legislative Files, Bills, A 1974.2, Box 115, Folder Legislation Ways and Means, 89th Congress, Firearms Legislation,' Records and Papers of L. Mendel Rivers, The Citadel Archives and Museum, Charleston, South Carolina.

expected the wolves completely ignored the proclamation and the ensuing slaughter of defenseless and undefended sheep was terrible to behold.⁴¹

These kinds of complaints drew in a very particular manner on the ideology, identified above, that individuals should look after their own social well-being; the police would not always be able to act fast enough in certain situations. They were also complaints which had a particular resonance in the 1960s, when even proponents of the idea that new firearms restrictions had an important role to play against gun crime admitted that the State was not providing citizens with adequate levels of protection; the aforementioned support given by national congressional delegates from New York and Connecticut to the part of the Omnibus Crime Control and Safe Streets Act which provided federal money for local and state law enforcement agencies, serving as an obvious example of this.

This said, proponents of the idea that new firearms restrictions could reduce gun crime significantly, never really found their own positions undermined by the argument that law-abiding citizens might need guns for the purpose of self-defence.⁴² The rejoinder was of careful construction. On one level, these advocates of new firearms restrictions indicated that they were not unmoved by the notion that buying firearms for self-defence was a sensible precaution to take when it was being publicised daily that crime was on the rampage; national congressmen from New York and Connecticut, for instance, often claimed that they had no desire to see law-abiding citizens prevented from obtaining firearms for self-defence.⁴³ On top

⁴¹ Excerpts from Wright Patman's Weekly Letter on Gun Control Legislation, p. 2, 'Box 812 B, Folder Gun Control', Records and Papers of Wright Patman, Lyndon Baines Johnson Library, Austin, Texas. Of course the reference to the guard dogs being allowed to have teeth but not to use them is a veiled attack on the permissive establishment for having bound the hands of the police.

⁴² Self-defence was never given a specific definition in these debates. It was used to define the protection of loved ones, friends, neighbours, and the property of these, as much as the self.

⁴³ It was often the case that national congressional delegates from New York or Connecticut who actually proposed new firearms restrictions wrote provisos into these which indicated a desire to ensure that individuals could still purchase guns for the

of this, however, came the clear message that rushing out to purchase firearms at the first sign of trouble could only make a bad situation worse. National congressional delegates from New York and Connecticut had no qualms about reporting how, all too often, firearms owned for and used in self-defence caused more problems for the owner/wielder than the assailant. T. J. Dodd paid substantial heed to one study which concluded:

It is important to remember that few burglars and few rapists are felled by eagle-eye marksmen wearing [pyjamas] and a look of righteous anger. It's mostly wives, girl friends, boy friends, husbands, nephews, uncles, aunts, mothers-in-law, brothers, sisters, daughters, sons, common-law scamps and interfering [in-laws] who get gunned down in the hallways.⁴⁴

The objection to vigilantism, which was voiced so passionately by these same congressmen,⁴⁵ could also be interpreted in a manner to suggest that they had carefully thought out reservations concerning the idea of law-abiding citizens rushing out to purchase firearms for self-defence; the distance from there to a situation where armed vigilantes took the law into their own hands may not have seemed all that far at a time when emotionally charged urban rioting was so prevalent. This latter point can only be taken so far though, as national congressional delegates from Texas and South Carolina were also quick to condemn what they saw as vigilante action.⁴⁶

National congressional delegates from Texas and South Carolina did not argue merely that stronger law enforcement in general, as they defined it, would help reduce gun crimes

purpose of self-defence. See for instance: H. R. 17818, June 12, 1968, p. 4, 'Part 4, Congressional Files, 755, Series No. V, Box 171, Folder 171-229', Reid, Op. Cit..

⁴⁴ Murder is Mostly a 'Family Affair', Author Says, entered into the Congressional Record, June 4, 1968, p. 1, 'Series III: Administrative and Legislative Files, Subseries: Speeches, Articles, and Press Releases, Box 210, Fd. 5659', Dodd, Op. Cit..

⁴⁵ See note 22.

⁴⁶ See for instance: Speech, February 8, 1968, p. 3, 'Speeches, A 1974.2, Box 86, 1968/1969', Rivers, Op. Cit..

more effectively than new firearms restrictions could. They also stressed how inappropriate it was to be talking about enacting new firearms restrictions when those already on the books at local, state, and federal level were not being enforced.⁴⁷ The evidence was certainly damning. The Treasury Department, which was responsible for enforcing the federal firearms Acts of 1934 and 1938, appeared guilty of construing its authority ‘so narrowly’ as to make these laws next to useless.⁴⁸ The Justice Department had not proved all that vigorous in prosecuting violations of these same Acts; it was believed that in the latter half of the 1960s, civil rights activist H. Rap Brown was only the second individual ever to have been prosecuted for violating a provision of the 1938 Act which prohibited people ‘under felony indictment from transporting firearms in interstate commerce’.⁴⁹ Indeed, there even appeared to be a surprisingly large amount of ignorance regarding the nature of the firearms restrictions already in place; efforts to legislate against the importation of certain kinds of firearms from foreign countries, for instance, paid scanty attention to the powers already at the President’s disposal under the Mutual Security Act of 1954.⁵⁰ National congressmen from Texas and South Carolina were making an important point.

⁴⁷ See for instance: Address by Senator Strom Thurmond to 20th Century Reformation Hour Freedom Rally, June 14, 1968, p. 6, ‘Speeches, Box 30, Folder 100-11A-2607’, Thurmond, Op. Cit. where attention was drawn to the fact that the gun with which Sirhan Sirhan assassinated Senator R. F. Kennedy, of New York, had been held in violation of something like five Californian firearms restrictions. / Or / The remark made by Representative Robert Price, of Texas’ eighteenth district, which was quoted in the Houston Chronicle, June 11, 1968: ‘We do not need more laws - we need enforcement of the laws already on the books’.

⁴⁸ Memorandum circulated amongst members of the Nixon for President Committee; a Committee on which Senator John Tower, of Texas, sat, June 12, 1968, p. 1, ‘Box 250, Folder 6’, Tower, Op. Cit.

⁴⁹ Memorandum circulated amongst members of the Nixon for President Committee; a Committee on which John Tower sat, June 12, 1968, p. 3, ‘Box 250, Folder 6’, Ibid.

⁵⁰ See for instance, remarks of Representative Bob Casey, of Texas’ twenty second district, in: ‘On H. R. 5037, H. R. 5038, H. R. 5384, H. R. 5385, and H. R. 5386, bills to assist state and local governments in reducing the incidence of crime, to increase the

Once again, however, this argument did little to discourage the demands of those who believed that new firearms restrictions were a vital element in the fight against gun crime. National congressmen from New York and Connecticut took four main approaches to this. First of all, perhaps most disarmingly, many of them agreed that the firearms restrictions already in place had not been enforced satisfactorily, but went on to claim that this in itself failed to dispel the necessity for the creation of newer, and stronger, ones.⁵¹ Secondly, there were those who argued that it had been impossible for the firearms restrictions on the books to be enforced all that effectively because of deficiencies in many of the old Acts themselves which new legislation needed to eradicate; by paying a fee of only \$1:00 to become a federally licensed dealer, for instance, many individuals having no interest whatsoever in setting up as bona fide traders, had been able to avoid certain limitations placed on the interstate commerce in firearms by the Federal Firearms Act of 1938.⁵² Thirdly, the emphasis placed by the

effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes; and related bills, H. R. 710, H. R. 1007, H. R. 1454, H. R. 5470, H. R. 6051, H. R. 6053, H. R. 6067, H. R. 6137, H. R. 6386, H. R. 6387, H. R. 6394, H. R. 6400, H. R. 6709, H. R. 6710, H. R. 7092, H. R. 7093, H. R. 7094, H. R. 7095, H. R. 7351, H. R. 7384, H. R. 7466, H. R. 7535, H. R. 7760, H. R. 7829, H. R. 8654, and H. R. 8790', Hearings Before Subcommittee No. 5 of the Committee on the Judiciary, United States House of Representatives, 90th Congress, 1st Session, March 15th, 16th, 22nd, and 23rd, April 5th, 7th, 10th, 12th, 19th, 20th, 26th and 27th, 1967, (Government Printing Office, Washington, 1967), p. 478.

⁵¹ This is an assumption drawn from the fact that many of the national congressional delegates from New York and Connecticut who voted for the Gun Control Act also expressed concern about the inadequate enforcement of old firearms restrictions. See for instance: Letter sent to individual in North Tonawanda, New York, April 24, 1968, 'Box 43, Folder April 1968', Records and Papers of Henry P. Smith III, #2867, 2B Carl A. Kroch Library, Cornell University Library, Ithaca, New York.

⁵² A problem T. J. Dodd had been seeking to overcome, by increasing the fees to be paid by individuals wishing to become federally licensed dealers, from the very beginning of the 1960s. See for instance: A Bill to Amend the Federal Firearms Act, p. 2 . . . ,

majority of these congressional delegates on the need to reduce gun crimes amongst juveniles especially⁵³ served as a constant reminder of the weakness of existing firearms restrictions; age limits in relation to the purchase and use of guns were hardly voluminous and there was virtually no uniformity amongst the laws which did touch on this area. Finally, there was the less careful tactic of listing particularly dramatic crimes committed with firearms as evidence enough that the firearms restrictions already serving as law were not sufficient,⁵⁴ the gamble of playing to the emotions of the wider population that has been discussed above already. The national congressional delegations from New York and Connecticut had a powerful reply to the barrage of criticism meted out by their Texan and South Carolinian colleagues, and others beside.

Before drawing this analysis to its conclusion, two important comments need to be given an airing.

No attempt is being made to argue that an ideological division between the national congressional delegations of the two southern and the two northern states falling under the purview of this study guaranteed diametrically opposed views on whether or not new firearms restrictions could bring about any reduction in the frequency of gun crimes. It is not even being argued that the fundamental debate over the extent to which individuals were

Dodd, Op. Cit.

⁵³ By the early 1970s more than half of those being arrested for the major crimes of murder, forcible rape, robbery, aggravated assault, burglary, larceny over \$50.00, and auto theft, were citizens of under 19 years of age. The substantial rise in crime rates during the 1960s was linked by observers to the corresponding increase in the size of the 15 to 24 age group. R. Sherrill, Op. Cit., pp. 122-123. It was the initial congressional investigations of gun crime amongst juveniles which sparked the firearms restrictions controversy. Hence the prominence of T. J. Dodd throughout the debates. As Chairman of the Senate Judiciary Committee's Subcommittee to Investigate Juvenile Delinquency he co-ordinated these initial investigations.

⁵⁴ See for instance: Sells Mail-order Guns on Streets of Chicago, entered into the Congressional Record, May 22, 1968, 'Series III: Administrative and Legislative Files, Subseries: Speeches, Articles, and Press Releases, Box 210, Fd. 5652', Dodd, Op. Cit.

responsible for their own social welfare, and thus, the extent to which the State should, in fact, take care of the needy, saw the national congressional delegations from Texas and South Carolina on the one extreme, championing individual responsibility, and those from New York and Connecticut on the other, championing collective responsibility. With regard to this root issue, the suggestion is that the national congressional delegations from the two southern and the two northern states were separated by levels of emphasis; the Texans and South Carolinians placing greater weight on the responsibility of individuals, and less on that of the State, than their counterparts from New York and Connecticut. Similarly, with regard to the subject of crime control in general, the divisions between these two camps were far from absolute; both, for instance, displayed considerable confidence in the Federal Bureau of Investigation (F. B. I.) which published numerous studies during the 1960s stressing both the individual guilt of criminals, and the collective guilt of U. S. society as a whole for crime.⁵⁵ Once again, the division between the national congressional delegations from the two southern and the two northern states was only a matter of degrees; those from Texas and South Carolina tending to dwell more on the guilt of individual offenders, and less on the guilt of the

⁵⁵ The F. B. I. felt the following factors had the most affect on the amount and types of crime committed:

Density of population. / Composition of population. / Economic status and local customs of population. / Stability of population. / Educational, recreational, and religious characteristics of population. / Attitude of population towards law enforcement problems. / Strength of police. / Standards governing appointments to police force. / Policies of prosecuting officials and courts. / Administrative and investigative efficiency of law enforcement agency. / Climate.

'Pursuant to S. Res. 63, 88th Congress, investigation of juvenile delinquency in the United States; Part 14, interstate traffic in mail-order firearms', Hearings Before the Committee to Investigate Juvenile Delinquency of the Committee on the Judiciary, United States Senate, 88th Congress, 1st Session, January 29th and 30th, March 7th, and May 1st and 2nd, 1963, (Government Printing Office, Washington, 1963), pp. 3479-3480.

collective, than those from New York and Connecticut. On the specific question of whether or not new firearms restrictions could bring about any reduction in the rates of gun crime, the divisions between the two parties were of the same nature; common ground did exist. Unlike most of their colleagues from New York and Connecticut, the majority of national congressional delegates from Texas and South Carolina may not have believed that the creation of new firearms restrictions could do much to lower the increasing number of crimes being committed with guns each year. This does not mean, however, that these southern congressmen had no time whatsoever for the argument that new firearms restrictions might at least have some positive role to play against gun crime. As will be shown later in this chapter, much was staked on the types of new firearms restrictions under consideration.

Secondly, the unanimity of opinion on these issues, within the national congressional delegations from Texas, South Carolina, New York, and Connecticut, should not be overstated. Most especially amongst the national congressmen from the larger two states, Texas and New York, there were significant minorities who adhered far less strictly to the different ideological structures identified. A small number of national congressional delegates from New York, principally Republicans from some of the more rural parts of the state, placed much greater emphasis than their fellow northerners on the guilt of individual criminals, and, indeed, on the benefits of having firearms for purposes of self-defence, in the campaign against crime.⁵⁶ Similarly, there were national congressmen from Texas who did not necessarily endorse the view that the key to crime control was definite, rapid, and retributive, punishment for offenders.⁵⁷ It would, perhaps, have appeared telling if the synonymy in attitudes between

⁵⁶ On confidence in firearms for self-defence see: Letter sent to individual in New York, New York, November 24, 1967, 'Box: 90-1 / 90-2, Public Works (H / S/ P) - Judic. Comm. Mon. Holiday Bill, Folder: Judiciary Gun Control Legislation, 90th Congress - 1967 [3 of 4]', Records and Papers of R. C. McEwen, Owen D. Young Library, St. Lawrence University, Canton, New York. / On concerns about some new firearms restrictions being 'anti-gun' rather than 'anti-crime' see: News release, November 20, 1969, 'Box: 91-17, 91-18, Congratulations - Misc. to Armed Services Committee, Folder: Gun Control Judiciary Cmte. 91st Congress', Ibid..

⁵⁷ See for instance: Washington Views *and* News, July 19, 1968, 'Box 1259, Folder 3', Records and Papers of W. R. Poage, Baylor University Collections of Political Materials, Waco, Texas.

the minority group from New York, and that from Texas, had been seconded by a resemblance in personnel. This said, the Texan group having been divided along both party and urban/rural lines, there were no obvious links to be made here.

At the beginning of the chapter it was claimed that four main conclusions could be drawn from an analysis of the stances taken by the national congressional delegations from New York, Connecticut, Texas, and South Carolina, on the issue of whether or not firearms restrictions could bring about a significant reduction in the level of gun violence. This first study of attitudes towards the concept that new firearms restrictions had an important role to play against gun crime has highlighted two of these in particular. First, it has been shown that the national congressional delegations from the two northern states identified with this idea far more closely than their southern counterparts. Secondly, it has been indicated how differing ideologies concerning the role of the individual and the role of U. S. society as a whole, in the running of people's daily lives, lay the foundation stones for this identification. The important point that underlies both cannot be overemphasised: all of the national congressmen falling under the purview of this study recognised that some form of action needed to be taken against crime with guns. The disputes were over the means by which the common end, a substantial reduction in this kind of crime, could be reached most effectively.

The third and fourth conclusions mapped out at the beginning of the chapter also find themselves touched upon in this study of attitudes adopted by the national congressional delegations from New York, Texas, Connecticut, and South Carolina, towards the concept that new firearms restrictions had an important role to play against gun crime.

It is difficult to gauge with a great deal of certainty whether or not the arguments, or methods of argument, highlighted in the last few pages add too much weight to the suggestion that, if the firearms restrictions controversy had been restricted to the topic of 'firearms restrictions versus gun violence' alone, the keenest advocates of the wide variety of proposals on offer may have achieved a more resounding victory, and at an earlier date, than the Gun Control Act. The example of the national congressional delegations from these two southern and two northern states shows quite clearly, for instance, that one set of statistics telling one story was easily countered by another with a different tale to tell. It could be hazarded, however, given the distinct lack of unity behind any of the solutions offered for gun crime, that the cautious attitude of 'Let's at least try it and see what happens!'⁵⁸ combined with the

⁵⁸ An attitude turned on its head after 1968 by opponents of the Gun Control Act who

emotional swell of public opinion each time a new crime involving firearms found itself displayed as headline news, might have been enough to carry the day for advocates of the stricter forms of new firearms restrictions under discussion. The fierce attacks made by national congressional delegates from South Carolina and Texas on what they believed to be the emotionalism of those arguing that new firearms restrictions had an important role to play in the battle against gun crime are important to this conclusion. These attacks could be interpreted as a recognition of the power of emotionalism, and at the same time seen as a relatively poor countermeasure; those crying for reason, at moments of what might almost be described as mass hysteria, will always be facing an uphill struggle.

Finally, there were hints, even in what has been discussed thus far, that the national congressional delegations from Texas and South Carolina would never allow the debates over firearms restrictions to remain confined to the arena of 'firearms restrictions versus gun violence'. The emphasis placed by national congressmen from these two southern states on gun crime being more prevalent in urban areas than rural, for instance, should not be dismissed as a casual remark. The idea that only some parts of the U. S. were having serious problems with this kind of crime translated very easily into the belief that federal laws would not be able to take into account all of the regional differences, and, from there, was simple to transform into the assertion that the federal government had no right to interfere in what was effectively a state and local matter. Similarly, the image projected by these congressmen that new firearms restrictions did not, on the whole, centre exclusively enough on the criminal to have the desired effect of substantially reducing gun crime, can be read in a different way. Legislation focusing on a tool used by criminals, as opposed to the criminals themselves, was going to focus on an instrument also used in perfectly legitimate pursuits by many law-abiding citizens.

argued that new firearms restrictions had now been tried and had proven beyond doubt that they could not reduce the rate of gun crime. For a version of this argument see: Letter sent to individual in Rosenberg, Texas, November 5, 1969, 'Box 140, Folder 2 Jud' Comm' / Gun Control Dec' 11, 1968 - August 19, 1969', Records and Papers of Olin E. Teague, Cushing Memorial Library, Texas A & M University, College Station, Texas.

Firearms Restrictions Versus Gun Crime: Proposals And Counterproposals

It has already been shown that the national congressional delegations from Texas, South Carolina, New York, and Connecticut, all acknowledged a need for action to be taken against the ever spiralling rate of gun crime in the 1960s. Similarly a good deal of unity was shown in their identification of certain groups of individuals which would need specific attention if crime with guns was to be lowered by any substantial margin. Juveniles obtaining, and using, firearms without the knowledge of their parents were at the very heart of the initial congressional investigations into gun crime which sparked the firearms restrictions controversy.⁵⁹ All of the national congressmen from Texas, South Carolina, New York and Connecticut seemed to agree that the unsupervised ownership and use of firearms by juveniles needed to be minimized, or even eradicated.⁶⁰ Other groups of individuals placed in the high risk category by these congressmen were convicted felons,⁶¹ mental defectives,⁶² drug

⁵⁹ See note 53.

⁶⁰ See for instance: Letter sent to individual in Anderson, South Carolina, June 27, 1968, 'Box 81, Top. 1, 1967-1968, Gun Control, 3 of 5, 81-3', Records and Papers of William Jennings Bryan Dorn, Modern Political Collections, South Caroliniana Library, University of South Carolina, Columbia, South Carolina. / Or / Letter sent to individual in New York, New York, September 1, 1964, 'Folder Label: Constitutional Amendments - Anti-Gun, Access Number: II:0206:020, Subject: Corresp - Subject, Dates: 1964', Records and Papers of Kenneth B. Keating, Department of Rare Books and Special Collections, Rush Rhees Library, River Campus Libraries, University of Rochester, Rochester, New York.

⁶¹ See for instance: Letter sent to individual in Utica, New York, October 23, 1967, 'Box 19, Folder Legislation-Judiciary 1967-1968', Records and Papers of Alexander Pirnie, #2905, 2B Carl A. Kroch Library, Cornell University Library, Ithaca, New York. / Or / Weekly Radio Broadcast, June 13-14, recorded June 10, 1965, p. 1, 'Speeches, Box 23, Folder 100-11A-1946', Thurmond, Op. Cit.

⁶² See for instance: Letter from Senator Ralph Yarborough, of Texas, to 'Dear Friend', Undated, Verticle File, Archives and Manuscripts, Center for American History, University of Texas at Austin, Austin, Texas. / Or / Letter sent to individual in

addicts,⁶³ ex-citizens of the U. S. who had renounced their citizenship,⁶⁴ extremist groups,⁶⁵ illegal immigrants,⁶⁶ and individuals with dishonourable discharges from military service.⁶⁷ As has also been discussed above, the real divisions that appeared amongst these particular politicians, and most noticeably between those from the two northern and those from the two southern states, concerned the methods of tackling crime with guns; of tackling, amongst

Scarsdale, New York, April 9, 1968, 'Part 4, Congressional Files, 755, Series No. XIII, Box 251, Folder 224 Judiciary, Firearms', Reid, Op. Cit..

⁶³ See for instance: Letter sent to individual in New Haven, Connecticut, July 18, 1968, 'Box 145, Folder Dj-Do', Gaiamo, Op. Cit. / Or / Untitled and undated draft of a statement regarding H. R. 5384, p. 2, 'Box 25, File 25.15', Roberts, Op. Cit..

⁶⁴ Gun Control Act, Public Law 90-618, Title III, Section 1201. An aspect of this law; and, indeed, of the Omnibus Crime Control and Safe Streets Act's seventh Title; never questioned by national congressional delegates from New York, Texas, Connecticut, and South Carolina.

⁶⁵ See for instance: Telegram from, and letter sent to, individual in Stroudsburg, Pennsylvania, July 9, and 21, 1965, 'Senate Papers, Correspondence: Subject File, 1965, Box 13, Folder Crime, Firearms, 2/1965-7/1965', Kennedy, Op. Cit. / Or / Letter sent to individual in Houston, Texas, August 27, 1968, '95-147, Box 18, Folder 6 Gun Control Legislation (Against) Correspondence, July-Dec', 1968', Records and Papers of Robert C. Eckhardt, Archives and Manuscripts, Center for American History, University of Texas at Austin, Austin, Texas.

⁶⁶ See for instance: Press Release, June 29, 1968, p. 2, 'Box 61, Fd. 26', Cabell, Op. Cit. / Or / Letter sent to individual in Rochester, New York, June 19, 1968, 'Box 32, Folder Gudiciary-Gun', Records and Papers of Barber B. Conable, Jr., #2794, 2B Carl A. Kroch Library, Cornell University Library, Ithaca, New York.

⁶⁷ See for instance: Congressional Record, Op. Cit., pp. 22765-22766. Here, seeking to spell out the finer details concerning this 'high risk' category, Representative O. E. Teague, of Texas' sixth district, gained the approval of Emanuel Celler, and indeed, most of the members of the House of Representatives who were present.

other things, the threat posed by the aforementioned ‘high risk’ groups. On one level, the lines drawn pitted those believing new firearms restrictions had an important role to play in any final solution to the problem at hand against those which did not. On another level, the division was between individuals with faith, however limited, in the gun crime control utility of rather different kinds of firearms restrictions.

There were areas of commonality between the national congressional delegates of the two northern states and those from the two southern states. Moves to abolish the interstate commerce in ‘destructive devices’,⁶⁸ except between federally licensed dealers, manufacturers, and importers, for instance, met no substantial resistance from any of these congressmen. Indeed, most agreed that the sale of ‘destructive devices’ needed to be placed under a strict system of registration and taxation; one not dissimilar to that which had been set up by the National Firearms Act of 1934 for weapons, such as sawed off shotguns and machine guns, identified as particularly prone to criminal misuse in that distant decade.⁶⁹ The fear of criminals armed with heavy artillery seemed one of those few factors to bring about considerable unity of thought amongst national congressional delegates from New York, Connecticut, Texas, and South Carolina, when it came to assessing the extent to which firearms restrictions could reduce gun crimes. When it came to handguns, rifles, and shotguns, however, the similarities were few and far between. National congressmen from the two northern states tended to place their support behind the kinds of firearms restrictions which affected all would be/current gun owners; firearms restrictions which were designed to

⁶⁸ Definitions of ‘destructive devices’ seemed to vary throughout the decade. In the Gun Control Act a lengthy description referred to a variety of devices from grenades to ‘any . . . weapon . . . which will . . . expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter’ to the parts from which these and similar weapons might be made. Public Law 90-618, Title I, Section 921.

⁶⁹ See for instance: Letter and attachments sent from, and reply sent to, individual from Amarillo, Texas, December 23, and 29, 1965, ‘Box 191, File 190, Legislation, Judiciary Committee, Firearms, 1965’, Dowdy, Op. Cit.. Where John Dowdy makes clear his support for the National Rifle Association’s position on the matter. / Or / S. 1591, introduced by T. J. Dodd, March 22, 1965.

prevent crimes with these guns, and, also, to improve the chances of *investigating* successfully any such crimes which did occur. National congressional delegates from the two southern states had far more interest in firearms restrictions which focused more narrowly on the criminal mind; that is, firearms restrictions designed to *deter* misuse.

The stance favoured by the national congressional delegations from New York and Connecticut can be illustrated more clearly by taking a closer look at the three main forms of firearms restrictions which received their support. In turn these were: the abolition of interstate commerce in handguns, rifles, and shotguns, except between federally licensed dealers, importers, and manufacturers;⁷⁰ the federal registration of all privately owned handguns, rifles, and shotguns;⁷¹ and the federal licensing of all owners/would be owners of handguns, rifles, and shotguns.⁷² These three kinds of federal firearms restriction were not the only kinds of gun control championed by national congressmen from New York and Connecticut. Nor did each of the three federal firearms restrictions named receive equal levels of backing from these congressmen throughout the decade. The federal registration and federal licensing proposals, the most encompassing measures given serious discussion in this particular controversy, only received the greatest praise from these delegates in the latter part of the second half of the 1960s, when, eventually, the rising rate of gun crime combined with the resultant public pressure seemed even to have convinced President Lyndon B. Johnson of the need for such stringency.⁷³ It is by focusing on these three kinds of federal firearms

⁷⁰ Between 1965 and 1968, those two years included, national congressional delegates from New York and Connecticut and New York introduced, or sponsored, many of the most prominent Bills containing variants of this type of firearms restriction. S. 1592, S. 1 (Amendment 90), S. 3633, H. R. 6628, H. R. 6783, H. R. 5384, and H. R. 17735, stand out as prime examples.

⁷¹ Most especially from the second half of 1968, national congressional delegates from Connecticut and New York introduced, or sponsored, many of the most prominent Bills containing this type of firearms restriction: S. 3691, S. 2433, H. R. 18110, and H. R. 2166, stand out as prime examples.

⁷² See note 71.

⁷³ S. 3691 and H. R. 18110 were drawn up by the Johnson Administration. See notes 71 and 72.

restriction in particular, however, that the clearest illustration can be given of how the national congressional delegations from New York and Connecticut held great enthusiasm for the kind of controls on handguns, rifles, and shotguns, which were designed to *prevent* and improve the *investigation* of crimes with these types of weapon, through rules which affected all would be/current owners.

Banning the interstate commerce in handguns, rifles and shotguns, except between federally licensed dealers, manufacturers, and importers, was clearly a course of action that would affect all of those U. S. citizens hoping to become gun owners. It was, however, considered an important *preventative* measure against gun crime by national congressional delegates from New York and Connecticut for two reasons in particular. First of all, it targeted the problem which had done so much to initiate the firearms restrictions controversy in the first place: the easy availability of cheap mail-order handguns. The degree of anonymity given to purchasers of such firearms, for one reason or another, had made it very simple and attractive for individuals falling into the ‘high risk’ categories identified above, particularly unsupervised juveniles, to arm themselves.⁷⁴ Secondly, it closed a fundamental loophole which had undermined the existing system of weak federal, and inconsistent state, gun controls: the ease with which individuals prohibited from purchasing handguns, rifles, and shotguns, in their own state, could drive to another one to achieve their goal.⁷⁵

⁷⁴ ‘Pursuant to S. Res. 63, 88th Congress, investigation of juvenile delinquency in the United States; Part 14, interstate traffic in mail-order . . .’, Op. Cit.. The hearings were dedicated to this subject.

⁷⁵ T. J. Dodd illustrated the problem clearly with the following:

Many States have lax [gun control] laws, as has been pointed out. Of course, it is no good to have a good law in New York or Connecticut or Rhode Island or Massachusetts or other States if criminals can go outside the States and buy [guns] freely. The Commission of Safety of the State of Massachusetts testified at our hearing about the great problem they have in Massachusetts with respect to the traffic in guns bought outside the Commonwealth of Massachusetts by criminals and then brought back into the Commonwealth. As a result there is a high incidence of crime committed with [guns] procured

The federal registration of handguns, rifles, and shotguns, would have involved the creation of a centralised list of all owners of these kinds of firearms, and of the specific firearms they owned. Again this was viewed as an important tool in the battle against gun crimes by national congressmen from New York and Connecticut. In this instance, the aid given to the *investigation* of such crimes was the sales pitch. Representative J. B. Bingham, of New York's twenty third district, certainly gave this pride of place:

Law enforcement experts have made it clear that a national firearms registration system would enable police in any State or locality in the country to trace within a matter of minutes the owners of weapons used or suspected to have been used in a crime, no matter where in the country the weapons were purchased or housed.⁷⁶

There is little doubt that many of the national congressional delegates from New York and Connecticut also hoped that a widespread awareness of how this kind of measure would improve the *investigative* capabilities of law enforcement agencies, might act, subsequently, as a *deterrent* to criminal misuse of handguns, rifles, and shotguns.⁷⁷ This hope was, however, secondary in their concerns to the more definite goal of improving standards of *investigation*. It was not believed, for instance, that the federal registration of these types of firearms would

outside of Massachusetts, where the law is very good.

Congressional Record, Op. Cit., pp. 27408-27409. Attention should be drawn to the fact that, of the Bills listed in note 70, only H. R. 17735 and S. 3633 actually prohibited over-the-counter interstate sales of rifles and shotguns to individuals who were not federally licensed dealers, manufacturers, or importers. Even in these two Bills the prohibition was not absolute.

⁷⁶ Ibid., p.22256.

⁷⁷ M. S. Eisenhower, Op. Cit., p. 3. Here it was suggested that proponents of federal firearms registration in general believed that criminal misuse of handguns, rifles, and shotguns, could be *deterred* by such a measure.

have any chance of *detering* those many gun crimes which fell under the banner: ‘crimes of passion’.⁷⁸

Requiring all U. S. citizens to obtain a federal licence in order to possess handguns, rifles, and shotguns, was another form of gun control supported by national congressional delegates serving New York and Connecticut designed principally to *prevent* gun crimes. The central idea was that all owners/would be owners of handguns, rifles, and shotguns, would need to obtain a permit to keep such weapons. By requiring applicants to provide a variety of specific details, usually including age, address, signature, photograph, and fingerprints,⁷⁹ it was felt that ‘high risk’ individuals could be weeded out and denied licenses. Federal licensing of the owners/would be owners of these kinds of firearms was viewed by national congressmen from New York and Connecticut as a useful measure in the struggle against crimes with guns for two reasons. First of all, it might have *prevented* individuals in ‘high risk’ categories from purchasing new handguns, rifles, and shotguns: no permit, no sale.⁸⁰ On top of this, it could have served in yet another *preventative* manner. In the words of Representative O. R. Reid of New York’s twenty sixth district:

. . . over the months it would tend to remove from circulation some firearms, when carried by unlicensed individuals who are encountered under certain circumstances by the police.⁸¹

⁷⁸ See, for instance, the comments of Representative J. B. Bingham, of New York’s twenty third district, in: Congressional Record, Op. Cit., p. 22256. Rather confusingly the congressman tends to use the words *deter* and *prevent* interchangeably. This said, his explanations indicated that, with regard to the federal registration of handguns, rifles, and shotguns, he believed first of all in the *investigative* nature of such a measure, and secondly in its possible effect as a *deterrent*. A ‘crime of passion’ is a spur of the moment episode brought about by a sudden emotional surge. Victims in such incidents were more often than not close friends or relatives of the protagonist.

⁷⁹ These were the kinds of requirements to be found in the licensing measure discussed in detail on the floor of the House of Representatives in July, 1968. Ibid., p. 22746.

⁸⁰ See, for instance, the comments of W. F. Ryan in: Ibid., p. 22753.

⁸¹ Ibid., p. 22750.

When it came to handguns, rifles, and shotguns, the definition spelt out above for the kinds of firearms restrictions favoured by the national congressional delegations for New York and Connecticut as useful tools against gun crime would seem to fit quite adequately given the three forms just considered. Within these delegations there was great enthusiasm for the kind of gun controls which were designed to *prevent*, and improve the *investigation* of, crimes with handguns, rifles, and shotguns, through rules which affected all would be/current gun owners.

One other common theme is also detectable. National congressmen from the two northern states were willing to accept that handguns were used in crime far more frequently than rifles and shotguns.⁸² Indeed, until 1965, the cheap, usually foreign made, handgun, popularly referred to as the Saturday Night Special, was unquestionably the firearm they were most interested in.⁸³ This said, however, congressional delegates from New York and Connecticut became increasingly adamant from at least the mid 1960s onwards, as the gun crime rate spiralled and public opinion became more volatile, that there was every need to ensure that the firearms restrictions they championed were placed on rifles and shotguns as well as handguns: crimes were committed with all of these weapons, not just the latter. Representative Herbert Tenzer, of New York's fifth district, for instance, had the following to say:

Extension of the gun control laws to shotguns and rifles is vitally important.

Over 30 percent of the firearms homicides in the United States is committed by a means of rifles and shotguns. One-fourth of the law-enforcement officers slain in the United States in the year 1966 were killed with rifles and shotguns.

⁸² See for instance: S. 14 - - A Proposed Amendment to the Federal Firearms Act, March 5, 1965, p. 3, 'Series III: Administrative and Legislative Files, Subseries: Speeches, Articles, and Press Releases, Box 201, Fd. 5174', Dodd, Op. Cit.

⁸³ There were three main reasons for this: the concealable nature of these guns made them particularly attractive to the criminal element; the low prices made them accessible to almost anybody; and, widely publicised as the principal product of the interstate mail-order trade in firearms, they were easy to label as responsible for the breakdown of the system of firearms restrictions already in place.

Criminals and other irresponsible people more and more are resorting to the use of these weapons to kill and maim because it can be done at long range. The President's National Riot Commission reported that in the major riots in 1967 and in the growing number of disorders through 1968 the rifle has become the weapon of a sniper who lurks in windows and on rooftops shooting with deadly accuracy their helpless victims on the streets of the cities and especially the ghetto areas.⁸⁴

Firearms restrictions on handguns, rifles, and shotguns, affecting all owners/would be owners of these kinds of weapons, designed primarily to help *prevent* and *investigate* gun crimes, were viewed, on the whole, as ineffective measures of crime control by national congressional delegates serving Texas and South Carolina in the 1960s. On one level the argument of these congressmen was simply that criminal activities could not be lessened by such restrictions. If individuals in 'high risk' categories found legitimate access to handguns, rifles, and shotguns, being limited, there were numerous other avenues to explore. For instance, other weapons could be used. John Dowdy felt the Bible provided the finest example of this:

In fact, the Bible relates that the third person on earth killed the fourth, long before guns, or even more primitive weapons were conceived.⁸⁵

In addition, 'zip guns' could be made,⁸⁶ black markets could be developed,⁸⁷ and of course handguns, rifles, and shotguns could always be stolen from those law-abiding citizens still able

⁸⁴ Congressional Record, Op. Cit., p. 21809.

⁸⁵ Ibid., p. 21776.

⁸⁶ See for instance: letter sent from, and reply sent to, individual in College Station, Texas, December 17, and 29, 1969, 'Box 140, Folder 2: Jud' Comm'/Gun Control, Dec' 11, 1968 - August 19, 1969', Teague, Op. Cit.. A 'zip gun' being of the home-made variety.

⁸⁷ See for instance: Letter sent from, and reply sent to, individual in Greenwood, South Carolina, Undated, and July 26, 1968, 'Box 81, Top. 1, 1967-1968, Gun Control, 4 of

to purchase by legitimate means, or elsewhere.⁸⁸ On another level national congressional delegates from the two southern states covered by this investigation argued that *preventative* and *investigative* firearms restrictions on handguns, rifles, and shotguns, affecting all owners/would be owners of these kinds of weapons, might actually aid criminal activities. Certainly gun control of this form would limit any contribution that could be made to the struggle against crime by law-abiding citizens, who would find it more inconvenient to purchase/own handguns, rifles, and shotguns, for the purposes of self-defence, than before; a subject covered in more detail in the previous section of this chapter. Arguments went beyond this though. A federal registration law, for instance, could cause the finger of suspicion to be pointed at an innocent party, wasting valuable police time, if a stolen handgun, rifle, or shotgun, was used in a crime.⁸⁹ On top of these complaints, or perhaps underlying them, national congressmen from Texas and South Carolina, although sometimes willing to give significant ground when it came to handguns,⁹⁰ seemed convinced that there was no need to impose *preventative* or *investigative* firearms restrictions on rifles and shotguns. Rifles and shotguns were not considered by these congressmen to be the criminal's firearm of choice.⁹¹

5, 81-4', Dorn, Op. Cit.. As in this instance, fears of a Prohibition Era type boom being given to organised crime as a result of new *preventative/investigative* firearms restrictions were very real.

⁸⁸ See for instance: Letter sent from, and reply sent to, individual in Charleston, South Carolina, April 13, and 18, 1966, 'Legislative Files, Bills, A 1974.2, Box 115, Folder Legislation Ways and Means, 89th Congress, Firearms Legislation', Rivers, Op. Cit..

⁸⁹ See for instance: A Report From Capitol Hill, August 12, 1966, p. 4, 'Box 125, Fd. 2', Cabell, Op. Cit..

⁹⁰ Virtually none of the national congressional delegates from these two southern states voted against the Omnibus Crime Control and Safe Streets Act, even though it contained a number of *investigative* and *preventative* measures which focused on handguns.

⁹¹ See for instance: Brief comment on the Dodd gun control bill, July 25, 1968, 'Speeches, Box 34, Folder 100-11A-2783', Thurmond, Op. Cit. / Or / Untitled and undated draft of a statement regarding H. R. 5384, p. 2, 'Box 25, File 25.15', Roberts,

Figures from the National Commission on the Causes and Prevention of Violence itself seemed to support this argument:

Type of gun used in crimes committed with firearms (large U. S. cities, 1967):

Homicide:	Long guns, 8%	Handguns, 92%
Aggravated Assault:	Long guns, 14%	Handguns, 86%
Robbery:	Long guns, 4%	Handguns, 96%

Note: Handguns were used in 76% of gun homicides throughout the United States in 1967.⁹²

So why should time, effort, and money, be wasted on plans involving rifles and shotguns?

National congressional delegates from Texas and South Carolina had far more interest in firearms restrictions which focused more narrowly on the criminal mind; firearms restrictions designed to *deter* misuse. Certainly, only a very few national congressmen serving these two southern states failed to vote for the Omnibus Crime Control and Safe Streets Act which did contain firearms restrictions of a *preventative* and *investigative* nature affecting a broad spectrum of people outside the criminal population; the main thrust of Title IV being to abolish interstate commerce in all firearms, bar rifles and shotguns, except between federally licensed dealers, manufacturers, and importers.⁹³ This said, it would be wrong to assume that these congressmen had any desire to see Title IV passed into law: they simply believed the Act as a whole had too many hard won good points, as have been enlarged upon in the previous section of this chapter, to be rejected on account of its provisions regarding firearms

Op. Cit.

⁹² M. S. Eisenhower, Op. Cit., p. 10

⁹³ Only one of the national congressional delegates from these two southern states actually voted against the Omnibus Crime Control and Safe Streets Act. This was unlikely to have had anything to do with Title IV, however, as this same individual was one of the few Texans who actually voted for the Gun Control Act: Representative H. B. Gonzalez from the Lone Star State's twentieth district.

restrictions. Representative George Mahon, of Texas' nineteenth district, for instance, was very keen to assure correspondents that he did not like the firearms provisions of the Omnibus Crime Control and Safe Streets Act, but felt 'that other stipulations, calculated to do something about the breakdown of law and order in this country, were highly desirable'.⁹⁴

The preference of national congressional delegates from Texas and South Carolina for firearms restrictions which focused directly on the criminal mind, firearms restrictions designed to deter misuse, was one that stemmed from the truism that handguns, rifles, shotguns, and all other forms of firearms, do not commit crimes: people commit crimes.⁹⁵ Indeed, although the proposals receiving most support from these southern congressmen were placed under the title of firearms restrictions, in the debates of the 1960s, it could be argued that, with the focus being so keenly confined to the perpetrators of gun crimes, as opposed to the guns themselves, such a definition was inappropriate. These were very clearly *criminal restrictions* first and firearms restrictions second.

The simplest example of this stance being taken concerned musings over the types of punishments to be meted out to individuals in 'high risk' categories who broke any⁹⁶ firearms restrictions specifically directed at them. In short, even with the number of legally identified 'high risk' categories enlarging as the decade progressed,⁹⁷ national congressional delegates from Texas and South Carolina felt that the penalties to be faced by individuals in them needed to be stiff. Representative Earle Cabell, of Texas' fifth district, was quite clear to correspondents on this point:

⁹⁴ See for instance: Letter sent to individual in Lubbock, Texas, June 14, 1968, 'Box 309, Of. 624, A.220.7B, File - Judiciary - Firearms, I (309-4)', Records and Papers of George Mahon, Southwest Collection, Texas Tech University, Lubbock, Texas.

⁹⁵ See note 40.

⁹⁶ Whether *preventative, investigative, or deterrent* in nature.

⁹⁷ It was not until the passage of the Omnibus Crime Control and Safe Streets Act that a substantial list of 'high risk' categories was drawn up, at federal level, with the preceding stipulation that individuals falling into such should be prohibited from possessing all firearms.

One area that very definitely needs to be tightened up both at the Federal and State level is to impose heavier penalties on convicted felons -- those with dishonorable discharges from the Armed Services and others who are or should be ineligible to possess firearms.⁹⁸

The logic of the position being taken was clear enough: 'high risk' elements of U. S. society might be *deterred* from getting hold of firearms in an illegitimate manner, and thus their chances of misusing such weapons might be lessened, if the castigation for so doing was set at a suitably prohibitive level.

The most controversial firearms restriction favoured by national congressional delegates from Texas and South Carolina, most particularly the former, also used the threat of severe punishment to *deter* certain kinds of action. In this instance attention was more directly centred on the actual misuse of firearms by wrongdoers. National congressmen from both of these southern states believed in the crime control utility of proposals which imposed a mandatory minimum sentence on individuals who used, or carried, firearms in the commission of certain criminal offences; a mandatory minimum sentence that should be served in addition to any penalty meted out for the crime committed itself.⁹⁹ Representative Bob Casey, of Texas' twenty second district, was perhaps the chief congressional advocate of this kind of firearms restriction throughout the 1960s. Rarely did a session of Congress go by without the Texan delegate introducing legislation to the following effect:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That whoever, during the commission of any robbery, assault, murder, rape, burglary, [kidnapping], or homicide (other than involuntary manslaughter), uses or carries any firearm which has been

⁹⁸ Letter sent to individual in Dallas, Texas, June 17, 1968, 'Box 61, Fd. 23', Cabell, Op. Cit..

⁹⁹ See for instance: Representative Albert Watson, of South Carolina's second district, in Congressional Record, Op. Cit., p. 30582. / Or / Letter sent to individual in Bryan, Texas, August 8, 1966, 'Box 119, Folder 12 Ways and Means, Correspondence regarding 'Anti-crime' legislation & gun control, 1966', Teague, Op. Cit..

transported across the boundary of a State, the District of Columbia, or a territory or possession of the United States shall be imprisoned for twenty-five years.¹⁰⁰

Interestingly enough an adaptation of Bob Casey's proposals was amended to the initial version of H. R 17735 which passed through the House of Representatives in July 1968. This was a Bill designed primarily to extend the Omnibus Crime Control And Safe Streets Act's provisions so that the interstate commerce in rifles and shotguns, except between federally licensed dealers, manufacturers, and importers, was also abolished. It was also the Bill which eventually became the Gun Control Act after the Senate, and then a Conference Committee, hammered out the final details. At first glance this amendment to H. R 17735, presented by Virginia Representative Richard Poff, seemed stronger than Casey's offerings. It contained provisions which prevented a judge from making the additional term of imprisonment imposed for criminal misuse of a firearm 'run concurrently' with that meted out for the actual crime that had been committed;¹⁰¹ a discretionary power of the judiciary which had been overlooked by the Texan. However, aside from Poff's amendment opting for more lenient mandatory minimum sentences than Casey's proposals, it also only offered up its penalties when a firearm was used in, or carried, during the commission of federal felonies; a comparatively small number of crimes.¹⁰² In reality it was weaker than Casey's offerings, and its adoption by the House represented a victory for the Texan's opponents; amongst which, as will be explained below, there numbered the majority of those national congressional delegates who served New York and Connecticut in the Second Session of the Ninetieth Congress. The importance of this series of events, when it comes to assessing the stances taken by the congressional delegations from Texas and South Carolina with regard to the types of firearms restrictions which sought to *deter* the criminal misuse of firearms by imposing mandatory minimum sentences on those who used, or carried, a firearm during the commission of a crime, extends from this happenstance: national congressional delegates from South Carolina

¹⁰⁰ 'On proposed amendments to the National Firearms Act and the Federal Firearms . . .', Op. Cit., p. 308. This was Casey's H. R. 5642.

¹⁰¹ Congressional Record, Op. Cit., p. 22231.

¹⁰² See for instance: Comments of Bob Casey, Ibid., p. 22246.

seemed to prefer Poff's amendment to Casey's output. Even though national congressmen from South Carolina did believe Casey's proposals could have helped to reduce the ever increasing levels of gun crime, they were unwilling to support them when it might have counted.¹⁰³ The reason for this had nothing to do with the crime control utility of Casey's offerings, and is an issue explored further in Chapter 3, but the choice made by South Carolina's national congressional delegates, at this critical point, set them apart from their Texan colleagues. Most national congressmen from Texas believed that the crime control utility of Casey's output outweighed any other problems inherent to what he proposed. National legislators from South Carolina felt the other problems to be of greater significance.

Despite the differences of opinion concerning Bob Casey's proposals, differences which were not in fact realised until 1968 given the limited discussion on the details of his ideas until that time,¹⁰⁴ there is no question that national congressional delegates from both Texas and South Carolina had most interest in firearms restrictions which focused directly on the criminal mind; firearms restrictions designed to *deter* misuse. Punishment, and the threat of punishment, lay at the heart of these southern congressmen's stance on this issue. It might also be noted that there was a chronological consistency to the position they adopted. National congressmen from New York and Connecticut may have given their support to stricter forms of *preventative* and *investigative* firearms restrictions affecting all owners/would be owners of handguns, rifles, and shotguns, as the 1960s progressed, but, within the national congressional delegations from South Carolina and Texas, support for firearms restrictions designed to act as a *deterrent* to criminal misuse underwent no substantive changes.

Richard Poff's amendment to H. R. 17735, concerning mandatory minimum sentences for the criminal misuse of firearms, passed the House of Representatives by a vote of 412 to 11.¹⁰⁵ As has been suggested above, however, this did not mean that amongst the national congressional delegates from New York and Connecticut there was any considerable belief in

¹⁰³ See for instance: Comments of Albert Watson, *Ibid.*, p. 22233. Here, Watson illustrated his support for Poff's amendment despite concerns that it applied to only 'a small percentage of the crimes'.

¹⁰⁴ Before then, enthusiasm for Casey's proposals, amongst national congressional delegates serving South Carolina, had been quite evident.

¹⁰⁵ Congressional Record, Op. Cit., p. 23094.

the crime control utility of the kinds of firearms restrictions championed by their opposite numbers in Texas and South Carolina. The idea that punishment, or the threat of punishment, could *deter* the criminal misuse of firearms, was attacked by the northern congressmen in so many ways that it would be stretching the laws of credulity to suggest that the support given to Poff's amendment by them was anything other than a political tactic to cajole opponents of H. R. 17735's other provisions into supporting the Bill. National congressmen from New York and Connecticut had serious doubts about the crime control utility of the firearms restrictions supported by their colleagues in Texas and South Carolina. 'Why would an individual intent on the crime of murder, for which he/she already risked the maximum penalty of execution in some states, stop himself/herself from committing the offence, or at least from attempting it with a firearm, on account of there being an additional mandatory minimum penalty to serve, assuming he/she was apprehended, for making use of such a weapon?', these northern congressmen asked.¹⁰⁶ They also argued that the creation of mandatory minimum punishments for the criminal misuse of firearms would make juries reluctant to pass 'Guilty!' verdicts; the unavoidable steepness of the punishments to be faced by offenders being the cause of this reluctance.¹⁰⁷ And, whilst promoting their own *investigative* firearms restrictions on handguns, rifles, and shotguns, national congressional delegates from New York and Connecticut inquired: 'What good would extra or mandatory punishments do if criminals misusing firearms could not be caught?'.¹⁰⁸

¹⁰⁶ See for instance: Opposition to the Casey Amendment, Undated, pp. 4-5, 'Box 429, Folder H. R. 17735 90 (2) Control of Interstate Traffic in Firearms 3 (Legislative File)', Records and Papers of Emanuel Celler, Manuscript Division, Library of Congress, Washington, D. C..

¹⁰⁷ See for instance: Supplemental Views Of Senator Kennedy, Of New York, And Senator Tydings [Undated: On S. 1526 - Omnibus Crime Bill for the District of Columbia], p. 15, 'Senate Papers, Legislative Subject File, 1965-1968, (Box 28), Folder: District of Columbia: Crime: Speeches', Kennedy. Op. Cit.. This particular example is directed at mandatory minimum sentences in general.

¹⁰⁸ See for instance the comments of R. D. McCarthy in: Congressional Record, Op. Cit., p. 22250.

Perhaps most importantly, national congressmen from New York and Connecticut made it very apparent that they were at odds on a more fundamental level with the kinds of firearms restrictions supported by their counterparts in Texas and South Carolina. The South Carolinian and Texan preference emphasised how individuals are guilty for the crimes they commit, and that they must be punished accordingly. National congressional delegates from the two northern states felt U. S. society as a whole must share some of the blame. This belief was given a clear voice by Representative J. G. Dow, of New York's twenty seventh district, on the floor of the House of Representatives during debates over the respective worth of Bob Casey's and Richard Poff's proposed amendments to H. R. 17735:

. . . it is a delusion to suppose that the criminal use of weapons can be eliminated in this country by police action and punishment. / Punishment does have a place in the scheme of things - but it relies on just one aspect of our whole social problem. It disregards all of the wiser cures for our social ills. / We need education, religion, understanding, rehabilitation, and moderation of our competitive American philosophies if we are going to have a resolution of . . . crime . . . in this country.¹⁰⁹

As has been shown above, Bob Casey's ideas for amending H. R. 17735 with a provision imposing minimum mandatory sentences for the criminal misuse of firearms were eventually substituted by Richard Poff's. The tale does not end there. Poff's amendment to H. R. 17735 was rendered virtually meaningless by the Conference Committee which produced the final version of the Gun Control Act: judicial discretion was restored in regard to whether or not an additional term of imprisonment imposed for the criminal misuse of a firearm could 'run concurrently' with that meted out for the actual crime that had been committed.¹¹⁰ Although the proceedings of the Conference Committee do not seem to be open to public perusal, there seems every reason to believe that the efforts of Representative Emanuel Celler, of New York's tenth district, and Connecticut's T. J. Dodd would have had

¹⁰⁹ Ibid., p. 22243.

¹¹⁰ Ibid., p. 30579.

much to do with this outcome.¹¹¹ National congressional delegates from New York and Connecticut did not believe that gun controls designed to *deter* the criminal misuse of firearms could play an important role in the war against gun crime, and were quite willing to prevent time, effort, and money, being wasted on legislation of this kind.

A caution needs to be served before drawing this section of analysis to a close. It remains the case that unanimity of opinion within the national congressional delegations from Texas, South Carolina, New York, and Connecticut, should not be exaggerated. Once again, it was amongst those national congressmen from the two largest states, New York and Texas, that voices of significant minorities were most easily detected. Only one of the national congressional delegates from New York showed a clear faith in the crime control utility of gun controls designed to *deter* the criminal misuse of firearms to the point that, after having voted against the Gun Control Act, in its final form, he cited that law's weakness in this area as one of two key factors inspiring his action.¹¹² There were other national congressional delegates from New York, however, who felt the abolition of interstate commerce in all firearms, except between federally licensed dealers, manufacturers, and importers, coupled with a mandatory minimum punishment for the criminal misuse of all firearms, would provide the best tools for battling crimes with guns.¹¹³ As in the last section of this chapter, the dissenting voices from the New York contingent were made up principally of Republicans from the more rurally

¹¹¹ Both of these staunch opponents to mandatory minimum punishments for the criminal misuse of firearms sat on the Conference Committee. Their prominent roles at the forefront of efforts to pass the Johnson Administration's *preventative* and *investigative* firearms restrictions, in 1968 especially, made them a significant force to contend with. Dodd did appear to soften his attitude during the less hotly contested legislative battles of 1969; battles which ensued after the Gun Control Act had been passed safely into law.

¹¹² See for instance: Letter sent to individual in Clayton, New York, January 7, 1969, 'Box: 90-1/90-2 Public Works (H/S/P) - Judic. Comm. Mon. Holiday Bill, Folder: Judiciary Gun Control Legislation 90th Congress-1st Session 1967 [1 of 4]', McEwen, Op. Cit.

¹¹³ See for instance: Washington Report, August 1, 1968, 'Box 34, Folder News Column - Aug' 1, 1968: The 1968 Gun Bill', Conable, Jr., Op. Cit.

based parts of the state. There were similar numbers of national congressmen from Texas who placed their trust in the same middle ground: the abolition of the interstate commerce in all firearms except between federally licensed dealers, manufacturers, and importers, twinned with mandatory minimum punishments for the criminal misuse of all firearms.¹¹⁴ Just as before though, the cross-party, and urban-rural, mix of this group of Texans renders obsolete any comparisons between it and the New York Republicans already mentioned.

The time has come to return to the four main conclusions it was claimed, at the beginning of this chapter, could be drawn from an analysis of the stances taken by the national congressional delegations from New York, Connecticut, Texas, and South Carolina, on the issue of whether or not firearms restrictions could bring about a significant reduction in the level of gun violence. This second study, this time of attitudes towards the crime control utility of the actual firearms restrictions being proposed throughout the 1960s, provides an important insight to each of these conclusions.

The idea, first of all, that the largest contingent from the two northern states was convinced that a wide variety of firearms restrictions could reduce gun violence by a satisfactory margin, and that its counterpart from the two southern states seemed very wary of this belief, is borne out here. This is explained by pointing out that the *preventative* and *investigative* measures supported by national congressmen from New York and Connecticut fit most easily under the traditionally recognised definition of what firearms restrictions were. These measures added up to impositions on the purchase and ownership of firearms for everybody in U. S. society; just as the National and Federal Firearms Acts of the 1930s. By questioning the crime control utility of such forms of firearms restriction, at least with regard to handguns, rifles, and shotguns, and supporting instead various proposals for *detering* the criminal misuse of firearms, national congressional delegates from South Carolina and Texas were doing something more than championing the crime control utility of one form of gun control over another. They were in effect rejecting the argument that firearms restrictions had

¹¹⁴ Representative Jim Wright, of Texas' twelfth district, for instance, voted for the House's H. R. 17735, even if he did not vote for the Gun Control Act in its final form; the form produced by Conference Committee. The same congressmen had, before this, in early July, 1968, introduced his own Bill, H. R. 18403, in support of Bob Casey's efforts to impose mandatory minimum punishments for the criminal misuse of firearms.

an important role to play in the struggle against gun crime, and were placing their faith in what could most accurately be described as *criminal restrictions*.

The second conclusion drawn was that stances taken by the national congressional delegations of the two northern states and the two southern states, on the issue of whether or not firearms restrictions could bring about a substantial reduction in the levels of gun violence, had deep roots. Indeed, the argument proceeds, they were separated from each other by what seemed to amount to differing ideologies concerning the role of the individual and the role of U. S. society as a whole in the running of people's daily lives. This second section of analysis does help to verify the point being made. For instance, in supporting the *preventative* and *investigative* measures which they did, national congressional delegates from New York and Connecticut were drawing on the conviction, outlined in the first section of this chapter, that environment is a key factor in the incidence of crime. Believing that an environment allowing easy access to firearms had caused the number of gun crimes being committed to rise, led to the obvious follow through that an environmental shift in the opposite direction would lead to a reduction in these sorts of crimes. At the same time, by emphasising the worth of measures designed to *deter* the criminal misuse of firearms, national congressmen from South Carolina and Texas were simply expressing their thoughts on crime control as a whole: individuals engaging in criminal activities should be held responsible and punished accordingly; repetitious behaviour was thus discouraged and an example was set to others who might have been considering a career in crime.

The third conclusion drawn is also backed by the analysis in the second section of this chapter; bearing in mind the provisos mapped out at the outset. Two factors in particular lend further credence to the claim that, if the firearms restrictions controversy could have been contained within the arena of 'firearms restrictions versus gun violence', the ultimate success for the keenest supporters of the wide variety of additional firearms restrictions on offer might have come earlier and have been of more substance.

The first of these factors lay in the rather contradictory habits of the national congressional delegates from South Carolina and Texas. There is, for instance, something quite irregular about these congressmen making very clear on the one hand that they did not believe in the crime control utility of *investigative* and *preventative* firearms restrictions affecting all owners/would be owners of handguns, rifles and shotguns, but on the other hand extending their blessing to proposals such as those which sought to place 'destructive devices' under registration and taxation procedures. No explanation is ever given as to why the crime

control utility of *investigative* and *preventative* firearms restrictions affecting all owners of ‘destructive devices’, should be any greater than those affecting all owners of handguns, rifles, and shotguns. This kind of contradiction gave the impression, at least on one level, that those who doubted the crime control utility of *investigative* and *preventative* firearms restrictions which would affect all owners/would be owners of handguns, rifles, and shotguns, were not in command of the information at their disposal; a point unlikely to inspire the confidence of others.

The second factor relates to the art of compromise. Many members of the South Carolinian and Texan national congressional delegations had hoped to do more than simply add to proposals abolishing the interstate commerce in handguns, rifles, and shotguns, with ones designed to impose mandatory minimum punishments for the criminal misuse of firearms: they had wanted to replace the former with the latter.¹¹⁵ By helping Richard Poff’s ideas on mandatory minimum punishments concerning the criminal misuse of firearms to be added to H. R. 17735, national congressional delegates from New York and Connecticut aided their own cause immensely. The impression given was that those who believed in the crime control utility of *investigative* and *preventative* firearms restrictions which would affect all owners/would be owners of handguns, rifles, and shotguns, as well as all owners/would be owners of more devastating types of firearm, were willing to pursue other kinds of measure, just in case a useful one might be found, even if they had deep-seated reservations about so-doing. In effect, the message being broadcast was that these gun control advocates were

¹¹⁵ See for instance: Letter sent to individuals in Plano, Texas, April 18, 1967, ‘Box 23, File 23.18’, Roberts, Op. Cit. / Or / Seems important that even though Bob Casey was careful, in 1968, to propose his Bill concerning mandatory minimum punishments for the criminal misuse of firearms as an amendment to H. R. 17735, his only real interest throughout the decade was in passing a version of the former not the latter into law. Even in 1968, compromise was grudging:

. . . it is not my intention *at this time* to offer my bill as a substitute, but as an amendment to H. R. 17735 . . .

Congressional Record, Op. Cit., p. 21769. *My emphasis.*

willing to face the problem of gun crime in a far more constructive, and thus convincing, manner than many of their opponents who, once adopting a stance, chose to spurn all others.

The fourth conclusion outlined at the beginning of the chapter was that positions adopted by national congressional delegates from Texas and South Carolina, on the issue of whether or not firearms restrictions could bring about a significant reduction in gun violence, hinted at objections stretching into realms beyond this arena of debate. The section of analysis just presented lends veracity to such a remark. Returning to the contradictory nature of some of the stances adopted by these delegates proves most revealing in this respect. Perhaps, for instance, they gave no explanation as to why the crime control utility of *investigative* firearms restrictions affecting all owners of 'destructive devices' should be any greater than those affecting all owners of handguns, rifles, and shotguns, because they were very aware that one could never be found. Maybe they simply believed that there were more legitimate activities for law-abiding U. S. citizens to engage in with handguns, rifles, and shotguns, than with 'destructive devices', and were thus stating their preference for certain firearms restrictions with an eye to catering for those law-abiding citizens wishing to engage in such activities. This explanation would certainly go a long way to suggesting why many national congressmen from South Carolina and Texas did in fact give their support to one particular type of *preventative* firearms restriction which would have affected all would be owners of handguns, rifles, and shotguns. There were a variety of Bills offered throughout the 1960s which sought to tighten restrictions on the interstate commerce in firearms without banning all interstate traffic that was not between federally licensed dealers, manufacturers, and importers. These Bills were designed in the main to prohibit interstate mail-order sales of firearms when those sales were not consistent with the laws of the state, or locality, in which prospective purchasers resided. The support given to this kind of proposal by national congressional delegates from Texas and South Carolina¹¹⁶ could not have had anything to do with its crime control utility: there was no question about its weakness in comparison to the concept of abolishing the interstate commerce in firearms except between federally licensed dealers, manufacturers, and importers, which these congressmen, at least when it came to handguns,

¹¹⁶ South Carolinian Senators O. D. Johnston and Strom Thurmond cosponsored one such measure, S. 14, in 1965. A number of the national congressional delegates from both South Carolina and Texas enthused about similar proposals championed by the National Rifle Association (N. R. A.) throughout the 1960s.

rifles, and shotguns, were always keen to condemn as useless. A concern for law-abiding citizens still being able to get hold of handguns, rifles, and shotguns, with as little inconvenience as possible, would seem a far more plausible motivation, all things considered.

Firearms Restrictions For Accident Control And Suicide Control

The gun violence receiving the lion's share of attention in the firearms restrictions controversy of the 1960s was gun crime. The amount of attention given to accidents with guns, and suicides with guns, as issues separate from crimes with guns, was virtually negligible. Interestingly enough, however, the idea that firearms restrictions could bring about significant reductions in the numbers of gun accidents and gun suicides, appeared even more controversial than the idea that such measures could play an important role in the battle against gun crime. It certainly provoked one of the clearest divisions between the national congressional delegations from the two northern states and those from the two southern states falling under the purview of this study.

National congressional delegates from New York and Connecticut seemed to treat accidents with guns and suicides with guns in a manner almost identical to that in which they treated crimes with guns. New firearms restrictions were considered an important aspect of the solution to such phenomena, and new firearms restrictions of a *preventative* nature, affecting all owners/would be owners, in particular.¹¹⁷ National congressmen from the two northern states only very rarely mentioned gun accidents and gun suicides separately from gun crime; emotional appeals for new firearms restrictions often lumped the victims of all of these problems into one large stimulus for action.¹¹⁸ The result was the perhaps inevitable

¹¹⁷ Quite naturally new firearms restrictions of an *investigative* nature were considered of far less importance for accident control and suicide control, than they were for crime control.

¹¹⁸ See for instance: Speech made in the Senate following the assassination of Senator Robert F. Kennedy, June 12, 1968, p. 1, 'Box 114, Fd: June 12, 1968 (Mis.) Gun Control Legislation', Ribicoff, Op. Cit. / Or / Press Release, June 21, 1968, p. 1, 'Box 445, Folder Statement of Congressman William F. Ryan on the Gun Control Law', Ryan, Op. Cit.

assumption that the new firearms restrictions which were expected to reduce gun crimes, could be relied upon to reduce gun accidents and gun suicides as well.

There were, therefore, very few suggestions for new firearms restrictions from national congressional delegates serving New York and Connecticut which were dreamt up specifically for the purpose of reducing gun accidents and gun suicides. It was the case, though, that various aspects of the gun controls being promoted as part of a crime control package were advertised in a manner which made them seem particularly useful for limiting gun accidents and gun suicides as well. The abolition of the interstate commerce in firearms, except between federally licensed dealers, manufacturers, and importers, was clearly presented in this way; the aim of this firearm restriction being to affect a general reduction in the circulation of firearms.¹¹⁹ The prohibiting of juveniles and mental incompetents from purchasing any kind of firearm¹²⁰ received similar treatment; these measures designed to target two 'high risk' groups prone not only to gun crimes, but gun accidents and gun suicides as well.¹²¹ Maybe most

¹¹⁹ See for instance: Comments of Representative S. Halpern, of New York's sixth district, Congressional Record, Op. Cit., p. 21819. / Or / Letter sent to individual in Bolton, Connecticut, July 8, 1968, 'Box 28, Folder Firearms Misc.', Records and Papers of Emilio Q. Daddario, Special Collections & Archives, Olin Library, Wesleyan University, Middletown, Connecticut.

¹²⁰ The Gun Control Act forbade individuals under the age of 21 from purchasing all firearms bar rifles and shotguns; for rifles and shotguns the age limit was 18. That same Act prohibited individuals judged to be mentally incompetent 'by a court of the United States or of a state or any political subdivision thereof' from owning any firearms.

¹²¹ The general assumption prevailed amongst national congressional delegates from New York and Connecticut that anyone choosing to take his/her own life was mentally unstable; the hope was that by making it illegal for individuals who had been adjudged mentally incompetent from purchasing firearms, at least some suicide efforts, amongst other things, might be *prevented*. See for instance: Comments of S. Halpern, Congressional Record, Op. Cit., p. 21819. Gun accidents amongst juveniles were often advertised as one of the greatest stimuli for these national congressional delegates' stances in the firearms restrictions controversy. See for instance: A Bill to

obviously, the efforts to ban the importation, and later, after this was achieved,¹²² the domestic manufacture, of cheap ‘junk guns’¹²³ were given a very specific link to accident control; the weapons found themselves described as shoddy articles which were as likely to explode in the hand of the gun user, or fire bullets at peculiar angles, as not.¹²⁴

National congressional delegates from Texas and South Carolina, unconvinced that new firearms restrictions had anything substantial to contribute to the battle against crime, were even less convinced that such measures had any hope of reducing gun accidents and gun suicides. Indeed, far more so than was the case when gun crimes were discussed, there was a tendency for these congressmen to view the attempts which were made to draw attention to the increasing rate of gun accidents and gun suicides by some of the keenest advocates of a wide variety of new firearms restrictions as carefully planned or even just plain hysterical emotionalism, and nothing more. National congressional delegates from Texas and South Carolina stood incredulous when it was argued that new firearms restrictions could lower the number of gun accidents. ‘Why did such a cry with regard to other inanimate objects involved in accidents never emerge when fatalities occurred?’, they asked.¹²⁵ The argument of these

Amend the Federal Firearms Act, p. 1, entered into the Congressional Record, August 2, 1963, ‘Series III: Administrative and Legislative Files, Subseries: Speeches, Articles, and Press Releases, Box 197, Fd 4913’, Dodd, Op. Cit.

¹²² Gun Control Act, Public Law 90-618, Title 1, Section 925, Subsection (d).

¹²³ Statement by Senator Thomas J. Dodd to Accompany the Introduction of a Bill to Embargo the Domestic Production, Sale and Delivery of Certain Firearms, September 19, 1969, p. 7, ‘Series III: Administrative and Legislative Files, Subseries: Speeches, Articles, and Press Releases, Box 214, Fd. 5871’, Dodd, Op. Cit.

¹²⁴ See for instance: Statement by Senator Thomas J. Dodd to Accompany the Introduction of a Bill to Embargo the Domestic Production, Sale and Delivery of Certain Firearms, September 19, 1969, pp. 6-7, ‘Series III: Administrative and Legislative Files, Subseries: Speeches, Articles, and Press Releases, Box 214, Fd. 5871’, Ibid.

¹²⁵ See for instance: Letter sent from, and reply sent to, individual in Fort Tulick, Panama Canal Zone, August 3, and 9, 1966, ‘Legislative Files, Bills, A 1974.2, Box 115,

Texans and South Carolinians with regard to gun suicides was phrased as a statement not a question: 'Anyone wishing to take their own life will find a way to do it by whatever means available.'¹²⁶ New firearms restrictions could not help here. Not only did it seem clear to these congressmen that new firearms restrictions of the *preventative* type, affecting all owners/would be owners of guns, could have little affect on the rate of gun accidents and gun suicides; a kind of gun control in which they had no trust with regard to crime reduction. They also made no attempt to suggest that the kind of firearms restriction they did believe in when it came to crime reduction, that which sought to *deter* the criminal misuse of firearms, had any role to play in this sphere either.

In one way, however, national congressional delegates from Texas and South Carolina did illustrate a significant concern for the incidence of accidents with firearms. This did not manifest itself in a call for new firearms restrictions. Quite the opposite in fact. These congressmen displayed substantial interest in the idea that owners/would be owners of firearms should have easy access to training in the safe-handling of such weapons. Whether that training was to come from a responsible parent,¹²⁷ any one of a wide variety of hunting or shooting clubs,¹²⁸ or even local police forces,¹²⁹ it was to be encouraged. Even so, national

Folder Legislation Ways and Means, 89th Congress, Firearms Legislation', Rivers, Op. Cit.

¹²⁶ See for instance: Letters sent from, and reply sent to, individual in Athens, Texas, June 25, and 29, 1968, 'Box 193, File 205 Legislation Judiciary Firearms D-H 1968', Dowdy, Op. Cit.

¹²⁷ See for instance: Testimony of Congressman John Dowdy (D-Tex), before the House Committee on the Judiciary, in opposition to H. R. 5384, April 10, 1967, 'Box 196, File 219 Legislation Judiciary Firearms N. R. A. Data Petitions 1967-1968', Ibid.

¹²⁸ See for instance: Letter sent from, and reply sent to, Franklin L. Orth, Executive Vice President of the N. R. A., September 8, and 15, 1967, 'Box 81, Top. 1, 1967-1968 Gun Control, 4 of 5, 81-4', Dorn, Op. Cit.

¹²⁹ See for instance: Letter, and attachments, sent from, and reply sent to, individual in Orlando, Florida, December 4, and 15, 1966, 'Subject Correspondence, 1966, Box 4, Crime', Thurmond, Op. Cit.

congressional delegates from South Carolina and Texas never took this to the extremes that a national programme, or even state and local programmes, should be set up to supply this kind of education for owners/would be owners of firearms. Nor did these congressmen explore the possibility of requiring individuals to pass some form of safe-handling test in order to purchase a firearm. The onus was on the individual to take advantage of whatever instruction might be most easily accessible to him/her.

The plain division between the national congressional delegates serving the two northern states and those from the two southern states over the issue of whether or not firearms restrictions could bring about significant reductions in the numbers of gun accidents and gun suicides should not be emphasised too keenly. There were elements of common ground.

It has already been shown, for instance, how congressmen from all four of these states seemed to agree on the identification of certain 'high risk' groups when it came to facing the problem of gun crime. Some of these groups were widely perceived as being quite prone to either gun accidents or gun suicides, and in some cases both, as well; unsupervised juveniles and mental defectives perhaps most obviously.¹³⁰ Certainly, as has also been shown, national congressional delegates from the two northern states and the two southern states did not agree when it came to deciding what the most effective manner of keeping guns out of the hands of individuals in these groups might be. But these legislators did seem able to concur that listing a number of 'high risk' groups to be prohibited from purchasing firearms was a sensible course of action.¹³¹ By sanctioning the creation of this list, national congressional delegates from Texas and South Carolina, whether they wished to admit to it or not, did give some support to the idea championed by their counterparts in New York and Connecticut, that new firearms restrictions could reduce the rate of gun accidents and gun suicides.

With regard to national congressmen from New York and Connecticut, it is worth noting that many of them shared the belief of their South Carolinian and Texan colleagues,

¹³⁰ Media attention certainly focused on these two 'high risk' categories over and above others identified pre and during the 1960s.

¹³¹ Even though Title VII of the Omnibus Crime Control and Safe Streets Act listed certain 'high risk' groups to be banned from actually possessing firearms, this Title suffered none of the controversy which surrounded Title IV.

that easy access to training in the safe-handling of firearms would help bring down the number of gun accidents.¹³² For these northern legislators though, having such instruction made more easily accessible was not an adequate alternative to the new firearms restrictions they supported.

Common ground there was, therefore, but only by degrees and with provisos.

Once again, there were a minority of national congressmen from the two northern states falling under the purview of this study who were less inclined to follow the path taken by the majority of their fellows. It now comes as no surprise that Republicans from the more rural areas of New York made up the larger part of this minority which seriously doubted that even new *preventative* firearms restrictions, affecting all owners/would be owners, could lower, by any significant margin, the numbers of gun accidents and gun suicides.¹³³ This said, as only one of these individuals voted against the Gun Control Act, it seems likely that their feelings on this issue were no different to those of their few Texan colleagues who also had doubts about the suicide control, and accident control, utility of even new *preventative* firearms restrictions, affecting all owners/would be owners, but were still inclined to break rank from the dominant Texan and South Carolinian line when voting on the Gun Control Act just in case such doubts could be proven unfounded.¹³⁴ It remained the case that the minority voice from Texas' national congressional delegations was made up by a varied personnel;

¹³² See for instance: Comments of Representative J. H. Scheuer, of New York's twenty first district, in: Congressional Record, Op. Cit., p. 21825. Scheuer went a few steps further than his Texan and South Carolinian counterparts, however, by linking such training to a national system for testing the competence of would be owners before purchases could be made, and in order for possession to continue.

¹³³ With regard to accidents see for instance: Letter sent from, and reply sent to, individual in Camp Lejeune, North Carolina, January 14, and 22, 1970, 'Box 91-17, 91-18, Congratulations - Misc. to Armed Service Committee, Folder Gun Control Judiciary Cmte. 91st Congress', McEwen, Op. Cit.

¹³⁴ See for instance: Letter sent to individual in Humble, Texas, August 7, 1968, '95-147, Box 18, Folder 6 Gun Control Legislation (Against) Correspondence, July - Dec', 1968', Eckhardt, Op. Cit.

there was no obvious link between them and the rural Republicans serving New York on Capitol Hill.

The first of the four conclusions mapped out at the beginning of this chapter has certainly been supported by this section of analysis. National congressional delegates from New York and Connecticut believed in the accident control, and suicide control, utility of firearms restrictions, whilst those from Texas and South Carolina were less than convinced.

The deep rooted nature of the stances taken by the national congressional delegations of the two northern states and the two southern states also stands out in this section of analysis. National congressional delegates from New York and Connecticut still emphasised the collective guilt of U. S. society as a whole by favouring gun controls which would impact on all owners/would be owners. On the other hand, members of the national congressional delegations serving South Carolina and Texas in the 1960s championed individual responsibility: owners/would be owners should make the effort to learn how to handle firearms safely.

The third and fourth conclusions are hinted at in this section of analysis but these hints need to be combined with the information in the previous two sections to gain real substance.

Had the advocates of a wide variety of firearms restrictions bested their opponents in the arguments presented? There was much in the advocates' favour. As with the discussions over crime control, the argument of 'Let's at least try it and see what happens!', in such an emotional climate, had all the advantages that objections to such enthusiasm lacked. Beyond this, attention might be drawn, once again, to the contradiction of national congressional delegates from South Carolina and Texas giving support to some new, and, except in the case of firearms of more devastating potential than handguns, rifles and shotguns, particularly weak firearms restrictions of a *preventative* and *investigative* nature affecting all owners/would be owners, while at the same time attempting to discredit the crime control utility of much stronger measures of a similar kind. If it could be assumed that the support these congressmen gave to new, but weak, firearms restrictions of a *preventative* nature affecting all owners/would be owners, had anything to do with a belief in the accident control, and suicide control, utility of such measures, it would be possible to repeat a conclusion reached in the section of analysis preceding this one. The contradictory behaviour gave the impression, at least on one level, that these legislators were not in command of the information at their disposal; a point unlikely to inspire the confidence of others.

Which leads, of course, to the fourth conclusion, because the flip side to this contradictory behaviour, as the second section to this chapter suggested, was that the national congressional delegates from South Carolina and Texas were most probably working to their own agenda. This also seemed evident in their desire to promote the idea that individuals who owned, or were planning to own, firearms, should consider getting themselves trained in the safe-handling of such. In many ways a particular way of life was being promoted; a way of life in which sons learnt how to shoot at their fathers' sides whilst on hunting trips; hunting trips perhaps arranged by any one of the myriad sporting organisations to be found in every state; sporting organisations always on the look out for new members.

Summary

The aim of this chapter has been to illustrate the extent to which the national congressional delegations from New York, Texas, Connecticut, and South Carolina, believed firearms restrictions could tackle the problem of rising gun violence in the 1960s. Four conclusions have been drawn.

First of all, national congressional delegates from New York and Connecticut were convinced that the implementation of a wide variety of firearms restrictions could reduce gun violence by a satisfactory margin. National legislators from Texas and South Carolina seemed very wary of this belief.

Secondly, the national congressional delegations from the two northern states and the two southern states were separated from each other on this issue at a fundamental level. Their alternative stances stemmed from differing ideologies concerning the role of the individual and the role of U. S. society as a whole in the running of people's daily lives.

Thirdly, bearing in mind the provisos discussed at the beginning of this chapter, it seems distinctly possible that, if the firearms restrictions controversy could have been contained within the arena of 'firearms restrictions versus gun violence', the ultimate success for the keenest supporters of the wide variety of additional firearms restrictions on offer might have come earlier and have been of more substance.

Finally, there was no doubt that positions adopted by national congressional delegates from Texas and South Carolina, on the issue of whether or not firearms restrictions could bring about a significant reduction in gun violence, hinted at objections stretching into realms beyond this arena of debate.

It is to the other factors at play that this study now turns. The firearms restrictions controversy could not be contained within the arena of ‘firearms restrictions versus gun violence’. There were two levels of debate. The first of these took the form of a simple statement met by a direct reply. Advocates of firearms restrictions stated that such measures could reduce gun violence, whilst opponents replied that this was not true. The second level of debate stemmed from another more involved reply given by opponents of firearms restrictions: ‘Even if gun violence could be reduced by measures like these, too much would be lost by their very enactment.’. The first level of debate saw the national congressional delegations from New York and Connecticut in their ascendancy. The second level saw the national congressional delegations from South Carolina and Texas rise to theirs.

Chapter 2

Firearms Restrictions as a Violation of the *Individual Liberties* of Law-abiding Owners/Would be Owners of Guns

When the last chapter came to a close, the argument was made that the firearms restrictions controversy in the United States of America (U. S.) during the 1960s had two principal levels of debate. The first of these saw advocates of firearms restrictions stating that such measures could reduce gun violence and opponents replying that this was not so. The second stemmed from another more involved reply given by opponents of firearms restrictions: ‘Even if gun violence could be reduced by measures like these, too much would be lost by their very enactment.’. In common with firearms restrictions controversies before and after the 1960s, the extent to which gun controls should be permitted to restrict the ability of law-abiding citizens to continue certain *practical pursuits*, formed an important arena of discourse. Through the test of time a number of these *practical pursuits* have come to be seen, and defended, as *individual liberties*, even though their legal origin, and definition, have remained far from clear.

Very prominent in gun control debates have been the cries of individuals seeking to protect what they have seen as their freedom to engage in various recreational activities with firearms. The freedom to hunt, so very much a part of both the true, and mythological, stories of the U. S. growing from small Republic to global Superpower, has always featured prominently amongst these. Despite fears that hunting will itself be struggling for survival by the mid twenty first century,¹ some fourteen million U. S. citizens over the age of fifteen described themselves as hunters, in the mid 1990s.² The voice of hunters remains strong but by no means does it stand, or has it stood, alone. The list of hobbyists who have been eager to protect their freedom to engage in the recreation of choice is a long one, including target shooters, firearms collectors, and a variety of others engaging in more specialised hobbies such as hand-loading. Opponents of strict firearms controls have emphasised time and again how these activities, and, thus, the public money generated by these activities, would be

¹ R. J. Spitzer, The Politics of Gun Control, (Chatham, 1995), p.9.

² Ibid.

drastically disrupted, or even terminated, by such legislative intrusion.³ Proponents have even insisted that, on the contrary, strict gun control will actually serve to protect these pursuits.⁴

Memories revolving around the reality, and myth, of the armed civilian, Pennsylvania rifle or smoothbore flintlock musket in hand, routing George III's professional soldiers in the Revolutionary War, at the end of the eighteenth century, have always played their part in the firearms restrictions experiments which have followed. The freedom of individuals to keep and bear firearms in anticipation of, and as a defence against, tyranny, of a domestic or foreign nature, has always made an appearance in the dialogue between opponents and proponents of the strictest gun controls. On the one hand, come the range of arguments that stretch to embrace the fear of individuals living 'off the grid'⁵ in the rural Northwest, waiting expectantly for the inevitable invasion of United Nation (U. N.) troops⁶ or the knock at the door from field agents of the Federal Bureau of Investigation (F. B. I.),⁷ and the more restrained thoughts of those believing there can be little harm in at least being prepared for the worst, even if it might never prove necessary.⁸ On the other, come the refusals to tolerate fears that are often

³ See for instance: Letter sent from individual in Oswego, New York, May 20, 1965, 'Box: 89-15/89-15, Legislation-Misc. - Flood Control Subc.; Folder: Firearms Legislative Subjects, 89th Congress, 8915/611, [1 of 2]', Records and Papers of R. C. McEwen, Owen D. Young Library, St. Lawrence University, Canton, New York.

⁴ See for instance: Washington Report, beginning 'The nation was both shocked and saddened by the tragic death of Senator Kennedy . . .', p. 4, 'Box 15, Folder: Political - Washington Report, 1967-68', Records and Papers of Alexander Pirnie, #2905, 2B Carl A. Kroch Library, Cornell University Library, Ithaca, New York.

⁵ Philip Weiss, 'They've Had Enough', J. E. Dizard, R. M. Muth, and S. P. Andrews, Jr., Editors, Guns in America: A Reader, (New York/London, 1999), pp. 424-440.

⁶ See for instance: Louis Theroux's Weird Weekends, British Broadcasting Corporation, (Bristol, 1997).

⁷ See for instance: J. E. Dizard, R. M. Muth, and S. P. Andrews, Jr., Editors, Guns in America: A Reader, (New York University Press, 1999), p. 246.

⁸ See, for instance, the quote taken from the American Rifleman, May, 1957, in: Carl

condemned as nothing more than fanciful paranoia,⁹ and the rather unsympathetic image painted of the somewhat limited role remaining for the armed civilian in the days of modern warfare.¹⁰

Drawing on the reality and myth of both the unsettled and settled past, with regard to the firearm serving as the great equaliser, comes the alleged freedom of the individual to keep and bear guns for the purpose of self-defence.¹¹ At least on the surface, this would seem perhaps the easiest of the *individual liberties* concerning these dangerous instruments, to defend with legal authority; the Constitution proclaiming a clear desire on the part of the Founding Fathers to ‘secure the Blessings of Liberty to ourselves and our Posterity’,¹² and the words of William Blackstone sanctifying the ‘absolute rights, of life, liberty, and property’.¹³ Through the years, the National Rifle Association (N. R. A.), the largest and most influential gun club in the U. S. throughout the twentieth century, has consistently paid homage to this version of the natural, and constitutional, right to self-preservation; ‘The Armed Citizen’ has featured as a regular heading in the organisation’s magazine the American Rifleman, under which can be found numerous reports celebrating the courage of individuals able to use firearms to prevent themselves, family members, and personal belongings, from joining that particular month’s crime statistics. Proponents of strict controls have emphasised instead the danger of harming oneself, or another innocent party, when using guns in self-defence, rather than relying on the proper authorities to provide alternative forms of protection.¹⁴ In addition, Bakal, The Right To Bear Arms, (New York/Toronto/London, 1966), p. 274.

⁹ See for instance: Carl Bakal, Op. Cit., p.274-275.

¹⁰ See for instance: Ibid., p. 276.

¹¹ See note 42, Chapter 1.

¹² ‘Preamble’, U. S. Constitution.

¹³ D. T. Hardy, ‘The Second Amendment and the Historiography of the Bill of Rights’, The Journal of Law and Politics, Vol. 4, No. 1, (Summer, 1987), p. 159.

¹⁴ See for instance: A. L. Kellermann, and D. T. Reay, ‘Protection or Peril? An Analysis of Firearm-Related Deaths in the Home’, New England Journal of Medicine, 1986, Vol. 314, pp. 1557-1560.

proponents have also raised the spectre of self-appointed vigilante groups taking ideas of the personal battle against crime just those few steps further.¹⁵

Of the *practical pursuits* with firearms seen, and defended, as *individual liberties*, the three just outlined would seem to have received the lion's share of attention in gun control debates over the years. The firearms restrictions controversy of the 1960s proved no exception in this respect. Indeed each of these *practical pursuits* were given their own special relevance in the decade.

Arguments that hunting and target shooting developed '... muscular co-ordination, perseverance, self-control and sportsmanship',¹⁶ and that shooting sports in general gave people '... a sense of self-sufficiency and [helped them] identify with our historic past',¹⁷ had a particular ring in a decade which saw increasing numbers of U. S. civilians volunteering, and being conscripted, for military service overseas.

Fears of tyranny at home and abroad were far from absent in a decade which followed on from the domestic anti-communist crusades of McCarthyism in the 1950s; in a decade which had seen the world brought to the brink of nuclear war in the Cuban Missile Crisis of 1962. Memories of World War II were kept very much alive in the tense atmosphere that drew lifeblood from the dread of communist tyranny in the Cold War world. Worrying literature circulated the nation: some warned that gun control today could lead to a repeat of the Holocaust tomorrow;¹⁸ others sent out the timely reminder about how strict gun control in

¹⁵ See for instance: Robert Sherrill, The Saturday Night Special, (New York, 1973), pp. 240-245.

¹⁶ Harry Hogan, S. 1592 - 89th Congress, A Bill to Amend the Federal Firearms Act, Summary and Principal Pro and Con Arguments, Library of Congress, Legislative Reference Service, Education and Public Welfare Division, June 17, 1965, p. 20.

¹⁷ Ibid.

¹⁸ An example of one of these, entitled "'Blue-Print" for a Dictator', displaying a disturbing image, from World War II, of dead bodies piled on top of one another in a German concentration camp under the large caption 'A Disarmed Minority', can be found in: 'Box 370, Folder 13', Records and Papers of John G. Tower, John G. Tower Library, Southwestern University, Georgetown, Texas.

the United Kingdom had left the British so unprepared to fight in World War II that they were forced to plead for the firearms of American citizens.¹⁹

And, as Chapter 1 has shown, rising crime levels meant the issue of self-defence had a particular resonance in the 1960s. Indeed, according to the National Commission on the Causes of Violence, twenty two million households, in 1966, included self-defence amongst the reasons for their possession of a firearm.²⁰

This chapter will illustrate the extent to which concerns over the freedom of law-abiding individuals to keep and bear guns for the purpose of engaging in recreational activities, or challenging the forces of tyranny, or self-defence, informed any stances being taken in the firearms restrictions controversy of the 1960s by national congressional delegations from New York, Texas, Connecticut, and South Carolina. It will be shown that national congressional delegates from the two southern states were keen to champion these three *individual liberties* to the detriment of additional firearms restrictions. It shall also be suggested that national congressmen from the two northern states, during their battle against gun crimes, gun accidents and gun suicides, could find themselves placed on the defensive when accused of undermining these same *individual liberties*. There was no doubt, however, that national congressional delegates from New York and Connecticut approached the issue of *individual liberties* and firearms restrictions in a manner which reduced the impact of arguments that such measures were a serious threat to these freedoms.

A Freedom To Engage In The Recreational Activity Of Choice

It could only have been expected that the national congressional delegations from both Texas and South Carolina would have sought to protect an *individual liberty* to engage in

¹⁹ One of these, a reprint of a publication put out, during World War II, by the American Committee for Defense of British Homes, entitled 'Send a Gun to Defend a British Home', with the warning attached: 'Every American Remember This', can be found in: 'Box 193, File 202, Legislation, Judiciary, Firearms', Records and Papers of John V. Dowdy, Baylor University Collections of Political Materials, Waco, Texas.

²⁰ M. S. Eisenhower, Commission Statement on Firearms and Violence, National Commission on the Causes and Prevention of Violence, July 28, 1969, p. 3.

recreational activities with firearms. During 1965, the number of licensed hunters stood at 590, 922, in the Lone Star State, and 192, 072, in South Carolina.²¹ And then there was also the persistent presence of a large variety of sporting clubs, from the Texas Gun Collectors Association to the Belton Gun Club, of which Representative W. J. B. Dorn, of South Carolina's third district, was a member,²² all keen to promote their interests, to think about. With a substantial rural sporting heritage in each of the two southern states added to the mix, it would certainly have seemed unusual for the cries of alarm from sportsmen/sportswomen to have gone unheeded in the firearms restrictions debates of the 1960s.

The literature put out by Texan and South Carolinian national congressional delegates did not disappoint. It was littered with comments illustrating the importance of this freedom to any stances taken with regard to firearms restrictions. Representative R. T. Ashmore, of South Carolina's fourth district, was most eager to assure correspondents that he did ' . . . not favor legislation which will place restrictive burdens on gun collectors or on persons using weapons for hunting . . . ',²³ whilst W. J. B. Dorn put up little defence when accused of

²¹ 'On H. R. 5037, H. R. 5038, H. R. 5384, H. R. 5385, and H. R. 5386, bills to assist state and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes; and related bills, H. R. 710, H. R. 1007, H. R. 1454, H. R. 5470, H. R. 6051, H. R. 6053, H. R. 6067, H. R. 6137, H. R. 6386, H. R. 6387, H. R. 6394, H. R. 6400, H. R. 6709, H. R. 6710, H. R. 7092, H. R. 7093, H. R. 7094, H. R. 7095, H. R. 7351, H. R. 7384, H. R. 7466, H. R. 7535, H. R. 7760, H. R. 7829, H. R. 8654, and H. R. 8790', Hearings Before Subcommittee No. 5 of the Committee on the Judiciary, United States House of Representatives, 90th Congress, 1st Session, March 15th, 16th, 22nd, and 23rd, April 5th, 7th, 10th, 12th, 19th, 20th, 26th and 27th, 1967, (Government Printing Office, Washington, 1967), p. 488.

²² See: Letter sent to individual in Anderson, South Carolina, February 18, 1969, 'Box 88, Top 1, 1969-1970, Gun Control, 88-24', Records and Papers of William Jennings Bryan Dorn, Modern Political Collections, South Caroliniana Library, University of South Carolina, Columbia, South Carolina.

²³ See for instance: Letter sent to individual in San Francisco, California, March 7, 1967,

believing ‘ . . . the “right” to go bang-bang at rabbits . . . is more important than the preservation of human life and the right to live unmolested’.²⁴ Even those congressmen from Texas who eventually voted for the Gun Control Act showed all the signs that they would only support the gun controls which sportsmen/sportswomen and hobbyists could live with. Senator Ralph Yarborough did ‘ . . . not think legitimate hunting, hunting clubs, hunting leases, sportsmen’s clubs, antique gun dealers and collectors . . . should be prohibited because of the unlawful or negligent use of guns by criminals or the irresponsible’,²⁵ and Senator John Tower made it quite clear that he would ‘ . . . not support any federal legislation which would deny responsible sportsmen and legitimate collectors their privilege of owning lawful firearms’.²⁶

It can be illustrated that verbal commitments to the shooting sports made by national legislators from South Carolina and Texas were backed up with action by looking at two features of the firearms restrictions debates in particular: the battle to ensure that sporting weapons did not face the strongest gun controls, and the effort to protect the interests of collectors.

As Chapter 1 has already pointed out, there were considerable doubts raised by national congressional delegates from the two southern states about the need for strong controls on rifle and shotgun ownership and use, as the concealed handgun was widely considered to be the firearm favoured by the criminal element. A significant part of the flip side to this, of course, was the far less objective desire to ensure that the firearms favoured by sportsmen/sportswomen, meaning rifles and shotguns, were easily available for all those decent law-abiding citizens eager to get their hands on one. What was true for the firearms themselves, was also true for the ammunition made to be fired from them; hence the terrific battle to eliminate rifle, shotgun, and .22 calibre rimfire, ammunition, never minding the fact

‘Box 81, Top. 1, 1967-1968, Gun Control, 3 of 5, 81-3’, Ibid.

²⁴ Letter sent from, and reply sent to, individual in Clemson, South Carolina, July 3, and 22, 1968, ‘Box 81, Top.1, 1967-1968, Gun Control, 2 of 5, 81-2’, Ibid.

²⁵ Letter sent to ‘Dear Friend,’ Undated, Vertical File, Archives and Manuscripts, Center for American History, University of Texas at Austin, Austin, Texas.

²⁶ Statement, Weekend, June 22-23, 1968, p. 1, ‘Box 22, Folder 19’, Tower, Op. Cit.

that the latter could also be used in handguns, from the ammunition restrictions of those legislative proposals which were eventually moulded into the Gun Control Act of 1968.

In Chapter 1 it has been illustrated already that Title IV of the Omnibus Crime Control And Safe Streets Act of 1968 was a bitter pill for national congressional delegates from Texas and South Carolina. It remains certain, however, that this Title, having as its main feature the banning of interstate commerce in handguns, except between federally licensed dealers, manufacturers, and importers, was far easier to swallow for its neglecting sporting firearms. Senators Ernest Hollings and Strom Thurmond, of South Carolina, and John Tower, of Texas, all played an important part in ensuring that the separate efforts of Senators Jacob Javits, of New York, T. J. Dodd, of Connecticut, and Edward Kennedy, of Massachusetts, to have rifles and shotguns covered by Title IV, were defeated on the floor of the Senate, on May 16th, 1968.²⁷ Similarly, with regard to the ammunition favoured by those enjoying shooting sports, national congressional delegates from Texas and South Carolina played a prominent role in moves to ease any inconvenience that might be suffered by sportsmen/sportswomen.

Keen ‘ . . . to discriminate between ammunition which is used for criminal purposes and ammunition designed exclusively for hunting or sporting purposes . . . ’ and to ‘ . . . leave free of controls ammunition used by hunters and sportsmen . . . ’,²⁸ Representative Clark Macgregor of Minnesota made a number of efforts on the Floor of the House of Representatives in June 1968 to weaken H. R. 17735, the House’s version of what became the Gun Control Act. His success at exempting rifle, shotgun, and .22 calibre rimfire, ammunition from the provisions of the Bill would not have been possible without the twenty four, out of a possible twenty eight, votes from Representatives in the Texan and South Carolinian camps.²⁹

Later, in 1969, national congressional delegates from the two southern states were at the forefront of efforts to alter regulations, imposed by the Inland Revenue Service (I. R. S.), which required individuals to provide a variety of personal details for dealers’ records when purchasing virtually all types of ammunition. By writing, cosponsoring, and supporting a variety of bills, the national congressmen from these two states helped, ultimately, to pave the

²⁷ Congressional Record, 90th Congress, 2nd Session, Vol. 114, (Government Printing Office, Washington, 1968), pp. 13632, 13629, and 13623.

²⁸ Ibid., p. 22774.

²⁹ Ibid., p. 23903.

way for a rider being attached to the totally unrelated Interest Equalization Tax Extension Act of that year which exempted rifle and shotgun, though not .22 calibre rimfire, ammunition from these regulations.

Indeed, the freedom to engage in shooting sports with rifles and shotguns even played heavily on the minds of those national congressional delegates from Texas most staunchly in favour of firearms restrictions. Representative R. C. Eckhardt, of the Lone Star State's eighth district, for instance, went so far as to support the federal registration of handguns, but no further:

. . . I will oppose any attempt to extend firearms control to the registration of long guns because its restrictive effect on honest hunters and sportsmen would not be justified . . .³⁰

A concern for sportsmen/sportswomen decided where he drew the line.

The justification usually given by national congressional delegates from Texas and South Carolina for supporting strict restrictions on the individual ownership and use of 'destructive devices'³¹ was also telling. It was put, quite succinctly, in the individual views attached to the Senate Judiciary Committee's report on S. 3633, the Senate equivalent of H. R. 17735, which included Strom Thurmond amongst the signatories:

There is universal agreement that rockets, bazookas, antitank guns, heavy field artillery, and the like should be strictly controlled, for there are no legitimate sporting uses for these weapons.³²

³⁰ Letter sent to individual in Houston, Texas, March 19, 1969, '95-147/287, Firearms Legislation, 1969', Records and Papers of Robert C. Eckhardt, Archives and Manuscripts, Center for American History, University of Texas at Austin, Austin, Texas.

³¹ See note 68, Chapter 1.

³² 'Gun Control Act of 1968', Report from the Committee on the Judiciary, United States Senate, 90th Congress, 2nd Session, No. 1501, (Government Printing Office, Washington, 1968), p. 100.

It seems likely that these national congressmen did not believe in the crime control utility of firearms restrictions even when it came to ‘destructive devices’. The art of compromise was made that much more possible, however, when sporting interests were not under threat.

Before moving on to efforts designed to protect the interests of collectors it should be noted that it was the national congressional delegations from Texas, rather than those from South Carolina, which appeared to show the greatest enthusiasm for defending the *individual liberty* of law-abiding citizens to engage in recreational shooting. It was from the ranks of the Texan national congressional delegates, for instance, that some of the more imaginative explorations of this theme emerged. In a statement before Subcommittee No. 5 of the Committee on the Judiciary, in the House of Representatives, Representative Bob Casey, of Texas’ twenty second district, suggested that one of the reasons why he felt legislation attempting to ban firearms from interstate shipment, except between federally licensed dealers, manufacturers, and importers, inappropriate, was that the economic contribution made by hunters to public affairs outweighed in significance any damage caused by criminals with firearms.³³ It was also from within the ranks of the Texans that the hunting-way-of-life found itself praised with the kind of zeal that made the very idea of gun control appear blasphemous. For Representative John Dowdy, of Texas’ second district, hunting was a sport that instilled moral values in participants which set them apart, and even above others:

Only a few days ago, the F. B. I. arrested a number of persons in New York and charged them with illegally securing draft deferments for their sons. In my district, the fathers and sons prefer to participate in the more wholesome activity of hunting . . .³⁴

³³ ‘On H. R. 5037, H. R. 5038, H. R. 5384, H. R. 5385, and H. R. 5386 . . .’, Op. Cit., p. 484.

³⁴ Testimony of Congressman John Dowdy (D-Tex), before the House Committee on the Judiciary, in opposition to H. R. 5384, April 10, 1967, ‘Box 196, File 219, Firearms, N. R. A. Data, Petitions’, Dowdy, Op. Cit..

Representative George Mahon, of Texas' nineteenth district, took the less prosaic approach; launching into a nostalgic look at the past when pushed into explaining why he voted against the initial House passed version of what became the Gun Control Act:

. . . as you know, many of us cut our teeth on guns. My father and all of us five children took pride in our ability to shoot, and we undertook to kill all wild animals in sight. This is a typical background of our erstwhile frontier country.³⁵

Certainly, as has been illustrated above, national congressional delegates from South Carolina made a show of their interest in protecting the recreational activities of hunters and target shooters throughout the firearms restrictions controversy. On the whole though, the national congressional delegates from South Carolina did not seem to emphasise this aspect of their opposition to firearms restrictions with quite the passion of their Texan counterparts.

In fact, the scales were balanced similarly when it came to defending the freedom of individuals to collect firearms. Texas' John Tower proved the leading force for collectors in the Senate during debates concerning Title IV of the Omnibus Crime Control And Safe Streets Act. His detailed investigations into the subject led to an amendment being accepted which excluded from the Title's restrictions:

. . . any firearm manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar early type of ignition system) or replica thereof, whether actually manufactured before or after the year 1898; and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States, and is not readily available in the ordinary channels of commercial trade.³⁶

³⁵ Letter sent to individual in Floydada, Texas, July 27, 1968, 'Box 309, Of. 624, A.220.7B, File: Firearms, Judiciary, (309-3)', Records and Papers of George Mahon, Southwest Collection, Texas Tech University, Lubbock, Texas.

³⁶ Congressional Record, Op. Cit., p. 14793.

Title IV, in its original form, had rather arbitrarily made 1870 the definitive date, and had provided no exemptions whatsoever for firearms which used or fired fixed ammunition; paying little heed to manufacturing histories or existing precedents in law. In 1968, Representative Ray Roberts, of Texas' fourth district, had been keen to amend H. R. 17735, designed principally to abolish the interstate commerce in firearms, except between federally licensed dealers, manufacturers, and importers, in such a way that would relieve museums, such as the Smithsonian, from the Bill's provisions.³⁷ Eventually, however, he shelved this in favour of an amendment proposed by Representative J. D. Dingell, of Michigan, which had been drawn up to exempt any individual who collected firearms or ammunition as 'curios or relics' from most of the Bill's provisions by requiring such hobbyists to obtain a federal collector's license and then merely to 'conform in every particular to the requirements of law that are imposed upon a licensed dealer'.³⁸ On another occasion Roberts fought to allow congressmen themselves to keep the firearms collections they might have in their offices in Washington, D. C..³⁹ The message being sent out from the national congressional delegations from Texas was very loud and very clear: 'Firearms restrictions should not be permitted to interfere with the serious business of gun collecting!'

From within the ranks of the South Carolinian national congressional delegations the message was less pronounced. Strom Thurmond certainly involved himself in the defence of an amendment to S. 3633, in September, 1968, which differed only marginally from that proposed by Dingell with regard to H. R. 17735 in the House. Indeed, rarely did collectors receive the kind of laudation given to them at that time by the Senator:

Practically without exception gun collectors are patriotic citizens dedicated to the preservation of liberties we enjoy in our country, and many are veterans who have served their country well in a defense for these liberties.⁴⁰

³⁷ Ibid., p. 22764.

³⁸ Ibid., pp. 22763-22764.

³⁹ 'Congressmen Irked by Proposed Curb on Their Weapons', New York Times, October 7, 1967.

⁴⁰ Congressional Record, Op. Cit., p. 26906.

But, whilst national congressional delegates from Texas were to be found at the forefront of efforts to ease the burdens placed on the firearms collector, those from South Carolina, although keen to refer to collectors as yet another group of law-abiding U. S. citizens inconvenienced by firearms restrictions, seemed less inclined to worry themselves about the nitty-gritty details involved.

A final point is worth emphasising. In defending an *individual liberty* to engage in recreational activities with firearms, national congressional delegates from Texas and South Carolina sometimes sought to imply that they were not seeking merely to aid hunters, collectors and other gun enthusiasts. The examples above of John Dowdy praising hunters above draft dodgers and of Strom Thurmond eulogising the patriotism of collectors illustrate this quite clearly. The message seemed to be that individuals who engaged in recreational activities with guns numbered amongst the finest Americans who would always be ready to serve their nation if called upon. More than that, it appeared to be suggested that recreational activities with guns helped create fine patriots. With the Cold War and the Vietnam War in the background of the firearms restrictions controversy this gave an immediate national importance to recreational activities which were likely to be more difficult to pursue if gun controls were to be enacted. Whether out of heartfelt conviction or political convenience national legislators from Texas and South Carolina presented a formidable case for keeping firearms restrictions to a minimum.

The alleged freedom of individuals to engage in recreational activities with firearms was never going to be one that the national congressional delegations from New York and Connecticut could have ignored, or would have wanted to ignore, when developing stances in the firearms restrictions controversy of the 1960s. In both New York and Connecticut there was an impressive array of sporting organisations, from Pulaski's Mad River Club to the Connecticut State League Of Sportsmen's Clubs, Inc., all eager to promote their members' pursuits. And, if the number of licensed hunters was anything to go by, 1,055,358, in New York, and 62,127, in Connecticut in 1965,⁴¹ these members were numerous. On top of this, a substantial number of the national congressmen from these two states were fond of shooting sports themselves. Even T. J. Dodd, without doubt the most visible congressional champion

⁴¹ 'On H. R. 5037, H. R. 5038, H. R. 5384, H. R. 5385, and H. R. 5386 . . .', *Op. Cit.*, pp. 487-488.

of firearms restrictions throughout the decade, never failed to remind those objecting to his proposals that both he and his sons were avid hunters.⁴² National congressional delegates from New York and Connecticut may have given almost unanimous support to the Gun Control Act but they also displayed a very definite desire to keep recreational activities with firearms alive, and thus a desire to head off complaints that supporting gun controls was synonymous with sounding the death knell for such activities.

The literature sent out by the national congressional delegates from Connecticut and New York overflowed with remarks emphasising how the liberty of sportsmen/sportswomen and hobbyists would lie at the heart of any personal positions taken on the subject of firearms restrictions. The assertions of Representative O. R. Reid, of New York's twenty sixth district, that ' . . . certain exemptions must be made for law-abiding sportsmen and for persons who collect historically valuable firearms as a hobby',⁴³ and the hopes expressed by Representative J. S. Monagan, of Connecticut's fifth district, that any consensus reached on gun controls would not be ' . . . unduly burdensome to the interests of legitimate hunters and sportsmen',⁴⁴ were typical. Beyond these verbal assurances, national congressmen from the two northern states divided much of their time between two activities. First of all, using references to recreational activities, and to people enjoying the pleasures of such, to help pass certain firearms restrictions into law. Secondly seeking to find ways to attract

⁴² Statement, March 22, 1965, p. 7, 'Series III: Administrative and Legislative Files, Subseries: Speeches, Articles, and Press Releases, Box 201, Fd 5180', Records and Papers of Thomas J. Dodd, Dodd Center, University of Connecticut, Storrs, Connecticut.

⁴³ Letter sent to individual in New Rochelle, New York, April 4, 1968, 'Part 4, Congressional Files, 755, Series No. XIII, Box No. 251, Folder No. 224 (Judiciary, Firearms)', Records and Papers of Ogden R. Reid, Manuscripts and Archives, Yale University Library, 130 Wall Street, Box 208240, New Haven, Connecticut.

⁴⁴ Letter sent to individual in Meriden, Connecticut, June 1, 1966, 'Box 7: Pink Copies, 1965 - 1966, B - H, Folder: Di - Dom', Records and Papers of John S. Monagan, Special Collections: Archives, Manuscripts, Rare Books, Dartmouth College Library, Hanover, New Hampshire.

sportsmen/sportswomen and hobbyists to the idea that gun control should not be considered anathema to any kind of legitimate pursuit.

It always seemed important to the national congressional delegates from Connecticut and New York to advertise the support they believed had been given to their stances on firearms restrictions by sportsmen/sportswomen, and hobbyists, alike. Whether they were attempting to illustrate why they were planning to give, or had already given, their votes to gun controls which were far from stringent, such as those contained within Title X of the Civil Rights Act passed in April, 1968, which served merely to regulate the use of firearms in civil disorders, or whether they wanted to justify promoting controls like H. R. 17735, which had a larger sting, these congressmen were always eager to illustrate any backing they had from recreational groups.⁴⁵ Indeed, in the early 1960s, T. J. Dodd was happy to draw attention to the positive role played by the N. R. A., an organisation he described as ‘. . . the traditional spokesman for the 20 million citizens in the United States who use guns and rifles for sporting events, hunting, and target practice’, in the efforts being made to construct meaningful gun controls.⁴⁶ The message this practice conveyed was simple: ‘If such interested parties are willing to support firearms restrictions then you should be too!’.

The nation-wide love affair with pastimes involving firearms was used by national congressional delegates from New York and Connecticut in another way as well. Arguments abounded that firearms falling into categories such as foreign military surplus, cheap mail-order handguns and heavy duty military ordnance, were widely considered unsuitable for recreational purposes, and, thus, that strict controls on these should not cause offence to

⁴⁵ See for instance: Letter sent to ‘Dear Colleague’, by a small group of signatories, April 5, 1968, ‘Box 14, Folder: Political - Releases 1968’, Pirnie, Op. Cit. / Or / Letter sent to individual in Camden, New York, August 5, 1968, ‘Box 18, Folder: Legislation, Judiciary, 1967-1968’, Ibid.

⁴⁶ See for instance: See for instance: A Bill to Amend the Federal Firearms Act, p. 3, entered into the Congressional Record, August 2, 1963, ‘Series III: Administrative and Legislative Files, Subseries: Speeches, Articles, and Press Releases, Box 197, Fd 4913’, Dodd, Op. Cit.

shooters, and hobbyists.⁴⁷ People's passions for pastimes with firearms were actually being used to justify certain types of gun control.

Both kinds of attempt to use references to recreational activities, and to people enjoying the pleasures of such, to help pass certain firearms restrictions into law undoubtedly played a useful role in the battle for stricter firearms restrictions. Each had their problems as well. Sportsmen/sportswomen and hobbyists came in all forms and so it was inevitable that the support for various gun controls which came from some, would be condemned by others. Divisions within the N. R. A. itself were strikingly evident throughout the decade.⁴⁸ And, of course, there was always one voice keen to point out, for instance, that, in fact, foreign military surplus firearms could be used for recreational activities.⁴⁹

Perhaps inevitably, national congressional delegates from New York and Connecticut spent more time seeking to find ways to attract sportsmen/sportswomen and hobbyists to the idea that gun control should not be considered anathema to any kind of legitimate pursuit.

The granting of concessions to sportsmen/sportswomen, and hobbyists, was one practice utilised by national congressional delegates from Connecticut and New York. Virtually all of the firearms restrictions proposed in the 1960s imposed a higher age limit on individuals wishing to purchase handguns, than on those desiring long-guns,⁵⁰ and efforts were always made to exclude antique firearms from restrictions imposed on other kinds, though certainly the definition of an antique firearm proved a tricky business, as has been shown above.⁵¹ In July, 1968, Emanuel Celler, of New York's tenth district, proved very keen to

⁴⁷ See for instance: Press Release, February 18, 1965, p. 1, 'Series III: Administrative and Legislative Files, Subseries: Speeches, Articles, and Press Releases, Box 201, Fd 5164', Ibid.

⁴⁸ See: Robert Sherrill, Op. Cit., pp. 189-190.

⁴⁹ See for instance: Burke Hickenlooper, 'Gun Legislation: A Shot in the Right Direction?', Res Ipsa Loquitur, Summer, 1965, p.8.

⁵⁰ Usually the requirement was that individuals wanting to purchase handguns had to be at least 21 years old, whilst the age limit was most commonly set at 18 years for those with their minds set on rifles and shotguns.

⁵¹ See, for instance, the concessions made by Representative J. M. Murphy, of New

draw the eyes of target shooters and hunters to H. R. 17735's ammunition restrictions which had been designed, with such gun enthusiasts in mind, to allow individuals to make purchases outside their own states of residence,⁵² whilst T. J. Dodd even warmed to the idea of amending S. 3633 in a manner that would permit collectors to obtain federal licenses and thus avoid all of the Bill's restrictions that did not apply to federally licensed dealers.⁵³

Added to concessions, national congressional delegates from New York and Connecticut made the neat little argument that sportsmen/sportswomen, and hobbyists, would harm themselves more seriously by objecting to strong firearms restrictions than through supporting the same. Representative J. V. Lindsay, of New York's seventeenth district, put this quite succinctly, in January, 1964, before the Senate Commerce Committee:

Responsible sportsmen and gun owners find their sport and hobby degraded by the greedy practices of irresponsible gun sellers and the murderous practices of irresponsible gun buyers. I cannot see how it helps bona fide hunters, gun lovers, and even the dealers and manufacturers to have a national sport become a national scandal.⁵⁴

York's sixteenth district: 'On proposed amendments to the National Firearms Act and the Federal Firearms Act', Hearings Before the Committee on Ways and Means, United States House of Representatives, 89th Congress, 1st Session, July 12th, 13th, 14th, 19th, 20th, 21st, 22nd, 23rd, 26th, 27th and 28th, 1965, Parts 1 and 2, (Government Printing Office, Washington, 1965), pp. 582-583.

⁵² Congressional Record, Op. Cit., p. 21784.

⁵³ Opening Remarks of Senator Dodd Before the Jewish War Veterans of the U. S. A., Hollywood, Florida, August 24, 1968, p. 6, 'Series III: Administrative and Legislative Files, Subseries: Speeches, Articles, and Press Releases, Box 211, Fd 5787', Dodd, Op. Cit.

⁵⁴ 'On S. 1975 - Bill to amend the Federal Firearms Act; and S. 2345 - A bill to amend the Federal Firearms Act to further restrict the use of instrumentalities of interstate or foreign commerce for the acquisition of firearms for unlawful purposes', Hearings Before the Committee on Commerce, United States Senate, 88th Congress, 1st and 2nd Sessions, December 13th and 18th, January 23rd, 24th, and 30th, and March 4th,

Both the granting of concessions, and the pursuit of the line that gun controls could actually assist those keen to engage in recreational activities with firearms by shattering any stigma against such activities brought about by the widespread accumulation of such weapons by the irresponsible, would have played some role in easing the passage of gun controls through Congress. Once again, however, there were limits to the aid these practices could give. Concessions were fine as far as they went, but, for many, the national congressional delegations from Connecticut and New York simply did not go far enough. In the Ninetieth Congress, for instance, only one member of the House of Representatives from these two states voted for Clark Macgregor's amendment designed to eliminate rifle, shotgun, and .22 calibre rimfire, ammunition from the purview of H. R. 17735's provisions.⁵⁵ Beyond this, the line that gun control might actually prove a boon to shooters and hobbyists, relied on these kinds of gun enthusiasts having a firmly held belief in the notion that firearms restrictions could actually have a positive effect on gun violence. As has been shown in Chapter 1, this was far from the case.

There is no doubt, however, that more sportsmen/sportswomen and hobbyists would have been won over by these practices than by the remaining two utilised by national congressional delegates from Connecticut and New York.

The first of these has been hinted at already. In Chapter 1, it was shown how, at least from the mid 1960s onwards, these delegates chose to argue in quite some detail that rifles and shotguns were used by criminals, and thus that stringent controls were needed over the sale and use of such instruments. As the reaction of the national congressional delegations from South Carolina and Texas to this line has indicated, many shooters and hobbyists were only too happy to respond by providing their own evidence telling a different story, or a different version of the same story.

Only as a very last resort did a few members of the national congressional delegations from Connecticut and New York actually attack recreational activities with firearms. In May, 1968, for instance, T. J. Dodd seemed keen to commend an article he had found in the Miami, Florida, Herald, in which a certain distaste for sports which pitted ' . . . a hidden, disguised,

1964, (Government Printing Office, Washington, 1964), p. 234.

⁵⁵ Congressional Record, Op. Cit., p. 23093.

and armed hunter against an unsuspecting, unoffending and unprotected animal . . .’ was clearly evident.⁵⁶ This was a curious tactic likely to have been born out of frustration with the slow pace of change. Various hunting communities directed massive campaigns of vitriol against some of the national congressional delegates from the two northern states who never remotely criticised recreational activities with guns. The unsuccessful bid of Representative E. Q. Daddario, of Connecticut’s first district, to become that state’s Governor, in 1970, was plagued by an organised campaign boasting fliers which condemned the candidate as ‘The Sportsman’s Enemy’.⁵⁷ And this despite his belief that the controls on handgun ownership he was supporting in the Ninety First Congress had been ‘. . . carefully drafted so as to protect the legitimate interests of sportsmen and hobbyists who want to own or use handguns for sporting or recreational purposes’.⁵⁸ It is therefore quite difficult to understand what those of these congressmen who did attack recreational activities with firearms ever hoped to gain from it.

Going to this extreme would seem particularly hazardous when, as has been shown above, some opponents of firearms restrictions chose to stress that individuals who engaged in recreational activities with guns numbered amongst the finest Americans who would always be ready to serve their nation if called upon or, indeed, that recreational activities with guns helped create fine patriots. On the whole national congressional delegates from New York and Connecticut tried not to draw any attention to these kinds of claim. If nothing else this perhaps gave testament to the emotional strength of such announcements in a decade when the Cold War and Vietnam War could not be ignored.

⁵⁶ See for instance: Columnist Sees Sick Minds Behind Guns, entered into the Congressional Record, May 22, 1968, ‘Series III: Administrative and Legislative Files, Subseries: Speeches, Articles, and Press Releases, Box 210, Fd 5652’, Dodd, Op. Cit.

⁵⁷ See for instance: Letter sent from individual in Stafford Springs, Connecticut, July 13, 1970, ‘Box 28, Folder: Firearms Misc.’, Records and Papers of Emilio Q. Daddario, Special Collections & Archives, Olin Library, Wesleyan University, Middletown, Connecticut.

⁵⁸ Letter sent to editor of the American Rifleman, July 30, 1970, ‘Box 28, Folder: Firearms Misc.’, Ibid.

A final word needs to be made for those few rural Republican national congressional delegates from New York who did not extend their support to firearms restrictions as stringent as those championed by most of their colleagues from the two northern states. This small minority was generally opposed to firearms restrictions which went so far as to require the registration of privately owned rifles and shotguns, or which made individuals wishing to own these kinds of firearms obtain licenses. Representative Alexander Pirnie, of New York's thirty second district, put the case quite clearly:

I have not been and am not now in favor of a registration and licensing program for the typical sporting weapon -- hunting rifles and shotguns -- because I firmly and sincerely believe that we should focus attention on keeping firearms away from undesirables, not on imposing undue hardships on the honest, law-abiding, adult sportsman.⁵⁹

Similarly there can be no doubt that the opposition of Representative R. C. McEwen, of New York's thirty first district, to the Gun Control Act in its final form stemmed, at least in part, from the fact that nothing of Clark Macgregor's efforts to exempt certain types of ammunition from H. R. 17735 survived the Conference Committee; limitations were even ' . . . placed on the sale of shotgun shells loaded with bird shot . . .'.⁶⁰ For these New Yorkers, the *individual liberty* to engage in the recreational activity of choice played a very important role in limiting the extent to which they could support gun controls championed by many of their colleagues in Connecticut and their own home state.

There can be no doubt that the negative attitude adopted by national congressional delegations from South Carolina, and especially Texas, towards many of the firearms restrictions proposals discussed in the 1960s owed a great deal to a desire to protect an *individual liberty* to keep and bear firearms for the recreational activity of choice. It is also

⁵⁹ Press Release, October 31, 1968, p. 3, 'Box 14, Folder: Political - Releases, 1968', Pirnie, Op. Cit.

⁶⁰ Letter sent to individual in Clayton, New York, January 7, 1969, 'Box 90-1 / 90-2, Public Works (H/S/P) - Judic. Comm. Mon. Holiday Bill, Folder: Judiciary Gun Control Legislation, 90th Cong. - 1st Session, 1967, [1 of 4]', McEwen, Op. Cit.

clear that national congressional delegates from New York and Connecticut were not only unable, but also unwilling, to ignore this *individual liberty* when forming their own stances on gun control. Of course the 'unwilling' factor added up to a problem for opponents of additional firearms restrictions. As long as proponents of such could claim and illustrate that this *individual liberty* was not being ignored, they would always be able to lessen the impact of claims to the contrary.

The Armed Civilian In The Battle Against Tyranny

Within the national congressional delegations from both Texas and South Carolina the idea that individuals should be free to keep and bear firearms in anticipation of, and as a defence against, tyranny, of a domestic or foreign nature, did not go ignored.

There were occasions when national congressional delegates from Texas and South Carolina showed a very dramatic concern for, and faith in, an *individual liberty* to keep and bear firearms in anticipation of, and as a defence against, tyranny. In particular their concern was with the prospect of individuals having to register their firearms with a central authority. W. J. B. Dorn was always keen to remind correspondents that communist 'and fascist dictatorships always require registration of firearms'.⁶¹ Dorn left readers to develop in their own minds the image of confiscation and subsequent oppression that could result if an invading force, or even a future domestic megalomaniac, could get its/his/her hands on records pinpointing firearms owners throughout the country. John Dowdy went so far as to quote verbatim from the mysterious document entitled Communist Rules for Revolution, which did the rounds throughout the debates of the 1960s, despite questions concerning its authenticity. Apparently written in Moscow for distribution to communist groups all over the world, and found in an Allied sweep through the headquarters of a German communist group, the Spartacist League, in 1919, this document listed the tactics to be used in a communist take-over. As Dowdy pointed out, one of these '... is to cause the registration of all firearms on some pretext, with a view to confiscating them and leaving the population helpless', and, of course, the congressman was '... bitterly opposed to anything which would make it easier to

⁶¹ Federal Control of Firearms (Statement and Questionnaire), July 8, 1968, 'Box 81, Top. 1, 1967-1968, Gun Control, 1 of 5, 81-1', Dorn, Op. Cit.

establish a dictatorship, whether communist or otherwise, in our beloved Republic'.⁶² As for any doubts that armed civilians would fare well against the well equipped and professionally trained forces of the modern tyrant, there came the reassuring words of Representative Robert W. Hemphill, of South Carolina's fifth district: 'I have believed, and continue to believe, that the reserves and the civilians do most of the fighting and certainly they won all the wars'.⁶³

These outbursts could not be said to represent a standard reaction from the national congressional delegates of Texas and South Carolina to the various firearms restrictions which were proposed throughout the 1960s. From within the Texan contingent, if not the South Carolinian, there actually came a number of sharp reposts to those so eager to champion the role of the armed civilian in the battle against tyranny. Ralph Yarborough provided one of the more striking examples of these whilst sitting in, as chairman, at Congressional Hearings being held before the Senate's Committee on Commerce, in January, 1964. Faced with an individual from Bagdad, Arizona, who announced ' . . . that if our country is invaded by the enemy, I hope the National Rifle Association is right in its estimation that there are 50 million armed Americans', Yarborough supplied the following rejoinder:

I was on the staff of an infantry division and I saw the invasion of Germany. Hitler called on every German to die in his home, at his post, and the first time a sniper fired in a town at an Allied soldier, they learned. These men were trying to be nice to the civilians and the snipers fired and after that, the towns were simply sawed down. / . . . / It didn't take but knocking down three or four towns until they realized this idea of civilians sniping at soldiers is obsolete - that is not feasible, simply because firepower is so great in modern armies, artillery fire is so great.⁶⁴

⁶² Untitled statement, August 28, 1957, pp. 1-2, 'Box 196, File 233, Legislation, Judiciary, 1963-4, Firearm Registration', Dowdy, Op. Cit.

⁶³ Letter sent to individual in Rock Hill, South Carolina, February 10, 1964, 'Box 1, Folder: General, 1964, Jan' - 14 May', Records and Papers of Robert W. Hemphill, Modern Political Collections, South Caroliniana Library, University of South Carolina, Columbia, South Carolina.

⁶⁴ 'On S. 1975 - Bill to amend the Federal Firearms Act; and S. 2345 . . .', Op. Cit., p.

R. C. Eckhardt also seemed keen to point out the limitations of the armed civilian when faced with the kind of occupying forces likely to be employed by modern day despots; his jibe that ‘ . . . a personal atomic warhead . . . ’ might perhaps be of some use to individuals facing such odds, drove the point home.⁶⁵

The more standard approach of national congressional delegates from Texas and South Carolina to the issue of the need for armed civilians to face off tyranny made no grandiose assumptions about the effectiveness of these kinds of forces when faced by professional and well equipped soldiers, but emphasised the importance of keeping civilian marksmanship up to scratch, if for no other reason than to prepare them for joining, or being called up to join, the armed forces. A widely read article in a 1965 edition of National Wildlife, captured the essence of the belief that seemed to pervade the ranks of the national congressional delegations from both of these states:

Many military men do insist that, despite our awesome nuclear capabilities, the object of warfare is still to win ground and hold it, and that is done by men with guns. Therefore, training and ability with small arms is, and will be, a basic requirement for military preparedness.⁶⁶

The Vietnam War was referred to frequently by members of both the Texan and South Carolinian contingent as a conflict in which individual riflemen were far from obsolete.⁶⁷ What better example was available, at the time, of a war in which civilians were being drafted into service to hold back the tyrannous tide of global communism?

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⁶⁵ Letter sent to an individual in Houston, Texas, June 18, 1968, ‘95-147/18, Folder 5, Gun Control Legislation (Against) Correspondence, Feb’ 1967 - June 1968’, Eckhardt, Op. Cit..

⁶⁶ Quoted by: Harry Hogan, Op. Cit., 1965, pp. 21-22.

⁶⁷ Even Senator Ralph Yarborough of Texas conceded to this point: ‘On S. 1975 - Bill to amend the Federal Firearms Act; and S. 2345 . . .’, Op. Cit., p. 251.

There was virtually unanimous consent within the national congressional delegations from both Texas and South Carolina, that the firearms restrictions controversy should in no way conflict with specific efforts being made to ensure that civilians were at least offered the opportunity to improve their proficiency with firearms in anticipation of military service. The activities of the National Board for the Promotion of Rifle Practice (N. B. P. R. P.) became the chief focus of these concerns. Set up in 1903, and from 1916 receiving substantial funding, free ammunition, cheap firearms, and a variety of other privileges, from the federal government, in order to promote civilian marksmanship training, the N. B. P. R. P. came under heavy fire from advocates of strict firearms restrictions in the 1960s. Accused of being little more than a front for the N. R. A. to obtain free ammunition and cheap firearms for its members, the N. B. P. R. P.'s funding came under threat in the Senate, in 1967. The N. B. P. R. P.'s activities were also challenged by those firearms restrictions proposals which sought to ban the interstate commerce in all firearms, except between federally licensed dealers, and so on, without making special concessions for its kind of federally assisted work. All four Senators from Texas and South Carolina opposed the attempt by Edward Kennedy to reduce appropriations, and prevent the Secretary of Defense from providing free ammunition, to the N. B. P. R. P., in 1967.⁶⁸ Similarly, out of those national congressional delegates from Texas and South Carolina voting on the various amendments offered to H. R. 17735 on the Floor of the House of Representatives, only three, all from Texas, out of twenty eight individuals voted against an amendment which was designed, at least in part, to exempt the interstate activities of the N. B. P. R. P. from certain provisions of the Bill.⁶⁹

⁶⁸ Congressional Record (2), 90th Congress, 1st Session, Vol. 113, (Government Printing Office, Washington, 1967), p. 23481.

⁶⁹ Congressional Record, Op. Cit., p. 23095. The amendment, also printed on p. 23095, was as follows:

On page 28, line 13, immediately after "(a)" insert the following: "(1)." / On page 28, after line 18, insert the following: / "(2) Nothing contained in this chapter shall be construed to prevent shipments of firearms and ammunition to institutions, organizations, or persons to whom such firearms and ammunition may be lawfully delivered by the Secretary of the Army, nor to prevent the transportation of such firearms and ammunition so delivered by their lawful

The freedom of individuals to keep and bear firearms in anticipation of, and as defence against, tyranny, of a domestic or foreign nature, was not a subject that seemed to carry a great deal of weight with the national congressional delegations from Connecticut and New York in the firearms restrictions controversy of the 1960s.

In the Cold War climate, criticisms that additional firearms restrictions would leave the country vulnerable to tyranny were easily warped into innuendoes concerning proponents' allegiance to the flag. Personal attacks on the integrity of national congressional delegates from Connecticut and New York, in this respect, ranged from accusations that they were being duped by enemies of the state into organising the country's demise, to the even more fanciful claims that they were in fact deliberately betraying the U. S. to its foes. These were met with varying degrees of concern depending on the congressman involved.

Some national congressional delegates from Connecticut and New York were by no means opposed to the idea of turning the tables on their tormentors. Representative V. L. Anfuso, of New York's eighth district, for instance, was so infuriated by arguments that his attempts to gain the federal registration of pistols, in the early 1960s, represented ' . . . a plot by the internationalists who cannot get control of the United States until they have seized the firearms of the people', that, in return, he used similar conspiracy theories to challenge the metal of his more extreme critics:

They are . . . promoting chaos and disorder by their vicious attacks and are undermining the faith of the people in our national leadership. In this way they are playing into the hands of the Communists under a cover of patriotism.⁷⁰

Others, though, were more cautious when faced with the prospect of the communist label being tagged to their name in a decade following bang on the heels of the McCarthyite witch hunts of the 1950s. From out of these comes the example of Alexander Pirnie, who was keen to issue what could only be described a well-mannered press release on 31 October, 1968, during his re-election campaign, as defence against ' . . . a small group of people who favor the

possessors while they are engaged in military training or in competitions”.

⁷⁰ Congressional Record (3), 87th Congress, 2nd Session, Vol. 108, (Government Printing Office, Washington, 1962), p. 6894.

candidacy of one of my opponents'; a group which had accused not only Pirnie himself, but also some two hundred other national congressional delegates, of being ' . . . disloyal Americans who wish to aid the enemy and disarm our citizens' .⁷¹

Whatever the case, it was notable, that the members of the national congressional delegations from Connecticut and New York who did react to what they perceived as slurs on their patriotism and good character, never directed their own retorts at other national congressmen. These legislators from the two northern states seemed to have believed that the threat originated from other quarters, and, if the example of the national congressional delegates from South Carolina and Texas was anything to go by, this was not an inaccurate sentiment. Even Texas' John Dowdy, so keen to emphasise the danger posed by firearms restrictions to the security of the Republic, had taken great care to word his complaints in a manner that cast no aspersions on the loyalty of colleagues in the House of Representatives, or the Senate, to their country. Dowdy had chosen, instead, to guard against the possibility that legislation could be passed at that point in time, which might damage the U. S.' chances of survival in the future.⁷²

It should be added that there is no evidence to suggest that national congressional delegates from Connecticut and New York in any way backtracked on the issue of firearms restrictions when facing accusations of disloyalty. Alexander Pirnie, for instance, may have made clear in his election oriented press release, referred to above, that he had never supported the federal registration of rifles and shotguns, or the federal licensing of firearms owners, but he did not falter in his long standing commitment to the banning of all firearms from the channels of interstate commerce, except between federally licensed dealers, manufacturers, and importers, or to the federal registration of handguns.⁷³ The deduction seemed to have been made by these congressmen that although doubts cast over their patriotism certainly added up to a powerful bark, there was little chance of this developing

⁷¹ Press Release, October 31, 1968, p. 1, 'Box 14, Folder: Political - Releases, 1968', Pirnie, Op. Cit.

⁷² See for instance: Untitled statement, August 28, 1957, pp. 1-2, 'Box 196, File 233, Legislation, Judiciary, 1963-4, Firearm Registration', Dowdy, Op. Cit.

⁷³ Press Release, October 31, 1968, p. 3, 'Box 14, Folder: Political - Releases, 1968', Pirnie, Op. Cit.

into any sizeable political bite. The accusers were too few and their claims too ridiculous. The days when efforts to challenge the *status quo* could be stopped by cries of disloyalty were fading into the past.

When it came to the actual idea that the kinds of firearms restrictions under discussion might serve to greatly improve the chances of an invading force seeking to conquer the U. S., or even to secure the tyranny of a future domestic megalomaniac, national congressional delegates from Connecticut and New York were, in the main, unsympathetic.

Certainly there was the occasional example of a national congressman from one of these states entertaining such notions. During hearings set up in 1957 concerning certain regulations the I. R. S. was hoping to use as a means to enforce more effectively the firearms controls already on the books, Kenneth Keating, at that time serving New York in the House of Representatives, played the cautionary line that though he did ‘. . . not pose as any sort of an expert on the subject of firearms and their regulations’,⁷⁴ a fair number of his ‘. . . constituents have [amongst other things] pointed out the dangers which could result if these regulations discouraged private citizens from carrying arms to the extent that they would be at the mercy of any future invader of our shores’.⁷⁵ This said, the word ‘occasional’ needs emphasising. And even in these few instances there is evidence to suggest commitment to such an idea was far from strong. By 1964, the then Senator Keating, having served on T. J. Dodd’s Subcommittee to Investigate Juvenile Delinquency, could no longer claim to be lacking in knowledge ‘on the subject of firearms and their regulations’, and seemed eager to support new statutory restrictions on the use and sale of firearms which went beyond those

⁷⁴ Statement of Representative Kenneth B. Keating at Hearing on Proposed Firearms Regulations, August 28, 1957, p. 1, ‘Folder Label: Firearms Regulations - Commerce Dept., Access Number: IX:0007:006, Subject: KBK Speeches, Dates: 1957-1958’, Records and Papers of Kenneth B. Keating, Department of Rare Books and Special Collections, Rush Rhees Library, River Campus Libraries, University of Rochester, Rochester, New York.

⁷⁵ Statement of Representative Kenneth B. Keating at Hearing on Proposed Firearms Regulations, August 28, 1957, p. 2, ‘Folder Label: Firearms Regulations - Commerce Dept., Access Number: IX:0007:006, Subject: KBK Speeches, Dates: 1957-1958’, Ibid.

desired by the I. R. S. in the 1950s, without a mention of any supposed threat to national security.⁷⁶

The main stance taken by congressmen from Connecticut and New York in opposition to the cries that individuals should be free to keep and bear firearms in anticipation of, and as defence against, tyranny, of a domestic or foreign nature, was twofold. The argument went, that even if proposals were being made to prohibit the sale of firearms to private citizens, and to confiscate those guns already in private ownership, which was not the case, the assistance given to the nation's enemies would be negligible: first of all, the professionally trained armed forces of the U. S. could take care of national security, but, secondly, very much in line with the position taken by Texas' Ralph Yarborough and R. C. Eckhardt, highlighted above, if worst came to worst, there was absolutely no way that civilians armed with handguns, rifles, and shotguns, could ever withstand the well drilled and expertly equipped modern day forces of any would be tyrant. Representative W. F. Ryan, of New York's twentieth district, seemed almost amused that some people seemed to be claiming ' . . . that the \$80 billion defense effort of the United States is for naught . . . ',⁷⁷ whilst T. J. Dodd was keen to point out to those insisting that Hitler's steady march through Europe during World War II had been made possible by the German war machine's discovery of registration lists, which had identified the households containing privately owned firearms and, subsequently, made disarmament possible, that Germany's early progress had more to do with the small detail that ' . . . the Nazis "took over" countries with Stuka dive bombers, Panzer tanks and a well trained army'.⁷⁸

It was apparent, however, that many national congressmen from New York and Connecticut were not satisfied to merely defend their position with these kinds of rejoinder. There were countless examples of counterattacks being made in this area with the unmistakable intent of damaging the credibility of prominent groups battling against further firearms restrictions. In particular the N. R. A., which became subject to the mixed blessing of

⁷⁶ See for instance: Letter sent to individual in New York, New York, September 1, 1964, 'Folder Label: Constitutional Amendments - Anti-Gun, Access Number: II:0206:020, Subject: Corresp - Subject, Dates: 1964', Ibid.

⁷⁷ Congressional Record, Op. Cit., p. 22260.

⁷⁸ Suggested Questions for U-Conn. T. V. Show, October 8, 1968, p.5, 'Series II: Subject Files, Box 141, Folder: Firearms, 1969', Dodd, Op. Cit.

being heralded the leading focal point for opponents of such measures as the 1960s progressed, faced a barrage of criticism for doing nothing to discourage the idea that the private ownership of firearms was an important aspect of national security. T. J. Dodd was particularly vocal in this area:

Let me stress that it is a disservice to our people that responsible organizations of gun enthusiasts such as the National Rifle Association and others have not made an effort to dissolve the naive belief that the defenses of a country that has a complex military organisation with the most sophisticated, destructive military hardware ever known to mankind would ever be reduced to a dependence on unorganized private citizens armed with rifles, shotguns, and revolvers.⁷⁹

The debates concerning the freedom of individuals to keep and bear firearms in anticipation of, and as defence against, tyranny, of a domestic or foreign nature, did not seem difficult for gun control advocates, of all shapes and sizes, to use as a means of undermining the efforts of some of the more effective interests arrayed against further firearms restrictions. The effort to do just this helped to ensure that an almost unwarranted amount of attention was paid by national congressional delegates from Connecticut and New York, and other keen proponents of additional firearms restrictions, to the N. B. P. R. P.'s civilian marksmanship programme.

Attitudes towards the N. B. P. R. P. within the national congressional delegations from Connecticut and New York were not favourable. Out of the four Senators serving these two states in the first session of the Ninetieth Congress, only Connecticut's Abraham Ribicoff voted against Edward Kennedy's effort to reduce federal appropriations, and prevent the Secretary of Defense from providing free ammunition, for the N. B. P. R. P.'s use.⁸⁰ And when efforts were made on the floor of the House of Representatives, in 1968, to make an amendment to H. R. 17735 which exempted the activities of the N. B. P. R. P. from certain

⁷⁹ The Urgent Need for a Good Firearms Bill, p. 2, entered into the Congressional Record, March 10, 1966, 'Series III: Administrative and Legislative Files, Subseries: Speeches, Articles, and Press Releases, Box 204, Fd 5314', Ibid.

⁸⁰ Congressional Record (2), Op. Cit.

key provisions, only three individuals, out of the total of forty six who served either Connecticut or New York, voted for the suggested alteration to go ahead.⁸¹

On one level the less than friendly attitude towards the N. B. P. R. P. was a simple, and practical affair. The N. B. P. R. P.'s civilian marksmanship programme was considered a failure. Representative R. D. McCarthy, from New York's thirty ninth district, spelt this out in no uncertain terms on the floor of the House of Representatives, 24 July, 1968:

The Arthur D. Little Co. study showed that only 3 percent of Army inductees had benefited from this training. That is the whole rationale behind it.⁸²

The argument put forward by Texas' Ray Roberts, that this three percent was valuable as the individuals falling within it would be '... the people who are going to be the officers and who are going to be out there leading the troops ...',⁸³ combined with the recommendation of that same Arthur D. Little Study, that promotion of the civilian marksmanship programme should be enhanced so '... a greater percentage of those young men likely to enter military service' might be reached,⁸⁴ were considered to be little more than evasions of the clear truth that the programme fell well short of the goals it should have been expected to meet. The defensive cry that issued forth from the national congressional delegations of Connecticut and New York was nothing less than: 'Why should the effectiveness of any firearms restrictions that might become law be risked by some misplaced concern for a federally assisted scheme that, quite frankly, had not made the grade?'

⁸¹ Congressional Record, Op. Cit., p. 23095.

⁸² Ibid., p. 23078.

⁸³ Ibid., p. 22784.

⁸⁴ Quoted in: Letter sent from Senator Strom Thurmond to the Secretary of Defense, June 15, 1967, 'Box 433, Folder: H. R. 5384, 90th (1), Firearms Control, Exec. Comm.', Records and Papers of Emanuel Celler, Manuscript Division, Library of Congress, Washington, D. C..



On another level, however, there were also indications of support for a far more aggressive opposition to the N. B. P. R. P.'s activities, which carried with it the added attraction of labelling the N. R. A. as an irresponsible, and dishonest, organisation.

The attempts made to exempt the N. B. P. R. P.'s civilian marksmanship programme from provisions contained within H. R. 17735 raised the opposing cry from many national congressional delegates serving New York and Connecticut that individual members of the gun clubs involved in this programme should not be allowed to evade the Bill's controls.⁸⁵ This kind of loophole would have made it possible for anyone desiring to ignore any of the gun controls that might be passed to do so merely by joining one of these clubs. As the N. R. A. was the prime element in the network of gun clubs engaged in the civilian marksmanship programme, it would have been very difficult for observers to hear this cry and fail to draw a connection with studies which revealed how the club had such weak controls over who could join it that known criminals could become members,⁸⁶ or that indicted how vigilante groups like the Minutemen had taken advantage of easy membership in the past to aid their own causes.⁸⁷ In short the implication was as follows: 'The N. R. A. could become, or might already be, infiltrated by criminals, which would make it very unwise to exempt the activities of the N. B. P. R. P. from aspects of any firearms restrictions that might become law.'

On top of this, with all eyes on the N. B. P. R. P., it became impossible to ignore how the N. R. A. benefited from its dominant role in the civilian marksmanship programme. Carl Bakal's investigations in the mid 1960s unveiled that between 1959 and 1964:

⁸⁵ See for instance: Congressional Record, Op. Cit., pp. 23080 (Representative J. B. Bingham, of New York's twenty third district), and 23082-23083 (Representative Herbert Tenzer, of New York's fifth district).

⁸⁶ See for instance: The National Rifle Association and the Criminals, entered into the Congressional Record, October 11, 1968, 'Series III: Administrative and Legislative Files, Subseries: Speeches, Articles, and Press Releases, Box 212, Fd 5748', Dodd, Op. Cit..

⁸⁷ See for instance: Carl Bakal (2), 'The Traffic in Guns: A Forgotten Lesson of the Assassination', Harper's Magazine, December, 1964, p. 67.

. . . the National Board program . . . cost taxpayers at least \$12 million. Of this, \$7.2 million was for 247 million rounds of free ammunition for N. R. A. - affiliated clubs, and \$2.3 million for guns and other equipment on loan to the clubs . . . / In effect, the N. R. A. is the sole beneficiary of the National Board's annual appropriation of some \$500, 000 . . .⁸⁸

Those who were discontented with the N. R. A.'s stance in the firearms restrictions debates could not tally these details with the American Rifleman's repetitious claim that the gun club did ' . . . not receive any grants or subsidies from the federal government'.⁸⁹ And with this subject on people's minds it was a short step to reopening questions on other matters concerning the N. R. A.'s affairs. Was it acceptable that as the N. R. A.'s 'principal purpose'⁹⁰ was not to influence the outcome of legislative battles, but instead to keep its members informed and educated about life with guns in general, this gun club was able to avoid having to register as a lobby and thus avoid any requirement to produce quarterly reports concerning lobbying expenditures? How could the N. R. A. be classed as a 'nonprofit'⁹¹ organisation, and as a result never have to face federal taxes, when in 1968 alone it made some \$6 million.⁹² Members of the national congressional delegations from Connecticut and New York featured notably amongst those using debates surrounding the activities of the N. B. P. R. P. to encourage these kinds of questions to be asked. Emanuel Celler, as chairman of the House Judiciary Committee, went so far as to threaten, after the efforts to exempt the activities of the N. B. P. R. P. from certain provisions of H. R. 17735

⁸⁸ Ibid., p. 63.

⁸⁹ Ibid., p. 64.

⁹⁰ Quoted from Federal Regulation of Lobbying Act, 1946, in: D. S. Cupps, Bullets, Ballots, and Politics: The National Rifle Association Fights Gun Control, Unpublished Dissertation, (Princeton University, Department of Political Science, University Microfilms, 1970), p. 98.

⁹¹ Carl Bakal (2), Op. Cit., p. 64.

⁹² D. S. Cupps, Op. Cit.

proved successful, that should the Senate, or any Conference Committee that might be set up, fail to withdraw this exemption, he would stage congressional hearings on the N. R. A.'s activities which, he claimed, ' . . . can't stand the light of day.'⁹³

In short, the evidence suggests quite clearly that a number of national congressmen from Connecticut and New York were more than eager to help twist and turn the subject matter concerning the N. B. P. R. P. in a manner designed, not only to defend their positions on firearms restrictions, but also to undermine the credibility, and hence effectiveness, of the organisation which had come to be considered nation-wide as the most influential lobby against gun controls. The logic was simple: 'Render the leadership of opponents to additional firearms restrictions ineffective and the rank and file will fall into disarray!'

Whether such an approach to the activities of the N. B. P. R. P. was a well-calculated one is, of course, another matter, especially when it is considered that many members of Congress were N. R. A. members. Although S. 3633 avoided the amendment that successfully exempted the N. B. P. R. P.'s activities from a variety of H. R. 17735's provisions, the final legislation that emerged from the Conference Committee reinstated the House version in this area; albeit with a tighter wording to ensure that individual members of gun clubs involved in the N. B. P. R. P.'s civilian marksmanship programme could not evade the relevant sections of the final law.⁹⁴ In one way the defeat was not immense for those national congressional delegates from New York and Connecticut who had used the debates concerning the N. B. P. R. P.'s activities to attack the N. R. A.'s affairs and, thus, to undermine any influence the gun club might have had over the efforts being made to construct

⁹³ 'Gun Bill O. K. Curbs Rifle Sales by Mail', The Times-Union, July 25, 1968.

⁹⁴ In place of the amendment included in note 69 above, came the following paragraph in the Gun Control Act, Public Law 90-618, Title 1, Section 925:

(2) The provisions of this chapter shall not apply with respect to (A) the shipment or receipt of firearms or ammunition when sold or issued by the Secretary of the Army pursuant to section 4308 of title 10, and (B) the transportation of any such firearm or ammunition carried out to enable a person, who lawfully received such firearm or ammunition from the Secretary of the Army, to engage in military training or in competitions.

meaningful firearms restrictions. The Gun Control Act was by no means rendered ineffective by the clause. In another way the defeat was a most unhealthy one. By centring so much energy on, and, thus, attracting considerable public attention to this less than fundamental aspect of the legislation, these gun control advocates had helped to exaggerate the extent of their opponents' victory. It seemed the N. R. A. had been given one of its clearest votes of approval, which could only have boosted its strength for challenges that lay ahead.

Even though the variety of attitudes within the Texan national congressional delegations was greater, there can be no doubt that belief in a freedom of individuals to keep and bear firearms in anticipation of, and as a defence against, tyranny of a domestic or foreign nature, did help motivate national congressmen from both Texas and South Carolina in opposition to additional firearms restrictions. Also clear, however, was that a sure way to harden the hearts of national legislators from New York and Connecticut to the idea of compromise was to start appealing to this *individual liberty*. The debacle surrounding efforts to exempt the N. B. P. R. P.'s activities from certain provisions of what became the Gun Control Act might have suggested that such appeals were not a waste of time, but it was clear the gains to be had from such were minimal.

The Freedom To Keep And Bear Arms For Self-defence

In Chapter 1, it was shown how many opponents of additional firearms restrictions placed a certain degree of faith in the crime control utility of allowing law-abiding citizens to keep and bear guns for the purpose of self-defence. It was also illustrated that amongst proponents of strong firearms restrictions the same confidence did not exist. What was not addressed was the extent to which belief in an *individual liberty* to keep and bear guns for self-defence informed the stances taken by the national congressional delegations from New York, Texas, Connecticut, and South Carolina, in the firearms restrictions controversy.

Throughout the 1960s, the N. R. A. may have believed law-abiding citizens were perfectly capable of using firearms successfully against criminals, but this organisation also published the cautionary warning that shooting 'usually can be justified only where crime constitutes an immediate, imminent threat to life or limb or, in some circumstances, property'.⁹⁵ It was perhaps the implications of danger signs like this, making all too clear the

⁹⁵ See for instance: 'The Armed Citizen', American Rifleman, July 10, 1969.

problems involved in defining legitimate self-defence, that limited the amount of time spent by national congressmen from Texas and South Carolina arguing that an *individual liberty* to keep and bear guns for self-defence was an insurmountable hurdle for proponents of additional firearms restrictions.

Certainly it was not the habit of national congressional delegates from Texas and South Carolina to explain the problems involved in appealing to an *individual liberty* to keep and bear arms for self-defence as part of an attack on gun controls. With most of these congressmen having expressed a belief in the need for individuals to have access to firearms for self-defence when crime levels were so high, such prevarication would only have helped the cause of gun control advocates. Even rare comments from the Texan contingent which shed doubts on there having been a unanimous belief amongst the Lone Star state's national legislators that firearms kept for self-defence had any encouraging effect on the crime rate did not appear to raise the more fundamental questions. George Mahon, for instance, with his remark that '... a gun under a pillow is not necessarily an aid to stability',⁹⁶ did not seem to question that individuals should be free to possess firearms in anticipation of criminal activity against themselves and their own.

This said, any emphasis placed by the national congressional delegates from Texas and South Carolina on the freedom of individuals to keep and bear firearms for self-defence as a hurdle to firearms restrictions proposals was, although consistent, far from verbose. In the main, references to this vague freedom were of the one sentence variety. Representative Joe Pool, for instance, serving for a brief while in Texas' third district, proved anxious to make clear he was '... not in favor of a bill that would deny Americans the right to protection of their own homes'.⁹⁷ W. J. B. Dorn was equally concise in his standard objection to any firearms restrictions that '... would deprive the law-abiding citizen of the Constitutional right of self-protection'.⁹⁸

⁹⁶ Letter sent to individual in Floydada, Texas, July 27, 1968, 'Box 309, Of. 624, A.220.7B, File: Firearms, Judiciary, (309-3)', Mahon, Op. Cit., Southwest Collection, Texas Tech University, Lubbock, Texas.

⁹⁷ 'Red Tape Barrage Due Gun Owner', Starlight, July, 1968, p. 3.

⁹⁸ See for instance: Letter sent to individual in Woodruff, South Carolina, June 5, 1965, 'Box 71, Top 1, 1965, Interstate and Foreign Commerce, Firearms (1 of 2)', Dorn,

In the absence of such clearly expressed snippets of unquestioning belief, the essence of the convictions which permeated the ranks of the national congressional delegations from Texas and South Carolina, on this matter, could be captured most easily in similarly brief responses to the letters of people who were incensed that such a freedom should be under threat. Representative Clark W. Thompson, for instance, of Texas' ninth district, seemed in accord with a correspondent whose diatribe, in August, 1966, against S. 1592, a Bill which sought above all else to limit interstate commerce in firearms, included the announcement that the ' . . . present day American not only has the right to protect himself and his family - - it is his duty'.⁹⁹ Likewise, Representative L. Mendel Rivers, of South Carolina's first district, responded encouragingly to one writer wanting ' . . . to protect our right as citizens of a free country to retain our weapons for . . . personal protection'.¹⁰⁰

Only very occasionally, however, was enough information ventured to reveal that some national congressmen from Texas and South Carolina not only believed in the existence of an *individual liberty* to keep and bear firearms for self-defence, but also championed rather liberal interpretations of what actually amounted to legitimate self-defence. To a correspondent in Conroe, Texas, who extended the application of firearms for self-protection beyond the immediate vicinity of the home to fighting off thugs in public camp grounds and beside highways, John Dowdy responded most enthusiastically.¹⁰¹ More strikingly, W. J. B. Dorn responded to a writer who, in early 1968, complained about rioting and mob violence, in the following way:

Op. Cit..

⁹⁹ Letter sent from, and reply sent to, individual in LaGrange, Texas, August 17, and 22, 1966, 'FF222, Judiciary Committee, Firearms', Records and Papers of Clark W. Thompson, The Texas Collection, Baylor University, Waco, Texas.

¹⁰⁰ Letter sent from, and reply sent to, individual in Estill, South Carolina, August 18, and 25, 'Legislative Files, Bills, A 1974.2, Box 115, Legislation Ways and Means, 89th Congress, Firearms Legislation', Records and Papers of L. Mendel Rivers, The Citadel Archives and Museum, Charleston, South Carolina.

¹⁰¹ Letter sent from, and reply sent to, individual in Conroe, Texas, May 19, and 21, 1965, 'Box 191, File 189, Legislation, Firearms, 1965', Dowdy, Op. Cit..

Perhaps it would be a good idea for all of us with military training to organize a voluntary home guard to protect our cities and streets.¹⁰²

Comments like the latter were particularly few and far between.

These signs make apparent that the hesitancy shown by national congressional delegates from Texas and South Carolina for using the existence of an *individual liberty* to keep and bear guns for self-defence as a means of attacking firearms restrictions proposals certainly did not stem from a lack of commitment to such a freedom. Instead it was without doubt the double-edged nature of these congressmen's convictions which was the true determinant. On one level, these convictions formed an additional hurdle over which proponents of gun control needed to leap. On another, especially in a decade when extreme groups such as the Minutemen and the Black Panthers were threatening their own kind of vigilante action to return, or to transform, the nation into a condition fitting their own definitions of what was acceptable, these convictions were of less help. Drawing too much attention to a liberty of individuals to keep and bear arms for self-defence, and adopting liberal interpretations of what actually amounted to legitimate self-defence, would have helped to conjure the very images of lawlessness which had fuelled the demand for stricter firearms restrictions in the first place.

Those gun enthusiasts who argued that an *individual liberty* to keep and bear firearms for self-defence presented a significant hurdle for the kinds of gun control championed by national congressional delegates from Connecticut and New York in the firearms restrictions controversy of the 1960s would most certainly have been disappointed by the response. Predominantly unimpressed by the idea that purchasing and using firearms for self-defence had any positive effect on the crime rates, as highlighted in Chapter 1, these congressmen devoted little time to such arguments.

This is not to say that any claims were made by national legislators from Connecticut and New York that individuals did not have the liberty to keep and bear firearms for self-defence. There were occasions when congressmen from these states would neglect to list such a freedom when tallying up those factors most likely to weaken, or, in some cases, most

¹⁰² Letter sent from, and reply sent to, individual in Greenwood, South Carolina, March 6, and 8, 1968, 'Box 82, Folder: 1967-1968, Riots, Riot Bill, 82-44', Dorn, Op. Cit.

likely to have weakened, if circumstances had been different, their stances on the issue of firearms restrictions. In 1965, Senator R. F. Kennedy, of New York, writing in favour of S. 1592, chose to emphasise that this Bill would not inconvenience ‘. . . legitimate hunters, sports shooters, or gun clubs . . .’, even though many of his correspondents were just as interested in their ability to defend themselves, and their own, when voicing dissatisfaction with the proposal.¹⁰³ By 1970, E. Q. Daddario was keen to emphasise that he may have been less eager to support the Gun Control Act if he had ‘. . . represented a largely rural district in which hunting and use of firearms were viewed as birthright . . .’, but certainly gave no sign that self-defence in urban centres held any interest for him.¹⁰⁴ But these exclusions, usually found in letters to correspondents, are easy to explain away as the result of rapid, or standard mimeographed, replies being designed to offer a concise insight to a congressman’s general position on gun control. It is unlikely they were specifically structured to spurn the idea that individuals were entitled to keep and bear firearms for self-preservation, or, indeed, to dispute the notion that any other liberty left undiscussed existed.

On the whole, there seemed to be a widespread belief, amongst national congressional delegates from Connecticut and New York, that individuals could keep and bear firearms in defence of themselves and their own. It was a freedom lauded by very few of these legislators but its entity was denied by none.

R. C. McEwen, proved to be one of its more vociferous supporters. In a letter written to the chairman of New York state’s Temporary Commission on Revision of the Penal Law and Criminal Code, 24 November, 1967, McEwen made quite clear that he was shocked by the possibility that a LaFargeville woman, who alone in her house with five children had fired a shot through a closed door at an intruder, might have to face charges under the new penal law.¹⁰⁵ In the same letter McEwen showed every support for his own wife keeping her ‘. . .

¹⁰³ See for instance: Letter sent from, and reply sent to, individual in Farmingdale, New York, June 7, and 9, 1965, ‘Senate Papers: Correspondence: Subject File, 1965, (Box 13), Folder: Crime, Firearms, 2/1965 - 7/1965’, Records and Papers of Robert F. Kennedy, John F. Kennedy Library, Boston, Massachusetts.

¹⁰⁴ See for instance: Letter sent to individual in Athens, Georgia, February 2, 1970, ‘Box 28, Folder: Firearms Misc.’, Daddario, Op. Cit.

¹⁰⁵ Letter to chairman of New York state’s Temporary Commission on Revision of the

six shooter handy . . .', just to be on the safe side.¹⁰⁶ This said, the New Yorker did not provide any evidence to suggest that his vote against the final version of the Gun Control Act was influenced by any commitment to this liberty he held so dear. Indeed, McEwen had had few qualms about supporting the Omnibus Crime Control and Safe Streets Act earlier in the year, which had imposed similar restrictions on the purchase and use of handguns, the type of firearm he felt happy his wife kept, which the Gun Control Act went on to apply to rifles and shotguns.

Other members of the national congressional delegations from New York and Connecticut either did little more than fail to question the assumption that individuals were entitled to buy and employ firearms for self-defence, or simply assured observers that they would not vote for legislation that ignored this privilege. Representative J. H. Scheuer, of New York's twenty first district, fell into the former group when, on the floor of the House of Representatives, he explained that although handguns were ' . . . in the main, kept in drawers and cupboards as a protection against intruders . . .', they were weapons that should be registered with the federal government because criminals made frequent use of them in assaults and robberies.¹⁰⁷ Similarly Representative Henry P. Smith III, of New York's fortieth district, claimed he was ' . . . in complete accord . . .' with a correspondent writing from Niagara Falls, New York, who believed U. S. citizens should be allowed ' . . . to protect themselves, their families and their homes with whatever [decisive] measures they can muster'.¹⁰⁸ On the other hand J. S. Monagan preferred to assure correspondents that he would

Penal Law and Criminal Code, November 24, 1967, 'Box 90-1 / 90-2, Public Works (H/S/P) - Judic. Comm. Mon. Holiday Bill, Folder: Judiciary Gun Control Legislation, 90th Cong. - 1967 [3 of 4]', McEwen, Op. Cit..

¹⁰⁶ Letter to chairman of New York state's Temporary Commission . . ., p. 5, . . ., Ibid..

¹⁰⁷ Congressional Record, Op. Cit., p. 22251.

¹⁰⁸ Letter sent from, and reply sent to, individual in Niagara Falls, New York, August 18, and 21, 1969, 'Box 38, Folder: Firearms Legislation, 91st Congress', Records and Papers of Henry P. Smith III, #2867, 2B Carl A. Kroch Library, Cornell University Library, Ithaca, New York.

not support legislation which might restrain individuals engaged in ‘protective’ pursuits.¹⁰⁹ And, of course, T. J. Dodd’s output was peppered with remarks to the effect that his proposals would ‘. . . in no way . . . prevent the law abiding citizen from protecting himself . . .’.¹¹⁰ In short, these were all easy throwaway comments which may have pacified some gun enthusiasts but which only seemed to count out votes for legislation designed to prohibit the sale of firearms for, or the confiscation of firearms already in, private use; legislation that had never been on the cards anyway. There were no real signs to suggest that any of these congressional delegates were tempted to tailor their positions on firearms restrictions to suit demands that individuals should not be hindered from purchasing or using firearms for self-defence.

It was most definitely the case that gun enthusiasts hoping to persuade national congressional delegates from Connecticut and New York that any efforts to enact additional firearms restrictions had to take into account an *individual liberty* to keep and bear firearms for self-defence needed to be careful how they worded their protests. Although Abraham Ribicoff’s communication with the Department of Justice, concerning exactly how excessively U. S. citizens were entitled to act in self-defence, was somewhat out of the ordinary,¹¹¹ most of these congressmen’s research had gone so far as to determine that there was a significant difference between individuals keen to defend themselves, and their own, and, in the words of Emanuel Celler, ‘self-styled vigilantes’,¹¹² who believed themselves to be the only answer to

¹⁰⁹ See for instance: Letter sent to individual in Meriden, Connecticut, May 26, 1970, ‘Box 12: Pink Copies 1967 - 1968, Shi - Z; 1969 - 1970, A - Co, Folder: Com - Co’, Monagan, Op. Cit.

¹¹⁰ See for instance: Letter sent to individual in Suffield, Connecticut, September 19, 1967, ‘Series 2: Subject Files, Box 119, Folder: Firearms, 1967’, Dodd, Op. Cit.

¹¹¹ Letter sent from Assistant Attorney General, May 31, 1968, ‘Box 349, Folder (30-d) Justice Miscellaneous, May 1968 - Aug. 1968’, Records and Papers of Abraham A. Ribicoff, Manuscript Division, Library of Congress, Washington, D. C..

¹¹² Remarks of Honorable Emanuel Celler on H. R. 17735 before the Committee on Rules, July 2, 1968, p. 11, ‘Box 429, Folder: H. R. 17735, 90 (2), Control of Interstate Traffic in Firearms 3, (Legislative File)’, Celler, Op. Cit.

the question of how to quell rioting in urban centres. As Chapter 1 has shown, the latter gained no sympathy from Connecticut's or New York's national congressional delegations, which rallied behind the conviction that armed vigilantes could only add to the country's law and order problems in the 1960s not solve them. Those gun enthusiasts keen to champion a freedom for individuals to keep and bear guns for self-defence in opposition to firearms restrictions who also clung to a broad interpretation of self-defence were inclined to receive all the wrong kinds of attention from members of these delegations. Once again, a number of national congressional delegates from New York and Connecticut took advantage of an opportunity to undermine opposition to the firearms restrictions they championed by questioning the credibility of opponents. In 1967, the N. R. A. was reported to have proposed that its members should ' . . . constitute themselves as civilian posses to help "stabilize" things in case of urban rioting'.¹¹³ By 1968, drawing on such reports, T. J. Dodd had no qualms about delivering speeches which seemed to convey the message that the N. R. A. was a dangerous 'extremist' group that had helped to divide the U. S. into ' . . . two armed camps', over the civil rights issue.¹¹⁴ Naturally such remarks brought with them the risk of hardening opposition to firearms restrictions from law-abiding citizens feeling slighted. If the tendency of national congressional delegates from Texas and South Carolina to refrain from large discourses on the extent to which gun controls should make allowances for an *individual liberty* to keep and bear arms for self-defence were anything to go by, however, it could be argued that these kinds of outburst, or at least the threat of them, were useful tools for proponents of additional firearms restrictions.

There can be no doubt that a solid belief in an *individual liberty* to keep and bear firearms for self-defence played an important role in developing the predominantly antagonistic stances of the national congressional delegations from Texas and South Carolina towards the bulk of firearms restrictions discussed in the 1960s. It is also clear, however, that any commitment made by these delegations to so vague a freedom was advertised with caution; there was no desire to encourage lawlessness or to provide proponents of gun control with an extra line of attack. National legislators from Connecticut and New York appeared

¹¹³ 'No Vigilantes Please', Chicago Daily News, May 10, 1967.

¹¹⁴ Press Release, April 8, 1968, pp. 1-2, 'Series III: Administrative and Legislative Files, Subseries: Speeches, Articles, and Press Releases, Box 209, Fd 5628', Dodd, Op. Cit.

sympathetic to the argument that additional firearms restrictions should not prohibit the exercise of such an entitlement. Verbal assurances along this line may not have silenced the voices of opponents, but such voices may well have been quietened through fierce condemnations of broad definitions of self-defence.

First Step Mentality

The dominant factions within the national congressional delegations serving Texas and South Carolina in the 1960s were not merely concerned about the *inconveniences* that would be caused for law-abiding individuals who wished to keep and bear firearms for the purposes of engaging in recreational activities, challenging the forces of tyranny, and self-defence, if certain firearms restrictions were enacted. The true worry seemed to have been set deeper. Any firearms restriction passed into law, excepting those designed specifically to *deter* the criminal misuse of guns, however insignificant, could act as a foot in the door, or a first step, after which could follow a second, third, fourth and so on, until the point of prohibiting the manufacture and sale of firearms for private use, and of confiscating firearms already in private use, was reached. The *first step mentality* was very much alive and well amongst these congressmen by at least the latter half of the decade. It could be found, for instance, in Ray Roberts' references to people supporting legislation which focused its attention on abolishing much of the interstate commerce in firearms as the ' . . . fuzzy forces trying to disarm Americans',¹¹⁵ and in Strom Thurmond's agreement with a correspondent mapping out the various stages of firearms restrictions that could proceed from small beginnings.¹¹⁶ The *first*

¹¹⁵ Untitled and undated draft of a statement detailing recent debates over firearms restrictions, p. 2, 'Box 23, File 23.18', Records and Papers of Ray Roberts, James Gilliam Gee Library, Texas A & M University, Commerce, Texas.

¹¹⁶ See: Letter sent from, and reply sent to, Representative E. S. Johnny Walker, regarding individual from Sante Fe, New Mexico, June 14, and June 21, 1967, 'Subject Correspondence 1967, Box 6, Crime 3 (Weapons Control/Firearms), Fd 3', Records and Papers of Strom Thurmond, Special Collections, Clemson University Libraries, Clemson, South Carolina.

step mentality was an act-now-or-be-sorry-later frame of mind which would have been seen as an essential tool for undermining the efforts of gun control advocates.

The reason for this can be illustrated by referring to the example offered by the national congressional delegations from New York and Connecticut. As has been shown above, national congressmen from the two northern states were placed on the defensive by claims that firearms restrictions would damage the *individual liberties* of keeping and bearing firearms for the purposes of engaging in recreational activities, challenging the forces of tyranny, and self-defence. It has also been shown, however, that these legislators were able to react to such claims in a manner which was likely to have pacified some gun enthusiasts and quietened others. National congressional delegates from New York and Connecticut went a few steps further as well by taking advantage of the emotional climate brought about by increasing levels of gun violence and stressing that a little *inconvenience* to law-abiding citizens wishing to pursue certain activities with guns was nothing in comparison to saving lives. The less antagonistic approaches were well represented by W. F. Ryan's belief ' . . . that the benefits of gun control legislation outweigh its possible *inconveniences* . . . ',¹¹⁷ and in the careful response from Representative R. N. Giaimo, of Connecticut's third district, to opponents of legislation designed primarily to ban certain firearms from the channels of interstate commerce, except between federally licensed dealers, manufacturers, and importers, which drew attention to the necessity of ' . . . balancing the rights of the individual against the right of the general public to seek common protection and safety and to promote the general welfare'.¹¹⁸ R. F. Kennedy's exclamation of 20 May, 1965, in Congressional Hearings, against those placing ' . . . their own minimal *inconvenience* above the lives of the many thousands of Americans who die each year as the victims of unrestricted traffic in firearms',¹¹⁹ on the other

¹¹⁷ See for instance: Letter sent to individual in Berkeley, California, April 10, 1970, 'Box 126, Fd: Gun Control', Records and Papers of William F. Ryan, Seeley G. Mudd Manuscript Library, 65 Olden Street, Princeton University Library, Princeton, New Jersey. Published by permission of the Princeton University Library. *My emphasis*.

¹¹⁸ See for instance: Letter sent to individual in Milford, Connecticut, March 17, 1967, 'Box 143, Folder: Fa - Fd', Records and Papers of Robert N. Giaimo, Dodd Center, University of Connecticut, Storrs, Connecticut.

¹¹⁹ 'Pursuant to S. Res. 52, 89th Congress, on S. 1592, a bill to amend the Federal

hand, illustrated a more passionate approach. The example of national congressional delegates from New York and Connecticut suggests that gun control advocates were unlikely to have had their efforts scuppered by claims that law-abiding owners/would be owners of guns were going to be slightly *inconvenienced*.

In response to accusations that most gun controls were obviously designed as first steps towards the eventual confiscation of all privately owned firearms the story was a little different. National congressional delegates from Connecticut and New York could do little but deny that they had any desire to see the *individual liberties* of law-abiding people to keep and bear arms for the purposes of engaging in recreational activities, challenging the forces of tyranny, and self-defence, curtailed in such a manner. At times, members of these two states' national congressional delegations seemed so wearied by complaints such as these being directed at their own proposals that retorts added up to little more than frustrated cries protesting their own personal innocence on this front. E. Q. Daddario became so incensed with the extra handgun controls he supported in the Ninety First Congress being described as a precursor to the confiscation of these kinds of weapons from private hands that he entered into a lively correspondence with the editor of the American Rifleman demanding the record be set straight.¹²⁰ At other moments, countless examples were drawn upon to dismiss the *first step mentality* as nothing more than unwarranted paranoia. O. R. Reid, for instance, chose to draw parallels with other countries:

As far as I know, there is no evidence that there has been any step to confiscate weapons, or to preclude responsible citizens from having weapons where they

Firearms Act, S. 14, a bill to amend the Federal Firearms Act, S. 1180, a bill to amend the Federal Firearms Act to prohibit the importation of a firearm into the United States without a license, S.1965, a bill to amend the Federal Firearms Act', Hearings Before the Committee to Investigate Juvenile Delinquency of the Committee on the Judiciary, United States Senate, 89th Congress, 1st Session, May 19th, 20th and 21st, June 2nd, 3rd, 8th, 24th and 30th, and July 1st, 20th and 27th, 1965, (Government Printing Office, Washington, 1965), p. 88. My emphasis.

¹²⁰ See for instance: Letter sent to editor of the American Rifleman, September 18, 1970, 'Box 28, Folder: Firearms Misc.', Daddario, Op. Cit.

are licensed and registered, in countries which have strong and reasonable gun legislation.¹²¹

Overcoming the *first step mentality* was, however, always going to be beyond the reach of the majority of national congressmen from Connecticut and New York. First of all, the awkwardness of the debates throughout the 1960s made sure of this. Given the organised opposition to the federal registration of firearms, and the federal licensing of owners, many of the national congressmen from the two northern states had believed it necessary in the mid 1960s, in order to guarantee a fair press, to emphasise the point that the gun controls which most of them supported did not stretch to such heights.¹²² Having thus given the impression that they did not plan to champion the more stringent forms of firearms restrictions, these legislators were forced into a situation whereby their subsequent support for federal registration, and federal licensing proposals, in the last few years of the decade, gave credence to the prophecies of those preaching the *first step mentality*. How easy it was to argue that step two was being pushed hard on the heels of step one and that no further proof was needed to confirm the conclusion that confiscation was the ultimate goal. Secondly, as will be shown in Chapter 3, many of these congressmen favoured the tactic of threatening to champion restrictive types of federal gun control laws, in order to encourage gun enthusiasts to at least stop opposing less stringent restrictions at both federal and state levels. This sort of manoeuvring always ran the risk of fuelling the *first step mentality* bandwagon. And finally, a significant plurality of these delegates valued their public allies in the battle for stricter firearms restrictions, many of whom could become quite critical if strict gun controls were not pursued with vigour. T. J. Dodd, for instance, was most put out by those he termed ‘Johnny-come-latelys’¹²³ damning S.3633, in part the result of pretty close to seven years of

¹²¹ Congressional Record, Op. Cit., p. 21803.

¹²² See, for instance: Comments made by Representative J. M. Murphy: ‘On proposed amendments to the National Firearms Act . . .’, Op. Cit., p. 584. / Or / Press Release, October 6, 1965, ‘Series III: Administrative and Legislative Files, Subseries: Speeches, Articles, and Press Releases, Box 203’, Dodd, Op. Cit..

¹²³ Opening Remarks of Senator Dodd Before the Jewish War Veterans of the U. S. A., Hollywood, Florida, August 24, 1968, p. 4, ‘Series III: Administrative and Legislative

the Senator's hard work, as ' . . . a weak or phony bill . . . ' .¹²⁴ On some occasions these northern congressmen might have had no choice but to adopt the following philosophical approach: 'If lending credence to the cries of those encouraging the *first step mentality* was a necessary sacrifice for retaining public allies in the battle for further gun controls, it was one which should be made.'

The possibility certainly exists that national congressional delegates from South Carolina and Texas clung to the *first step mentality* out of political expediency rather than a genuine belief that gun control advocates really did want to go all the way to confiscating privately owned firearms. It should be underlined that no solid evidence exists to suggest that any of the national congressional delegates from New York or Connecticut hoped for the enactment of laws designed to do this. This said, there can be no doubt that clinging to the *first step mentality* made life much more difficult for gun control advocates than merely pointing out the *inconveniences* that might be caused to law-abiding citizens hoping to keep and bear firearms for the purposes of engaging in recreational activities, challenging the forces of tyranny, and self-defence, if certain firearms restrictions were enacted.

Summary

Discourse over the extent to which gun controls should be permitted to restrict the ability of law-abiding citizens to continue certain *practical pursuits* has never been restricted to the keeping and bearing of guns for the purposes of engaging in recreational activities, challenging the forces of tyranny, and self-defence. During the 1960s, the number of these so-called *individual liberties* which crept into the firearms restrictions controversy was not a small one. For instance, the freedom of ranchers and farmers to keep and bear firearms for the purposes of protecting livestock and crops received a certain degree of attention. This said, the *individual liberties* covered above were the ones which received the lion's share of attention throughout the decade. These were the three *individual liberties* national congressional delegates from Texas and South Carolina were most enthusiastic about

Files, Subseries: Speeches, Articles, and Press Releases, Box 211, Fd 5787', Dodd, Op. Cit.

¹²⁴ Press Release, August 24, 1968, 'Series III: Administrative and Legislative Files, Subseries: Speeches, Articles, and Press Releases, Box 211, Fd 5787', Ibid.

protecting from firearms restrictions and the *individual liberties* national legislators from New York and Connecticut were most pressed to address when championing such measures.

In the absence of a *first step mentality* which they themselves had inadvertently helped create, national congressional delegates from New York and Connecticut could be seen to have approached the issue of *individual liberties* and firearms restrictions in a manner which reduced the impact of arguments that such measures were a serious threat to these freedoms. Faced with the *first step mentality* the national congressional delegates from the two northern states were on less certain ground. The extreme implication of the *first step mentality*, that all gun control advocates longed to prohibit the manufacture and sale of firearms for private use, and to confiscate firearms already in private use, combined with the total lack of evidence to support this, was, however, always going to reduce the extent to which the push for firearms restrictions could be limited by such. Additional lines of attack would seem to have been needed.

As Chapters 3 and 4 will show, those lines were there to be used. The opposition of national congressional delegates from the Texas and South Carolina to a wide variety of the firearms restrictions under discussion in the 1960s went deeper than a desire to defend the *individual liberties* of law-abiding people to keep and bear firearms for the purposes of engaging in recreational activities, challenging the forces of tyranny, and self-defence. These legislators felt the Constitution itself was under threat. And, of course, exaggerating this point was always going to attract support that went well beyond any to be gained from talking about first steps to confiscation. After all, if the Constitution itself could be shown to be under threat, people who had no interest in owning or using firearms could be rallied to the cause of shouting down gun controls.

Chapter 3

Firearms Restrictions as an Invasion of States' Rights

Despite, or even because of, the massive expansion of the federal government of the United States of America (U. S.) into areas traditionally reserved to the individual state governments during and after President Franklin D. Roosevelt's New Deal programmes of the 1930s, the cries of those seeking to defend the constitutionally defined rights of states to operate in this or that field of activity, free from federal intervention, had far from diminished by the 1960s.

During the Presidential election of 1948, the States' Rights Party had been given a brief spell of life after many Southern Democrats reacted against the incorporation of a plank into the Democrat Party's political platform that called for significant federal intervention in the realm of civil rights. The States' Rights Party could not survive as a workable political party after the election, but its impact in the South was longer lasting. States' rights remained a powerful cry amongst southern members of Congress hoping to slow the civil rights developments of the 1940s, 1950s, and 1960s. In these decades federal civil rights initiatives may have been the main target of states' rights enthusiasts but their tried and tested method of battling undesirable federal activity was malleable.

Indeed, proposals for federal firearms restrictions were, in some ways, amongst the easiest of targets. Given the belief that the Second Amendment to the Constitution,¹ that ambiguous paragraph which might or might not guarantee the right of individuals to keep and bear arms, imposed restrictions on the federal government rather than the states, and the apparent confirmation of this in three of the four Supreme Court cases to deal in significant depth with issues raised by the Amendment,² it is no surprise that laws relating to the sale, distribution and use of firearms came to be seen by many as a state prerogative.

¹ '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'.

² These three are as follows: *United States v. Cruikshank* 92 U. S. 542 (1875); *Presser v. Illinois* 116 U. S. 252 (1886); and *Miller v. Texas* 153 U. S. 535 (1894).

Leading into the 1960s, it was not just the Second Amendment that presented itself as a significant brake on those keen to create and expand federal firearms controls. There was also the Tenth Amendment, which reserved to the states all those powers not delegated to the federal government, nor denied to them, by the Constitution. Leading from this came the conviction that the Founding Fathers had always intended major domestic roles of government, amongst which could be found the preservation of law and order,³ the title under which firearms restrictions had been most clearly placed by their advocates, to be handled by the states.

There can be no doubt that opposition to federal firearms restrictions from South Carolinian and Texan national congressional delegations was strengthened significantly by the implications of the word federal. The national congressional delegations from New York and Connecticut, on the other hand, never really found an effective answer to the cry that states' rights would be violated by federal firearms restrictions and ultimately abandoned any original efforts to placate states' rights enthusiasts in this area.

South Carolina and Texas

A general wariness with regard to federal intervention in the area of firearms restrictions can be detected throughout the correspondence and publications of both the South Carolinian and Texan congressional delegations of the 1960s.

For instance, it was not unusual for the letters of Representative W. J. B. Dorn, of South Carolina's third district, to provide the assurance to worried writers that the congressman believed 'gun control should be left entirely in the hands of local and State government'.⁴ Representative L. Mendel Rivers, of South Carolina's first district, was equally inclined to agree with those of his correspondents who opposed 'any legislation that would

³ Alan Grant, The American Political Process, Third edition, (Aldershot/Brookfield, 1986), p. 238.

⁴ See for instance: letter sent to individual in Anderson, South Carolina, July 31, 1968, 'Box 81, Top. 1, 1967-1968, Gun Control, 4 of 5, 81-4', Records and Papers of William Jennings Bryan Dorn, Modern Political Collections, South Caroliniana Library, University of South Carolina, Columbia, South Carolina.

put federal control on the ownership of firearms'.⁵ Amongst national congressional delegates serving Texas came the proclamation of Representative Ray Roberts, of the state's fourth district, that 'State and local governments must retain their right to enact those firearms laws which best suit the needs of their own citizens'.⁶ Less forceful, but still committed, came the somewhat apologetic, 'I don't like to keep kicking the same dog around nor continually wave the same flag, but I feel very deeply that . . . [most] gun control legislation should originate with the State legislatures . . .',⁷ from Representative Earle Cabell, of Texas's fifth district.

It is, however, when a close look is taken at attitudes towards particular kinds of federal firearms restrictions and, also, at the manner in which stances were presented in the most substantial literature put out, that a more interesting pattern emerges. Although states' rights concerns were important to the delegations from both Texas and South Carolina when assessing federal firearms restrictions, there was less consistency in the Texan camp.

Certainly when it came to *preventative* and *investigative* federal firearms restrictions regarding guns being brought into the U. S., the comments of the Commissioner of the Internal Revenue, Sheldon Cohen, before the House Committee on Ways and Means, in 1965, that foreign imports 'can only be dealt with at the Federal level',⁸ raised barely a whisper of

⁵ Letter sent to individual in Bluffton, South Carolina, August 10, 1966, 'Legislative Files, Bills, A 1974.2, Box 115, Legislation Ways and Means, 89th Congress, Firearms Legislation', Records and Papers of L. Mendel Rivers, The Citadel Archives and Museum, Charleston, South Carolina.

⁶ Untitled and undated draft of a statement regarding H. R. 5384, p. 3, 'Box 25, File 25.15', Records and Papers of Ray Roberts, James Gilliam Gee Library, Texas A & M University, Commerce, Texas.

⁷ Letter sent to individual in Dallas, Texas, June 28, 1968, 'Box 61, Fd 26', Records and Papers of Earle Cabell, De Golyer Library, Southern Methodist University, Dallas, Texas.

⁸ 'On proposed amendments to the National Firearms Act and the Federal Firearms Act', Hearings Before the Committee on Ways and Means, United States House of Representatives, 89th Congress, 1st Session, July 12th, 13th, 14th, 19th, 20th, 21st, 22nd, 23rd, 26th, 27th and 28th, 1965, Parts 1 and 2, (Government Printing Office, Washington, 1965), p. 33.

dispute from national congressmen serving Texas and South Carolina. When it came to *preventative* and *investigative* restrictions on the internal traffic in firearms other than ‘destructive devices’,⁹ however, Article 1, Section 8, of the Constitution provided the limit for many of these national legislators, with its clause giving Congress the authority to regulate interstate commerce.¹⁰ W. J. B. Dorn, for instance, was inclined to remark again and again how matters of law and order were subject to the authority of the states but that he had no problems with ‘federal laws which would prevent guns from being shipped across state lines to minors, the mentally ill, or those with criminal records’.¹¹ Earle Cabell’s belief that ‘interstate traffic in firearms’ was ‘a rightful concern of the Federal Government’ but ‘other gun control legislation should originate with the State Legislatures’,¹² was also typical.

With regard to federal *preventative* and *investigative* firearms restrictions proposals that went well beyond the bounds of interstate commerce, such as the registration of all firearms purchased and the licensing of all purchasers, it was rare for a South Carolinian member of Congress to object without a reference to states’ rights. Whilst W. J. B. Dorn seemed to blur individual rights with states’ rights through admitting he would ‘fear personally with great alarm any move to have all firearms registered with the Federal Government’,¹³ Senator Strom Thurmond was clear, in comments on the floor of the Senate, and elsewhere, of the distinct threat of such legislation to both:

⁹ See note 68, Chapter 1.

¹⁰ As was shown in Chapter 1, national congressional delegates from Texas and South Carolina raised no real objections to strict forms of *preventative* and *investigative* firearms restrictions being placed on ‘destructive devices’.

¹¹ Federal Control of Firearms (Statement and Questionnaire), July 8, 1968, ‘Box 81, Top. 1, 1967-1968, Gun Control, 1 of 5, 81-1’, Dorn, Op. Cit..

¹² Letter sent to individual in Dallas, Texas, June 28, 1968, ‘Box 61, Fd 26’, Cabell, Op. Cit..

¹³ Letter sent to individual in Clemson, South Carolina, April 23, 1965, ‘Box 71, Top. 1, 1965, Interstate and Foreign Commerce, Firearms, 2 of 2, (71-47)’, Dorn, Op. Cit..

I would like to say that I think the attempted analogy of State registration of cars and Federal registration of firearms is ridiculous. State registration of cars has the effect of encouraging orderly Government and highway safety, and Federal registration of firearms has the effect of encouraging more centralized government to suppress individual freedom . . .¹⁴

States rights enthusiasm seemed to play a large role in souring the attitudes of national congressional delegates from South Carolina towards proposals for *preventative* and *investigative* restrictions on the internal traffic in firearms which stretched to realms outside interstate commerce.

This, in itself, might suggest, to the casual observer, that enthusiasm for states's rights played a significant role in the happenstance, that, in 1968, every member of Congress from South Carolina voted against the Gun Control Act, after having voted for the Omnibus Crime Control and Safe Streets Act earlier in the same year; Representative Tom Gettys, of the fifth district, proving the one exception here by not voting on the latter.

Titles IV and VII of the Omnibus Crime Control and Safe Streets Act imposed minimal restrictions on intrastate commerce in firearms; primarily in the form of limits on purchases by individuals placed in 'high risk' categories, such as felons and juveniles. This said, the central gun control feature of the Act, contained in Title IV, was the banning of all firearms, bar rifles and shotguns, from interstate commerce, except between federally licensed dealers, manufacturers, and importers. The Gun Control Act's major progression from this was to place the same restrictions on interstate commerce in rifles and shotguns as Title IV had placed on other firearms. In addition to this, though, further incursions were made into the realm of intrastate commerce. For instance a specific procedure was imposed on individuals seeking to make an intrastate mail-order purchase of a firearm.

Condemnations of the intrastate dimension of the Gun Control Act from South Carolinian congressmen would appear to support the idea that enthusiasm for states' rights had a part to play in their differing votes for these two Acts.¹⁵ But only at first glance. What

¹⁴ Congressional Record, 90th Congress, 2nd Session, Vol. 114, (Government Printing Office, Washington, 1968), p. 27414.

¹⁵ See for instance the comments of Senator Strom Thurmond of South Carolina in: 'Gun Control Act of 1968', Report from the Committee on the Judiciary, United States

becomes apparent is that even the central gun control feature of the Omnibus Crime Control and Safe Streets Act, which focused on interstate not intrastate commerce in certain types of firearms, would have been considered objectionable on states' rights grounds. Strom Thurmond's comments during a radio broadcast in June, 1965, for instance, left little room for doubt:

The National Government should not go beyond its Constitutional authority by attempting to prevent mail order sales of weapons. Such an excess is not needed, and it could do much harm.¹⁶

It seems most likely that the South Carolinian acceptance of Titles IV and VII of the Omnibus Crime Control and Safe Streets Act emerged solely from a reluctance to prevent the passage of an Act which contained a number of Titles that were particularly desirable; Titles highlighted in Chapter 1 of this study.¹⁷

In that first chapter it was also shown that during the 1960s many national congressional delegates from South Carolina only gave their blessing to one particular type of *preventative* federal firearms restriction proposal which would have affected all would be owners of handguns, rifles, and shotguns. This was the type which was designed in the main to prohibit interstate mail-order sales of firearms when those sales were not consistent with the laws of the state, or locality, in which prospective purchasers resided. As has been discussed, it was unlikely that these congressmen believed in the crime control utility of such measures; no such faith had been placed in stronger forms of federal *preventative* controls after all. It was more likely that Bills offering this kind of control were championed by these legislators as a form of compromise. It goes without saying that as these sorts of proposals

Senate, 90th Congress, 2nd Session, No. 1501, (Government Printing Office, Washington, 1968), p. 104.

¹⁶ Statement by Senator Strom Thurmond (R-SC) for his weekly radio broadcast, June 13-14, 1965, (Recorded June 10, 1965), p. 2, 'Speeches, Box 23, Folder 100-11A-1946', Records and Papers of Strom Thurmond, Special Collections, Clemson University Libraries, Clemson, South Carolina.

¹⁷ See pages 40-41, Chapter 1.

added up to fairly insubstantial regulation of firearms ownership, given the relaxed attitudes permeating most states and localities, reasons for supporting such did not stop at states' rights enthusiasm.¹⁸ Certainly, however, these proposals were immaculate from a states' rights point of view and this aspect seems inseparable from any others in the literature shared by the South Carolinian national congressional delegates with their correspondents when justifying stances being taken.¹⁹

The dominant voice from within the Texan national congressional delegations made similarly clear that, when it came to *preventative* and *investigative* restrictions on the internal traffic in firearms, the federal government could not be permitted to interpret any powers conceded by the Constitution in the realm of interstate commerce too broadly.

Once again, the situation arose where many of those Texan national congressmen voting against the Gun Control Act had previously voted for the Omnibus Crime Control and Safe Streets Act. In common with the South Carolinian delegation from that Second Session of the Ninetieth Congress, this did not mean there were no specific states' rights complaints aimed at the gun control provisions of the latter Act by Texan delegates. Representative Ray Roberts, of Texas' fourth district, gave perhaps the clearest indication of this in a speech he

¹⁸ By the 1960s there were some 20,000 laws governing the sale, distribution and use of firearms, but none of these, for instance, went so far as to require a permit or license for the purchase, possession, and carrying of rifles and shotguns. See: 'Pursuant to S. Res. 52, 89th Congress, on S. 1592, a bill to amend the Federal Firearms Act, S. 14, a bill to amend the Federal Firearms Act, S. 1180, a bill to amend the Federal Firearms Act to prohibit the importation of a firearm into the United States without a license, S.1965, a bill to amend the Federal Firearms Act', Hearings Before the Committee to Investigate Juvenile Delinquency of the Committee on the Judiciary, United States Senate, 89th Congress, 1st Session, May 19th, 20th and 21st, June 2nd, 3rd, 8th, 24th and 30th, and July 1st, 20th and 27th, 1965, (Government Printing Office, Washington, 1965), p. 376. / And / Carl Bakal, The Right To Bear Arms, (New York/Toronto/London, 1966), p. 346.

¹⁹ See for instance: Letters sent from, and to, individual in Roanoke, Virginia, February 9, and February 17, 1965, 'Subject Correspondence, 1965, Box 6, Federal Government 9-1', Thurmond Op. Cit..

prepared in 1967 for Committee Hearings in the House of Representatives. Emphasising the point that as the needs of citizens 'vary from state to state and from community to community' it was the role of the state and local governments to regulate firearms, Roberts stressed that H. R. 5384, which banned interstate commerce in most firearms, except between federally licensed dealers, manufacturers, and importers, but placed less stringent restrictions on the interstate commerce in rifles and shotguns, would 'actually infringe on the rights of the individual states'.²⁰ His focus was on the restrictions aimed at rifles and shotguns, but his assertion that federal restrictions should not go beyond 'the type of legislation which makes it unlawful for a licensed dealer or manufacturer to ship a firearm in interstate commerce to a purchaser in violation of any State firearms control act'²¹ illustrates how the restrictions on other firearms, the focus of the Omnibus Crime Control and Safe Streets Act's fourth title, were also unwelcome. No Texas law imposed stringent restrictions on the ownership of all these other weapons after all.

Unlike the South Carolinian delegations, however, those from Texas contained a number of individuals who were willing to abandon a strong commitment to the states' rights theme when it came to federal *preventative* and *investigative* restrictions on the internal traffic in firearms. Representative R. C. Eckhardt, of Texas' eighth district, was a less surprising example considering he voted for the Gun Control Act. Eckhardt claimed that even though he was 'concerned about the issue of federal control' he would be willing to support certain forms of federal registration,²² and then remained true to his word by casting a vote in favour of Illinois Representative R. McClory's federal handgun registration proposal in mid-1968.²³

²⁰ Untitled and undated draft of a statement regarding H. R. 5384, p. 3, 'Box 25, File 25.15', Roberts, Op. Cit.

²¹ Ibid., pp. 2-3.

²² Letter sent to individual in Baytown, Texas, May 6, 1968, '95-147 / 18, Folder 5, Gun Control Legislation (Against), Correspondence, Feb' 1967 - June 1968', Records and Papers of Robert C. Eckhardt, Archives and Manuscripts, Center for American History, University of Texas at Austin, Austin, Texas.

²³ Statement of Congressman Bob Eckhardt on Gun Control Legislation, July 25, 1968, '95-147 / 18, Folder 6, Gun Control Legislation (Against), Correspondence, July - Dec', 1968', Ibid.

Even amongst those Texan national congressmen voting against the Gun Control Act, however, there were signs of deviation from the states' rights theme. Representative O. C. Fisher, of Texas's twenty first district, for instance, liked to stress that 'under the Constitution' the federal government's authority was 'limited to the movement of guns in interstate commerce',²⁴ but still felt bound to argue that the gun control provisions of the Omnibus Crime Control and Safe Streets Act were not strong enough and thus needed support from further state and federal measures.²⁵ Fisher's example, by no means unique within the Texan delegations, does show a leap of faith quite foreign to the sensibilities of the South Carolinian members of Congress.

There was also a less common twist in the Texan tale. When discussing the federal registration of firearms, Senator J. G. Tower, who eventually decided to vote for the Gun Control Act, would appear as horrified as many of his colleagues at the proposed 'extension of Federal authority into matters not properly its domain', but he would also introduce the comment that 'practically speaking' the states 'are better equipped to enforce such laws'.²⁶ The change in emphasis is subtle but significant. It is one thing to say that the federal government has no right to operate in a given area, but it is something else again to say that the job would be easier to complete if the states were left to their own devices. Stressing practicality above constitutionality was not a habit shared by many of Tower's Texan colleagues, but was far removed from any example set by the South Carolinian delegations.

Thus, within the Texan delegations, the predominant belief was that the federal government should not be permitted to produce restrictions of a *preventative* or *investigative*

²⁴ Letter sent to individual in San Antonio, Texas, June 11, 1968, 'Box 391, File 3, Legislation, Firearms, Judiciary Committee, 1968', Records and Papers of O. C. Fisher, Baylor University Collections of Political Materials, Waco, Texas.

²⁵ Letter sent to individual in San Antonio, Texas, June 11, 1968, 'Box 392, File 8, Legislation, Firearms, Judiciary Committee, 1968', Ibid.

²⁶ Dick Menaker, In Support of Judicious Gun Control Legislation (Draft Statement Prepared According to the Instructions of the Honorable John G. Tower), Library of Congress, Legislative Reference Service, Education and Public Welfare Division, July 12, 1968, p. 9.

nature on the internal traffic in firearms that stretched beyond a limited constitutional authority to regulate interstate commerce and into those areas presumed as reserved to the states. Without doubt though, there remained a greater diversity in attitudes towards the application of states' rights to this subject matter than could be found within the delegations from South Carolina.

A glance at stances adopted with regard to federal firearms restrictions proposals designed to *deter* the criminal misuse of guns emphasises more clearly a significant difference between the congressional delegations of South Carolina and Texas, in their sustenance of a states' rights line of opposition.

As was shown in Chapter 1, the delegations of these two southern states showed greatest enthusiasm for those federal firearms restrictions which emphasised punishing individuals who used, or carried, firearms in the commission of certain criminal offences. It was believed that imposing mandatory minimum sentences for such misuse, in addition to any punishment meted out for the crime committed itself, would be a greater tool in the battle against gun violence than the wide variety of *preventative* and *investigative* proposals on offer.

States' rights concerns lay at the heart of the different approaches taken by the national congressional delegations of these two states when federal mandatory minimum punishments for the criminal misuse of a firearm were considered.

Delegates from South Carolina remained adamant, at least when the debates raged at their fiercest, in 1968, that federal mandatory minimum punishments for the criminal misuse of firearms should be restricted to cases where a federal felony, not state, had been committed. It was this that warmed national congressmen from South Carolina to the version of federal mandatory minimum punishments for the criminal misuse of firearms offered by Virginia Representative Richard Poff on the Floor of the House of Representatives in that year, rather than to that offered by Representative Bob Casey, of Texas' twenty second district. As Chapter 1 revealed, Poff's proposal was in some ways a weaker version of Casey's. Poff's preference was for imposing his penalties only when a firearm was used in, or carried during, the commission 'of any felony which may be prosecuted in a *court of the United States*.'²⁷ In short, the application of Poff's proposal, unlike Casey's, was confined to federal felonies. But this was for rather particular reasons:

²⁷ Congressional Record, Op. Cit., p. 22231. *My emphasis.*

This new Federal crime we are creating should remain within its own boundaries and not trespass upon the domain of the States.²⁸

This was absolutely in tune with the sympathies of national congressional delegates from South Carolina. Representative Albert Watson, of South Carolina's second district, for instance, proved quite typical when he stated his belief that Richard Poff's proposal was the most preferable 'constitutionally' as it recognised criminal misuse of firearms to be an 'area of State responsibility'.²⁹

As was shown in Chapter 1, most national congressmen from Texas believed that the crime control utility of Casey's output outweighed any other problems inherent to what he proposed. States' rights could be waved in this instance. O. C. Fisher caught the tone adopted by most of his Texan colleagues. Fisher raised a token resistance to proposals as broad as Casey's, remarking to one constituent that ordinarily, 'under our concept of States' rights, the States retain authority to determine punishment for intrastate crimes', but in the end he was determined 'not to quibble over that if there is any chance of making such a law stick'.³⁰ Most national congressional delegates from Texas made quite clear that if the choice was between making mandatory minimum punishments for criminal misuse of firearms applicable to a large number of felonies and blurring state/federal jurisdictions, or making such punishment applicable to just the few federal felonies on the books, they would choose the former.

Looking in some detail at the manner in which stances were presented in the most substantial literature put out by a select few individuals also reveals a greater states' rights enthusiasm amongst the South Carolinian than Texan national congressional delegations in the firearms restrictions controversy of the 1960s.

²⁸ Ibid., p. 22232.

²⁹ Ibid., p. 22233.

³⁰ Letter sent to individual in San Antonio, Texas, July 2, 1968, 'Box 391, File 5, Legislation, Firearms, Judiciary Committee, 1968', Fisher, Op. Cit.

It would not matter which of the numerous Strom Thurmond reports To The People,³¹ or speeches given by the South Carolinian Senator, were reviewed, a central theme to each one, in the period from 1965 to 1968, was the damage that would be done to states' rights if the federal government were to enact tough firearms restrictions. Never once did he fail to remind those who listened to, or read, his words, that the individual states were the appropriate authority in this field.

Although his output on the subject was not as extensive, fellow South Carolinian, W. J. B. Dorn was no less emphatic in his persistent references to the minimal role that should be played by the federal government. Indeed, Dorn was keen to ensure that his own constituents would not see the issue as anything other than one which should live or die depending on its recognition of the proper state/federal delineation of power. The clearest example of this came on July 8, 1968, when he sent out the following carefully worded questionnaire:

1. Do you favor Federal registration of firearms? Yes No

2. Do you favor Federal permit to purchase firearms? Yes No

3. Do you favor leaving gun legislation largely to local and state governments? Yes No

4. The following space is reserved for any comments you care to make concerning law enforcement, firearms control, curbing power of Supreme Court, lowering of voting age to 18 by Federal government or by States, or any other measure now before the Congress.³²

³¹ Regular bulletins sent out to constituents by Strom Thurmond detailing various events taking place in the Congress and containing his own policy statements on a wide variety of issues.

³² Federal Control of Firearms (Statement and Questionnaire), July 8, 1968, 'Box 81, Top. 1, 1967-1968, Gun Control, 1 of 5, 81-1', Dorn, Op. Cit..

The most visible question being asked by Dorn was not: ‘Do you believe additional firearms restrictions might help to decrease the high levels of violent crime being experienced at this time?’. It was not: ‘Do you believe stronger firearms restrictions might be a sensible precaution against fatal accidents in the highly populated U. S. of the 1960s?’. Just two examples of questions related specifically to the worth, or otherwise, of firearms restrictions. Instead, the question he asked was of the more distracting type: ‘Should the federal government be allowed to impose its desires on the individual states?’.

A different story emerges when a glance is taken at the Texan camp.

Of three substantial works³³ put together by Ray Roberts, that would seem to date from 1967 to 1968, considering the legislative measures on which they are based, only one pays a substantial amount of attention to any states’ rights opposition that could be directed towards the proposals. The other two actually ignore this line of resistance completely by concentrating on how firearms restrictions were of little use in the battle against gun violence, and on the argument that law-abiding citizens, particularly sportsmen/sportswomen keen to use firearms for leisure activities such as hunting and target shooting, should not be inconvenienced by legislation which quite blatantly would not accomplish its intended purpose. The one which did spend time on the states’ rights issues at stake made sure not to hold much back. It is noticeable, however, that the states’ rights complaints came after two pages detailing the same arguments concerning the ineffectiveness and inconvenience of firearms restrictions dealt with in the other two. The states’ rights complaints then only took up half a page before different lines of attack rounded off a three page speech. States’ rights enthusiasm was made to appear an inferior partner to other issues raised by Roberts in these works.

A glance at Ray Robert’s publication Your Congressman Reports, for 1967 and 1968, certainly does reveal an interest in keeping constituents aware of the states’ rights dilemma. In the release of December, 1967, for instance, his own questionnaire designed the one question on firearms restrictions, amidst numerous others on a wide variety of topics, so that

³³ Untitled and undated draft of a statement detailing recent debates over firearms restrictions, ‘Box 23, File 23.18’, Roberts, Op. Cit. / Untitled and undated draft of a statement regarding H. R. 5384, and Testimony of Honorable Ray Roberts, Democrat, Texas, Before House Judiciary Subcommittee No. 5, on H. R. 5384 , Undated, ‘Box 25, File 25.15’, Roberts, Op. Cit..

the word 'Federal'³⁴ was prominent. In these *Reports* though, Roberts gave a very mixed message when it came to states' rights. In particular, the March, 1967, edition, saw his statement that H. R. 5384, and S. 1, both of which sought to impose strong controls on the interstate shipment of firearms, would bring the nation one 'step closer to a police state'.³⁵ This was followed in the next sentence, however, by his complete commitment to a Bill by Bob Casey 'which makes it a Federal offense to use a gun in the commission of certain crimes'.³⁶ And of course, as has been shown in Chapter 1, Casey was blurring state/federal boundaries with this kind of proposal long before 1968.

Thus a perusal of the more substantial material put out by Ray Roberts reveals less commitment to the states' rights line of attack than a review of similar output from Strom Thurmond and W. J. B. Dorn does.

A similar picture is faced in the detailed output from Representative John Dowdy of Texas' seventh and then second district. States' rights opposition to federal firearms restrictions is apparent in his own *Your Congressman Reports*, and speeches to boot, but again the emphasis is on other forms of complaint. It should also be noted that in a questionnaire put out by Dowdy on a wide range of issues, in February, 1966, he omitted the word 'federal' from this question: 'Do you favor further restriction in the private ownership of guns?'.³⁷ When it is considered that in the same questionnaire his inquiry with regard to federal aid for education was worded in a manner that raised no illusions over his dissatisfaction with such federal intervention, asking whether 'you approve dictation by the U. S. Office of Education of the requirements and terms under which federal aid to schools is

³⁴ Ray Roberts *Your Congressman Reports*, December, 1967, p. 1, 'Box 25, File 25.14', *Ibid.*

³⁵ Ray Roberts *Your Congressman Reports*, March, 1967, p.2, 'Box 32, File 32.3', *Ibid.*

³⁶ Ray Roberts *Your Congressman Reports*, March, 1967, p.2, 'Box 32, File 32.2', *Ibid.*

³⁷ Statement and Questionnaire, February 11, 1966, p. 2, 'Box 191, File 191', *Records and Papers of John V. Dowdy*, Baylor University Collections of Political Materials, Waco, Texas.

granted or withheld',³⁸ it seems likely that his main concern with firearms restrictions was certainly not whether or not they were of federal origin.

Whilst Ray Roberts and John Dowdy represented the Texas national congressional delegations' most enthusiastic states' rights protectors in the realm of firearms restrictions, South Carolinian delegates other than Thurmond and Dorn, though leaving behind less relevant material for the historian to investigate, showed no real signs of rebellion from their colleagues' line of attack. At the very least it can be argued, that if the actions of Thurmond and Dorn represented the most extreme states' rights stance taken by the South Carolinian congressional delegations on this issue, these two individuals went further in giving it expression than the most extreme contingent from the Texan delegations. It seems likely, however, that the differences between the delegations were in fact somewhat more acute than this.

There can be no doubt that opposition to federal firearms restrictions from the national congressional delegations serving South Carolina and Texas in the 1960s was strengthened significantly by the implications of the word federal. As with so many other fields into which the federal government had attempted to expand its influence since the days of the New Deal, there remained a sizeable body of resistance in these two southern states to any federal intervention where gains would seem to fail to outweigh the loss of state authority involved. Indeed, most noticeably from within the ranks of the South Carolinians, the effort was often made to illustrate how federal firearms restrictions fitted into this larger picture. W. J. B. Dorn, for instance, extended his objections to certain kinds of federal firearms restrictions with the claim that the:

American people are sick and tired of federal regulation of every act of the individual. They are tired of federal snooping. They believe that the federal government has already gone much too far down the road of centralization in Washington.³⁹

³⁸ Statement and Questionnaire, February 11, 1966, p. 2, 'Box 191, File 191', Ibid.

³⁹ Rough draft of a one minute statement to the House of Representatives, September 19, 1968, p. 1, Dorn, Op. Cit.

By doing this there can be no doubt of the intention to rally individuals who might not own or wish to own guns into opposing federal firearms restrictions as a constitutional aberration which would threaten states' rights in other fields simply by the example of enactment.

It is also clear, however, that the intensity with which the national congressional delegations serving Texas emphasised states' rights objections to federal firearms restrictions was somewhat diluted in comparison to the forthright manner in which such resistance was offered from South Carolina's national congressmen. This actually fits the larger picture. Texans had not flocked to the states' rights banner anything like as enthusiastically as South Carolinians in the 1948 Presidential elections or in the civil rights struggles that followed.

Two questions still demand attention. To what extent were states' rights complaints representative of a genuine concern with the intervention of the federal government into a region of everyday life traditionally subject to the authority of the individual states? To what extent were they simply a tool used to prevent the passage of federal legislation which was undesirable in other ways?

An assessment of whether states' rights objections were more prominent than other objections does seem possible if the attitude of these individuals to the prospect of state firearms legislation is reviewed. In short, if resistance to federal firearms restrictions were coupled with an obvious desire to see gun controls at state level, it would be indicative of a genuine belief that federal firearms restrictions were objectionable simply because they were of federal origin, not because they gave no aid to the battle against gun violence and interfered needlessly with the private ownership of firearms.

Of course, this latter result is too perfect to describe the reality behind the attitudes of the congressional delegates from South Carolina and Texas, but the method does produce some interesting results.

In fact, it is possible to detect some enthusiasm for state, or local, firearms restrictions in the records and papers of those most adamantly opposed to federal firearms restrictions. John Dowdy seemed keen to emphasise how it was the origin of firearms restrictions that concerned him more than the restrictions themselves, informing correspondents on occasion that he was 'unalterably opposed to any controls whatever, except those that were placed upon the citizenry by their own local governments'.⁴⁰ Strom Thurmond even went so far as to

⁴⁰ Letter sent to individual in Lufkin, Texas, November 5, 1969, 'Box 194, File 209, Legislation, Judiciary, Firearms', Dowdy, Op. Cit.

remind constituents that the individual ‘states even have the power to provide for the registration of firearms . . .’⁴¹

Although this might seem to suggest that the states’ rights objections directed at federal firearms restrictions were illustrative of a genuine distrust of their federal origin rather than the fact that they imposed restrictions on firearms, looks can be deceptive. A clue was provided by Senator Donald Russell of South Carolina. Russell was happy to announce his willingness to ‘uphold with great enthusiasm any changes in the law which might be deemed advisable by the South Carolina General Assembly’.⁴² It was just the tiniest bit coincidental that at no point in the 1960s did the state governments in South Carolina or Texas show any clear signs of eagerness for state firearms restrictions of a *preventative* or *investigative* nature.⁴³ In South Carolina such controls had actually been weakened by the end of the decade so that it became legal to sell handguns in the state.

There can be no doubt that states’ rights objections to federal firearms restrictions from the national congressional delegations of Texas and South Carolina were both genuine and tactical. Tactical, because for many individuals it would have seemed that there was a greater chance that firearms restrictions could be passed at federal level than at state level.

Were states’ rights objections more prominent than other objections of the national congressional delegations from Texas and South Carolina to federal firearms restrictions? The evidence above would suggest not. Indeed this is born out further by the selective application of states’ rights complaints; complaints which were applied most frequently when firearms suitable for sporting purposes, such as rifles and shotguns, were being discussed but hardly at

⁴¹ Strom Thurmond *reports To The People*, June 24, 1968, p. 1, ‘Speeches, Box 33, Folder 100-11A-2729’, Thurmond, Op. Cit.

⁴² Letter sent to individual in Orangeburg, South Carolina, March 16, 1966, ‘Russell, Senate, 1966, Leg., Gun Control Legislation’, Records and Papers of Donald Russell, Modern Political Collections, South Caroliniana Library, University of South Carolina, Columbia, South Carolina.

⁴³ Senate Concurrent Resolution No. 17 was passed in both chambers of the Texas State Legislature, July 3, 1968, and this was not shy in supporting mandatory minimum sentences for the criminal misuse of firearms. South Carolina adopted a state version of this kind of measure in 1975.

all when it came to ‘destructive devices’. Despite this, there was no doubt that states’ rights complaints were of genuine concern, and of slightly greater importance to the South Carolinian congressional delegations than the Texan.

Connecticut and New York

National congressional delegates from New York and Connecticut were not unaware of the limitations that could be imposed on federal firearms restrictions proposals through a Constitution that made all too plain its system of checks and balances between federal and state institutions. The states’ rights resistance was neither unexpected nor ignored.

The language used by congressional delegates from Connecticut and New York, throughout the 1960s, certainly suggests that states’ rights enthusiasm was recognised as a powerful and resilient creature in need of wooing before any kind of federal firearms restrictions worth having could be slipped past its vigilant grasp. Senator T. J. Dodd of Connecticut, for instance, made clear in the early 1960s that he felt the aim should be ‘to develop sound Federal legislation that will apply . . . to the entire United States’.⁴⁴ But Dodd was always keen to emphasise how a gun control law should be ‘designed to aid the States’, not to subjugate the states to federal authority in a field which the states themselves should be left to handle ‘within their own borders’.⁴⁵ Similarly, in 1964, Representative J. V. Lindsay, of New York’s seventeenth district, told the Senate’s Commerce Committee in no uncertain

⁴⁴ ‘Pursuant to S. Res. 63, 88th Congress, investigation of juvenile delinquency in the United States; Part 14, interstate traffic in mail-order firearms’, Hearings Before the Committee to Investigate Juvenile Delinquency of the Committee on the Judiciary, United States Senate, 88th Congress, 1st Session, January 29th and 30th, March 7th, and May 1st and 2nd, 1963, (Government Printing Office, Washington, 1963), p. 3362.

⁴⁵ See for instance: Senator T. J. Dodd, ‘Amendment of Title 18 of United States Code: Amendment No. 90’, Harry Hogan, Compiler, Regulation of Firearms by the Federal Government - A Selection of Statements, Articles and Bibliographic References, Library of Congress, Legislative Reference Service, Education and Public Welfare Division, August 8, 1967, p. 211.

terms that ‘this is a local problem and a State problem chiefly . . .’.⁴⁶ However, to interpret the language which these congressmen used, and which featured prominently in the proposals they shaped and supported, as nothing more than a defensive effort to placate those individuals who were keen to use states’ rights arguments as blocks to federal legislation, would be careless. A closer look at the detail of the debates in the 1960s makes this quite clear, and reveals that, developing very much in tandem, attitudes within the national congressional delegations of both Connecticut and New York towards the states’ rights implications of federal firearms restrictions can be divided quite distinctly into three periods of transition: from 1960 to the early months of 1965; from early 1965 to mid-1968; and from mid-1968 through 1969.

It was in the period between 1960, and President Lyndon B. Johnson’s labelling as an important contributor to crime ‘the ease with which any person can acquire firearms’,⁴⁷ in March, 1965, that the congressional delegations from Connecticut and New York could be seen to give their most genuine concern to ensuring that states’ rights enthusiasts would have little reason to resist federal firearms restrictions.

Bills such as S. 1975 and S. 14 from T. J. Dodd, H. R. 3431 from J. V. Lindsay, and H. R. 3395 from Representative John M. Murphy, of New York’s sixteenth district, were designed to put as little pressure on state/federal relations as was possible in this field. On the whole they imposed, as their main feature, the minimal restriction of prohibiting interstate mail-order sales of firearms when those sales were not consistent with the laws of the state, or locality, in which prospective purchasers resided.

On top of this confirmation that states’ rights would not be abused, came the explanations as to why federal legislation was so essential in this area. The states were only able to legislate against the sale and use of firearms within their own boundaries, which meant

⁴⁶ ‘On S. 1975 - Bill to amend the Federal Firearms Act; and S. 2345 - A bill to amend the Federal Firearms Act to further restrict the use of instrumentalities of interstate or foreign commerce for the acquisition of firearms for unlawful purposes’, Hearings Before the Committee on Commerce, United States Senate, 88th Congress, 1st and 2nd Sessions, December 13th and 18th, January 23rd, 24th, and 30th, and March 4th, 1964, (Government Printing Office, Washington), 1964, p. 230.

⁴⁷ Quoted in: Carl Bakal, Op. Cit., p. 212.

they could not operate effectively against those of their citizens who made use of the services offered by interstate mail-order houses. The federal government, on the other hand, could. In effect, the congressional delegations from New York and Connecticut emphasised over and over again how the federal firearms restrictions proposals they supported were designed solely to *assist* the states enforce their own laws in the battle against gun violence. T. J. Dodd proved particularly subtle in this regard when speaking before the Senate Commerce Committee, in support of S. 1975. Faced with the task of winning that resilient states' rights' enthusiast Strom Thurmond to his cause, Dodd proceeded to laud the fact that the '2 million citizens of South Carolina may not purchase a handgun under any circumstances' due to a state law, but then went on to cite 'the Honorable M. Steed Stackhouse, judge of district 6, Dillon, S. C.', who claimed 'he had knowledge of the delivery of 10 German - made handguns on a single mail route on a single day'.⁴⁸ It is hard not to imagine a glint in Dodd's eye as he rounded this off with the glorious:

Thus does the uncontrolled mail-order traffic in lethal weapons make a mockery of State and local laws - in this case, a mockery of the laws of South Carolina . . .⁴⁹

Next came the assurances from national congressional delegates serving New York and Connecticut that federal intervention in this field would not, in the words of T. J. Dodd, 'open the door to Federal regulation of other products which could conceivably be put to harmful use'.⁵⁰

It would be wrong to suggest, however, that the appeasement of states' rights enthusiasts remained persistently central to the efforts of congressional delegates from Connecticut and New York in this period. Signs of resistance to the idea of catering to the demands of those eager to keep federal intervention to an absolute minimum in a field traditionally subject to the authority of the individual states alone, were also visible.

⁴⁸ 'On S. 1975 - Bill to amend the Federal Firearms Act; and S. 2345 - A bill to amend the Federal Firearms Act . . .', Op. Cit., p. 13.

⁴⁹ Ibid.

⁵⁰ Ibid., pp. 13-14.

Blatant enthusiasm was shown for those states with the strongest firearms restrictions; New York in particular, with requirements that included a permit to purchase, and license to carry, handguns.⁵¹ The message was implied quite clearly that these states alone were living up to their responsibilities and that the others should follow suit. The language was not blatant, but T. J. Dodd's occasional exclamation in hearings when made aware of the limited restrictions in some states, like the time he learned how easy it was for individuals with criminal records to become firearms dealers in California,⁵² and J. V. Lindsay's habit of lamenting what he believed to be the dearth of meaningful state laws in existence,⁵³ made these congressmen's true positions very apparent.

T. J. Dodd might even be seen to have been using states' rights enthusiasm to the advantage of those in favour of more stringent firearms restrictions nation-wide; suggesting, or perhaps threatening would be a better description, that 'the Federal Government has to accept . . . responsibility' in this field until 'we . . . get State regulation, some uniformity of State regulation'.⁵⁴ Far from an indication that he would try to appease states' rights enthusiasts in this field, Dodd seemed to imply that unless the states began to take what he considered to be suitable action, federal intervention on a more intrusive scale would perhaps be inevitable.

It would seem quite evident that within the national congressional delegations from Connecticut and New York, there was considerably more to interpretations of state/federal relations in this field, at this time, than a self-defeating belief that states' rights enthusiasm should be appeased whenever possible. From mid-1965 onwards this became increasingly obvious.

⁵¹ Enacted in 1911 New York's Sullivan Act had undergone numerous amendments by the 1960s and remained a focal point for the vehemence of firearms enthusiasts.

⁵² 'Pursuant to S. Res. 63, 88th Congress, investigation of juvenile delinquency . . .', Op. Cit., p. 3350.

⁵³ 'On S. 1975 - Bill to amend the Federal Firearms Act; and S. 2345 - A bill to amend the Federal Firearms Act . . .', Op. Cit., p. 233.

⁵⁴ Ibid., p. 21.

This is not to say that efforts to allay the worst fears of states' rights enthusiasts went out of the window in the period from mid-1965 to the time of passage, into law, of the Omnibus Crime Control and Safe Streets Act, in June, 1968. The most prominent Bills offered for consideration by congressional delegates from these two states, often at the behest of the Johnson Administration, such as T. J. Dodd's S. 1592 and S. 1 (Amendment 90), J. M. Murphy's H. R. 6628, H. R. 6783 from Representative A. J. Multer, of New York's thirteenth district, and H. R. 5384 from Representative Emanuel Celler, of New York's tenth district, all centred their attention on the regulation of interstate commerce. The restrictions were harsher than before, generally involving the banishment of various types of firearm from the channels of interstate commerce, except between federally licensed dealers, manufacturers, and importers. But the protestations that, far from infringing on the rights of states, these legislative proposals in fact gave immense *assistance* to states in the battle against gun violence, continued.

For instance, the only report of the decade, before September, 1968, to emerge from the Senate Judiciary Committee dedicated solely to the issue of firearms restrictions included a minority view signed by, amongst others, Senator Jacob K. Javits, of New York, and T. J. Dodd. This minority view presented the following as a key reason why S. 1592 should not have been discarded:

The interstate traffic in mail-order firearms often circumvents State and local law, and it is virtually impossible for the States to control this traffic in the maintenance of domestic law and order.⁵⁵

This example did not stand alone but the evidence serving to highlight a commanding desire amongst national congressional delegates from New York and Connecticut to appease states' rights enthusiasts in order to ensure the creation of at least some form of additional federal firearms restriction was far more illusory between mid-1965 and mid-1968 than in the previous period discussed.

⁵⁵ 'Federal Firearms Amendments of 1966', Report from the Committee on the Judiciary, United States Senate, 89th Congress, 2nd Session, No. 1866, (Government Printing Office, Washington, 1966), p. 54.

There is no question that by backing and shaping proposals for federal restrictions which went so far, for instance, as to ban interstate mail-order commerce in all varieties of firearm, the national congressional delegations from both Connecticut and New York were questioning the authority of the states. To propose a federal ban on interstate mail-order commerce in rifles and shotguns, in particular, was to ignore the preference of the vast majority of individual states which chose not to impose tough restrictions on the sale and use of these firearms, and thus to imply, albeit from a realm in which the states were unable to legislate, that the states were not operating responsibly in their choice.

Also relevant is that these proposals may have dealt primarily with interstate commerce in firearms, but most of them went beyond and into the realms of intrastate commerce as well. For instance, T. J. Dodd' S. 1592, co-sponsored by Senator Robert F. Kennedy, of New York, amongst others, would have forbidden dealers to sell handguns to anyone under twenty one years of age, and rifles and shotguns to anyone under eighteen years of age.⁵⁶ On top of this, Subsection (a) of Section 3, from this same proposal, declared:

No person shall engage in business as a firearms or ammunition importer, manufacturer, or dealer until he has filed an application with, and received a license to do so from, the Secretary [of the Treasury].⁵⁷

There is no reference made in this Subsection to interstate commerce, despite the fact that it was quite conceivable for an individual to set up shop with the intention of dealing solely with residents of his/her own state.

If to this is added the protestations from national congressional delegates serving New York and Connecticut forever emphasising a belief that most states were not taking their responsibilities in this field seriously enough,⁵⁸ it can be seen that significant pressure was still being placed on states with weak firearms laws to start legislating.

⁵⁶ See: Carl Bakal, Op. Cit., p. 213.

⁵⁷ Harry Hogan, S. 1592 - 89th Congress, a Bill to Amend the Federal Firearms Act, Summary and Principal Pro and Con Arguments, Library of Congress, Legislative Reference Service, Education and Public Welfare Division, June 17, 1965, p. 24.

⁵⁸ See for instance the comments of Senator R. F. Kennedy of New York in: 'Pursuant to

There were exceptions to the rule within the ranks of the national congressional delegates from New York and Connecticut and once again these numbered most notably amongst the more rurally based Republican New Yorkers. Representative Frank Horton, of New York's thirty sixth district, for instance, continued to express a preference for federal firearms restrictions along the lines of earlier Bills such as T. J. Dodd's S. 14 which concentrated on 'the legitimate Federal question of interstate commerce'.⁵⁹

In general, though, the national congressional delegations from Connecticut and New York seem to have played an interesting political game. That these congressional delegations emphasised how the federal gun controls they desired were centred on the realms of interstate commerce, and that these same delegations stressed again and again how the sole intent was merely to *assist* the states in the battle against gun violence, cannot be denied. There seemed to be a rather careful method in this play. It was not a matter of trickery designed to ensure the passage of federal firearms restrictions before states' rights enthusiasts took the time to read the small print. These proposals were picked over sentence by sentence in Congressional Hearings and on the Floors of Congress. States' rights enthusiasts within Congress and elsewhere were always very aware of the most nitty-gritty of details. The aim of the national congressional delegations from the two northern states would seem to have been instead to convey the message that they had no wish to challenge the authority of the states in ways that went beyond the current proposals, but also to leave the impression that although further federal action was not really wanted, if necessary, if the states and localities failed to act appropriately, it would be supported.

S. Res. 35, 90th Congress, on S. 1, a bill to amend the Federal Firearms Act, Amendment 90 to S. 1, a bill to amend the Federal Firearms Act, S. 1853, a bill to amend the Federal Firearms Act, and S. 1854, a bill to amend the National Firearms Act', Hearings Before the Committee to Investigate Juvenile Delinquency of the Committee on the Judiciary, United States Senate, 90th Congress, 1st Session, July 10th, 11th, 12th, 18th, 19th, 20th, 25th, 28th, and 31st, and August 1st, 1967, (Government Printing Office, Washington, 1967), p. 159.

⁵⁹ 'On proposed amendments to the National Firearms Act and the Federal Firearms Act', Op. Cit., pp. 255-260.

It was in the latter half of 1968 that proposals for the federal registration of firearms, and the federal licensing of their owners, featured the most prominently in debates on Capitol Hill. Cries of states' rights enthusiasts would appear to have faded in significance for the congressional delegations of Connecticut and New York, whose members featured very visibly in the introduction and support of measures that stretched into realms far removed from opponents' definitions of interstate commerce. T. J. Dodd and Emanuel Celler were particularly prominent after being charged with the responsibility of guiding the Johnson Administration's registration and licensing proposals, S. 3691 and H. R. 18110, through the legislative branch of the federal government.

Amidst the cries for federal registration, and federal licensing, there were some national congressional delegates from New York, principally amongst the more rurally based Republicans, who did express concerns for the rights of the individual states. Representative R. C. McEwen, of New York's thirty first district, for instance, felt that setting up systems of federal registration, and federal licensing, would not be 'an assistance to the States, but a takeover of the powers of the States and the local communities . . .'.⁶⁰ McEwen may have been amongst the most extreme of these congressmen, but others who opposed federal registration and federal licensing proposals, such as Representative Barber Conable Jr., of the thirty seventh district, were certainly inclined to stress the impracticalities of the federal government getting involved at this level.⁶¹

The extent of states' rights sympathy emitted from the most prevalent voice within the national congressional delegations for New York and Connecticut, with regard to these newest proposals, was generally restricted, however, to the kind that would allow the individual states a couple of years to set up independent state registration and licensing systems, at which point, depending on a decision from the Secretary of the Treasury as to whether or not certain specific criteria had been met, the federal government could take over. For instance, Representative B. S. Rosenthal, of New York's eighth district, tried to make an

⁶⁰ Congressional Record, Op. Cit., p. 22263.

⁶¹ See for instance: Letter sent to individual in Rochester, New York, June 19, 1968, 'Box 32, Folder: Judiciary - Gun', Records and Papers of Barber B. Conable, Jr., #2794, 2B Carl A. Kroch Library, Cornell University Library, Ithaca, New York.

amendment to a federal registration proposal of Illinois Representative R. McClory, as he felt it key 'that the States have the first opportunity of licensing and registration'.⁶²

This is not to say that, after the second half of 1968 got underway, attempts were never made to convince states' rights enthusiasts that the newest Bills were constitutional, with regard to state/federal relations, but that, from here on, these attempts took on an almost farcical appearance. The arguments used, illustrated an interesting legal guile, but also an unwillingness to really listen to states' rights enthusiasts' convictions about where federal intervention should stop.

The tone was set quite masterfully in a Justice Department memorandum on the constitutional basis for S. 3691 and H. R. 18110. A group of nine congressional delegates, three of whom served the state of New York, sent this out as part of a large package to members of the House of Representatives, on July 19, 1968. The intention was to garner supporters for additional federal registration, and federal licensing, proposals being offered by Representative J. B. Bingham, of New York's twenty third district, and Illinois Representative R. McClory.⁶³

In this memorandum the federal governments' constitutional authority to regulate interstate commerce was given a remarkable twist. It was argued that as firearms were frequently used in crimes against people and products moving in interstate commerce, and against companies involved in interstate commerce, the federal government had a very wide jurisdiction when it came to limiting the sale and use of such weapons. The grounds for such a conclusion being that a very real and serious threat to all interstate commerce would go unchecked if this were not the case.⁶⁴

Indeed, it was also argued that as Article 1, Section 8, of the Constitution not only gave Congress authority to regulate and protect interstate commerce, but also the power 'To make all Laws which shall be necessary and proper for carrying into Execution [the powers of] the Government of the United States . . .', there were even more substantial grounds for the federal government laying claim to wide jurisdictional powers in the realm of firearms

⁶² Congressional Record, Op. Cit., p. 22266.

⁶³ Memorandum on Constitutional Basis for Federal Gun Registration and Licensing Act, Department of Justice, July 8, 1968.

⁶⁴ Ibid., p. 4.

restrictions. Firearms were, after all, often used against other interests under federal protection.⁶⁵

With their championing of these legal justifications in mind, it becomes very apparent that the congressional delegations from Connecticut and New York were paying little heed to the complaints of states' rights enthusiasts.

On one level, calls for federal registration, and federal licensing, would seem to have been designed to scare states' rights opponents into at least passing the less severe Gun Control Act. The implied threat was simple to discern: 'If you fail to help pass the less restrictive proposals we will not rest until we succeed in passing the far more intrusive measures.' But intentions went well beyond this, and even beyond prompting the individual states to enact their own systems of registration and licensing. The persistent cries for the same kinds of federal legislation in 1969, Bills such as T. J. Dodd's S. 2433, and H. R. 52 from Representative W. F. Ryan, of New York's twentieth district, heading the charge, showed how the real aim was more considerable. States' rights enthusiasm was simply an obstacle to overcome, not an important concern to be truly catered for or respected.

When the firearms restrictions controversy of the 1960s is viewed as a whole it seems apparent that the national congressional delegations from New York and Connecticut never really found an answer to the cry that states' rights would be violated by federal firearms restrictions.

Most particularly in the early years of the decade, efforts do seem to have been made to encourage a belief that federal intrusion into a realm traditionally reserved to the states would be small. What became increasingly apparent, however, was that reassurances made, were coupled with the underlying message that with states' rights came states' responsibilities, and if the states could not be trusted to enforce stringent firearms restrictions the federal government would be forced into more intrusive action. By the end of the decade, reassurances from these congressional delegations, that the federal government, in enacting stringent firearms legislation, would not be over-stretching its constitutional bounds with regard to state/federal relations, took the form of simple semantics. The argument went along the lines that, too many states had failed to toughen their own laws so the federal government should take over; all that remained necessary was to show states' rights enthusiasts that federal action in this area was legal, whether it was liked or not.

⁶⁵ Ibid., pp. 4-5.

It was a position born in part out of the belief that by the closing years of the 1960s popular dissatisfaction with gun violence had reached a point that would force stringent federal firearms restrictions through Congress whatever states' rights complaints might exist. It was also, however, a position born out of frustration; frustration with the persistent rise of gun violence; frustration with the majority of states which had failed to act on gun control advocates' urgings. And, with the national congressional delegations from Texas and South Carolina standing out as prime examples, it was also a position which helped to guarantee fierce opposition from states' rights enthusiasts.

Summary

There can be no doubt that resistance from South Carolinian and Texan national congressional delegations to federal firearms restrictions was strengthened significantly by the implications of the word federal. The ideological commitment to states' rights within the South Carolinian contingent was stronger but it was certainly present in the Texan camp. There was much to suggest that the states' rights opposition to federal firearms restrictions which was raised by national congressional delegations from South Carolina and Texas was, however, also tactical. In part, states' rights objections amounted to a useful rallying cry for strengthening/expanding resistance to legislative proposals which these delegations were most concerned about for other reasons.

The national congressional delegations from New York and Connecticut never really found an effective answer to the cry that states' rights would be violated by federal firearms restrictions. Ultimately, after original efforts to placate states' rights enthusiasts in this area did not encourage the majority of individual states to enact stringent firearms restrictions, national legislators from New York and Connecticut seemed to abandon these efforts. It was a gamble which helped to guarantee sustained opposition from states' rights enthusiasts.

Chapter 4

Firearms Restrictions as an Infringement of a Constitutional or even Natural Right of Individuals to Keep and Bear Arms

Whether a study is being made of the creation of New York's Sullivan Law, of 1911, the Gun Control Act, of 1968, or the Brady Handgun Violence Prevention Act, of 1993, the right or otherwise of individuals not only to keep but also to bear arms can always be identified as a major source of contention between opponents and proponents of firearms restrictions.

Opponents of firearms restrictions have been keen to interpret the Second Amendment to the Constitution¹ as a sovereign guarantee to an individual's right to keep and bear arms,² have enjoyed pointing to similarly worded provisions in numerous state constitutions as additional evidence supporting their cause,³ and, particularly where state constitutions are silent on the matter, have emphasised how the Fourteenth Amendment should be assumed to stretch restrictions placed on the federal government in the Bill of Rights to more parochial levels of government.⁴ Beyond this, have come the appeals to wider authorities which refer to a natural right of individuals to keep and bear arms; a right transcending laws written by the

¹ See note 1, Chapter 3, for the exact wording of the Second Amendment.

² The examples are numerous. A modern illustration is provided in: Charlton Heston, 'The Second Amendment *America's First Freedom*', J. E. Dizard, R. M. Muth, and S. P. Andrews, Jr., Editors, Guns in America: A Reader, (New York/London, 1999), pp. 199-204.

³ See for instance: 'On S. 1975 - Bill to amend the Federal Firearms Act; and S. 2345 - A bill to amend the Federal Firearms Act to further restrict the use of instrumentalities of interstate or foreign commerce for the acquisition of firearms for unlawful purposes', Hearings Before the Committee on Commerce, United States Senate, 88th Congress, 1st and 2nd Sessions, December 13th and 18th, January 23rd, 24th, and 30th, and March 4th, 1964, (Government Printing Office, Washington, 1964), p. 132.

⁴ See for instance: Ibid., p. 146.

hand of man.⁵ William Blackstone's Commentaries on the Laws of England has been particularly popular as a reference point:

The fifth and last auxiliary right of the subject, that I shall at present mention, is that of having arms for their defense, suitable to their condition and degree and as allowed by law. Which is also declared by the same Statute 1 W&M s. 2 c. 2 and is indeed a public allowance under due restrictions, of the natural right of resistance and self-preservation, when the sanctions of society and the laws are found insufficient to restrain the violence of oppression.⁶

Indeed, some have stressed that the individual not only has a right to keep and bear arms but a duty.⁷ The overriding message has been that gun controls would add up to an unacceptable violation of this right/duty.

Proponents of firearms restrictions will frequently insist that the Second Amendment has nothing to do with the rights of individuals but instead serves only to protect the arms of 'a well regulated militia',⁸ whatever that might be at any given point in history.⁹ Those less

⁵ A rather scathing attack on this approach is made by: Carl Bakal, The Right to Bear Arms, (New York/Toronto/London, 1966), pp. 299-300.

⁶ Quoted by: D. T. Hardy, 'The Second Amendment and the Historiography of the Bill of Rights', The Journal of Law and Politics, Vol. 4, No. 1, (Summer, 1987), p. 159.

⁷ See for instance: J. R. Snyder, 'A Nation of Cowards', J. E. Dizard, R. M. Muth, and S. P. Andrews, Jr., Editors, Guns in America: A Reader, (New York/London, 1999), pp. 182-193.

⁸ The idea is explored in numerous publications including that of: R. G. Weatherup, 'Standing Armies and Armed Citizens: An Historical Analysis of the Second Amendment', Hastings Constitutional Law Quarterly, Vol. 2, (Fall, 1975), pp. 961-1001.

⁹ Some of the problems surrounding the definition of 'a well regulated militia' are highlighted concisely in: R. J. Cottrol, and R. T. Diamond, 'The Second Amendment: Towards an Afro-American Reconsideration', Georgetown Law Journal, Vol. 80, No.

happy to pursue this line of attack are always eager to argue that no right is absolute;¹⁰ a stance that could also draw strength from the words of William Blackstone, as quoted above.

During the firearms restrictions controversy of the 1960s national congressional delegations from Texas and South Carolina displayed a keen belief in a constitutional or even natural right of individuals to keep and bear arms, and a desire to advertise this in opposition to additional gun controls. National congressional delegations from New York and Connecticut lacked a unity of purpose in this arena of debate to such an extent that their efforts to ensure the enactment of further firearms restrictions can only have suffered.

South Carolina and Texas

A general belief that individuals had a constitutional or even natural right to keep and bear arms permeated the correspondence and publications of the South Carolinian national congressional delegations of the 1960s.

There were those like Representative W. J. B. Dorn, of South Carolina's third district, who excelled in making bold statements of intent to members of the public; proclaiming it to be both a natural and constitutional right of individuals to keep and bear arms, and dedicating themselves to the defence of such a right. Whilst informing a resident of Woodruff, South Carolina, of his objection to firearms restrictions not specifically designed to punish 'those who use firearms in an unlawful manner', Dorn offered the following:

We are guaranteed the right to bear arms by the Bill of Rights, and I intend to do everything within my power to help maintain this basic fundamental right.¹¹

2, (December, 1991), p. 314.

¹⁰ See for instance an article written by Representative J. V. Lindsay, of New York's seventeenth district, in the firearms restrictions controversy of the 1960s: J. V. Lindsay, 'Too Many People Have Guns', The Saturday Evening Post, Vol. 237, February 1, 1964, p. 12.

¹¹ Letter sent to individual in Woodruff, South Carolina, June 5, 1965, 'Box 71, Top 1, 1965, Interstate and Foreign Commerce, Firearms (1 of 2)', Records and Papers of William Jennings Bryan Dorn, Modern Political Collections, South Caroliniana

Others were happy to let their correspondents do all the talking; Representative L. Mendel Rivers, of South Carolina's first district, claiming to be 'very much in agreement' with an individual writing from Charleston, South Carolina, who had stamped the seal of authority to his letter when pointing out in no uncertain tones: '. . . I am given the right to own and bear arms by our Constitution'.¹² And to these voices can be added the more reassuring tone underlining Senator Strom Thurmond's almost fatherly request 'for Congress to obey the Constitutional mandate that protects the right of the people to keep and bear arms', in a newsletter of mid-1967, actually entitled 'The Right to Bear Arms',¹³ which served as a gentle slap on the wrist to any who should doubt the existence of such a right.

The story was a little different within the ranks of the national congressional delegates from Texas.

Certainly a significant number of these delegates had no doubts that a constitutional or even natural right of individuals to keep and bear arms served as an insurmountable barrier to various kinds of firearms restrictions. Representative John Dowdy, of Texas' seventh and then second district, for instance, remained true to this belief throughout the decade, informing a resident of Nacogdoches, Texas, that '. . . the Second Article of the Bill of Rights to the United States Constitution provides that the right of the people to keep and bear arms shall not be infringed', back in 1963,¹⁴ and preaching to the converted at a gun club meeting, in

Library, University of South Carolina, Columbia, South Carolina.

¹² Letter sent from, and reply sent to, individual in Charleston, South Carolina, April 13, and April 18, 1966, 'Legislative Files, Bills, A 1974.2, Box 115, Legislation Ways and Means, 89th Congress, Firearms Legislation', Records and Papers of L. Mendel Rivers, The Citadel Archives and Museum, Charleston, South Carolina.

¹³ Strom Thurmond *reports to the People*, June 19, 1967, p. 2, 'Speeches, Box 28, Folder 100-11A-2404', Records and Papers of Strom Thurmond, Special Collections, Clemson University Libraries, Clemson, South Carolina.

¹⁴ Letter sent to individual in Nacogdoches, Texas, June, 1963, 'Box 139, File 72, Legislation, District of Columbia, Gun Control, 1963', Records and Papers of John V. Dowdy, Baylor University Collections of Political Materials, Waco, Texas.

1968, when reminding all present of William Blackstone's thoughts on the relationship between the right of individuals to keep and bear arms and '... the absolute rights of man ...'.¹⁵ In January, 1967, Representative Ray Roberts, of Texas' fourth district, claimed to be '... shocked to hear the President say he was going to push for a gun control law where the Constitution of the U. S. provides the right of every citizen to bear arms',¹⁶ whilst, in the same year, Representative Wright Patman, of Texas' first district, made perfectly clear that '... the constitutional right to bear arms should not be whittled away or abridged' by firearms controls.¹⁷ It is interesting to note that those national congressional delegates from Texas who had been the most vociferous in promoting the idea of states' rights being a constitutional barrier to federal firearms restrictions of various kinds, also numbered prominently amongst those turning to the Constitution as an authoritative protector of an individual right to keep and bear arms.

There were, however, a number of congressmen from Texas, some who eventually voted for the Gun Control Act, but also, quite strikingly, a substantial few who did not, who seemed uncertain how to approach the question of whether or not a natural, or constitutional, right of individuals to keep and bear arms actually existed. Representative Graham Purcell, of Texas' thirteenth district, for instance, seemed to like keeping his readers guessing by informing them how he would tread 'cautiously' whilst firearms restrictions were being discussed 'because of the *traditional* rights involved',¹⁸ and, at times, Representative Olin E.

¹⁵ Untitled speech, p. 3, 'Box 569, File 244, Speeches, August 31, 1968, Gun Club', Ibid.

¹⁶ Ray Roberts Your Congressman *Reports*, January, 1967, p. 1, 'Box 32, File 32.2', Records and Papers of Ray Roberts, James Gilliam Gee Library, Texas A & M University, Commerce, Texas.

¹⁷ Wright Patman's 1549th Weekly Letter, March 23, 1967, 'Container 411B, Gun Legislation Mail, June', Records and Papers of Wright Patman, Lyndon Baines Johnson Library, Austin, Texas.

¹⁸ Letter sent to individual in Denton, Texas, January 6, 1964, 'Box 81, File: Leg - Interstate and Foreign Commerce S. 1975 - Firearms ...', Records and Papers of Graham B. Purcell, Cushing Memorial Library, Texas A & M University, College Station, Texas.

Teague, of Texas' sixth district, hedged his bets by expressing a reluctance to ' . . . infringe upon any right "to keep and bear arms" that *may* exist under the 2nd amendment'.¹⁹ Senator John Tower never seemed willing to make up his mind whether individuals had a constitutional 'right'²⁰ to keep and bear arms, or whether instead they merely had the 'privilege'²¹ to do so, and Representative Earle Cabell, of Texas' fifth district, had no intention of putting himself on the line in a reply to a resident of Seagoville, Texas, concerned about how firearms restrictions would effect 'private citizens':

There is a good deal of argument on both sides of the question of Constitutionality of this type of legislation by good people on both sides, so that the issue is not clear cut.²²

This kind of doubt and prevarication appeared absent from the literature sent out by members of the South Carolinian national congressional delegations.

Totally foreign to the South Carolinian example was the albeit lonely voice of Representative R. C. Eckhardt, of Texas' eighth district. At the height of the firearms controversy, in mid-1968, he advised constituents that:

¹⁹ Letter sent to individual in Bryan, Texas, August 8, 1966, 'Box 119, Folder 12, Ways and Means: Correspondence regarding 'Anti-crime' legislation and gun control, 1966', Records and Papers of Olin E. Teague, Cushing Memorial Library, Texas A & M University, College Station, Texas.

²⁰ Statement, Tuesday, August 16, 1966, p. 3, 'Box 22, Folder 19', Records and Papers of John G. Tower, John G. Tower Library, Southwestern University, Georgetown, Texas.

²¹ Statement, Weekend, August 23-24, 1969, p. 1, 'Box 22, Folder 19', Ibid.

²² Letter sent from, and reply sent to, individual in Seagoville, Texas, June 25, and July 9, 1968, 'Box 63, Fd 21', Records and Papers of Earle Cabell, De Golyer Library, Southern Methodist University, Dallas, Texas.

The second amendment to the Constitution allows for the keeping and bearing of arms when in service to the State, such as when serving in the State militia. The right of the private citizen to keep and bear arms is merely an historical privilege and not a Constitutional right.²³

This was an unusual breaking in the ranks of the national congressional delegates from Texas, even with regard to someone who voted for the Gun Control Act. On one level he was merely arguing that individuals did not have a 'Constitutional right' to keep and bear arms, but only an 'historical privilege'. By itself this was not too dissimilar from John Tower's occasional position. Eckhardt went just those few steps further, however, spelling out quite clearly that he felt the Second Amendment could only really be seen to guard a collective right of members of militia groups, and the like, in the service of the individual states. In short he had no qualms about actually going to some lengths to illustrate that the Second Amendment did not protect an individual right.

It should not be assumed, however, that those few Texan national congressmen willing to accept more extensive firearms restrictions than their South Carolinian and more typical Texan colleagues always numbered amongst those Texans who seemed less than certain whether or not a natural, or constitutional, right of individuals to keep and bear arms actually existed. Representative Jim Wright, of Texas' twelfth district, for instance, voted for the House's version of the Bill which was eventually shaped into the Gun Control Act but he was also a firm believer in the Second Amendment's protection of the right of individuals to keep and bear arms. Wright frequently informed correspondents that '... we simply cannot infringe on the right specifically guaranteed to the American citizens in the U. S. Constitution "to keep and bear arms"'.²⁴ For Wright the Second Amendment's final provision, that '... the

²³ Letter sent to individual in Humble, Texas, August 7, 1968, '95 - 147/18, Folder 6, Gun Control Legislation (Against), Correspondence, July-Dec., 1968', Records and Papers of Robert C. Eckhardt, Archives and Manuscripts, Center for American History, University of Texas at Austin, Austin, Texas.

²⁴ See for instance: Letter sent to individual in Fort Worth, Texas, February 26, 1968, 'Box: 90th, 2nd, Legislative, Judiciary, Folder: 90th, 2nd, Legislative, Judiciary, (02/14/68 - 04/04/68)', Records and Papers of Jim Wright, Mary Couts Burnett Library, Texas Christian University, Fort Worth, Texas.

right of the people to keep and bear arms, shall not be *infringed*,²⁵ did not place the same limitations on gun control proposals that it did for the national congressional delegates from South Carolina and many of those from Texas who also believed in a natural, or constitutional, right of individuals to keep and bear arms. For the latter, the definition provided by one of Strom Thurmond's correspondents came closest to the mark with regard to law-abiding citizens: ' . . . keep cotton pickin' hands off'.²⁶

Although the evidence assessed so far suggests quite plainly that there would seem to have been a more uniform commitment amongst the South Carolinian national congressional delegates, to the idea of there being a natural, or constitutional, right for individuals to keep and bear arms, than there was within the ranks of their Texan colleagues, an extra dimension to this evidence is a little harder to interpret.

Amongst those national congressional delegates for Texas believing in a natural, or constitutional, right of individuals to keep and bear arms, there were a vociferous few who took a great deal of care to spell out exactly why they had come to this conclusion. A firm believer in upholding ' . . . the original intent . . . ' of the Founding Fathers,²⁷ John Dowdy, for instance, was not averse to engaging listeners in a history lesson stretching back to the days of King Alfred, in England, when ' . . . it was not only the right, but the duty, of each citizen to bear arms . . . ', and continuing through the years to illustrate the authoritative precedents which influenced those who chose, in 1791, to protect an individual right to keep and bear arms with an amendment to the Constitution.²⁸ And for those whose interest was yet to be grabbed came the stirring inference that such a hard won right should not be allowed to fade:

²⁵ *My emphasis.*

²⁶ See: Letter sent from, and reply sent to, Representative E. S. Johnny Walker, regarding individual from Sante Fe, New Mexico, June 14, and June 21, 1967, 'Subject Correspondence 1967, Box 6, Crime 3 (Weapons Control/Firearms), Fd 3', Thurmond, Op. Cit.

²⁷ Letter sent to Guns Magazine, Skokie, Illinois, September 17, 1963, 'Box 196, File 233, Legislation, Judiciary, 1963-1964, Firearm Registration', Dowdy, Op. Cit.

²⁸ Untitled speech, p. 3, 'Box 569, File 244, Speeches, August 31, 1968, Gun Club', Ibid.

The right to keep and bear arms was recognised in the American colonies, based on the English common law. The American Revolution was sparked by an attempt on the part of the English General Gage to infringe that right. You see, it was nearly 200 years ago, Americans went to war to keep their guns, and ammunition.²⁹

Expositions of this nature left few questions about the importance that would be given by these congressmen to an individual right to keep and bear arms, under the protection of the Constitution or even the higher authority of natural law, when shaping their positions on any firearms restrictions under consideration.

Interestingly enough, John Dowdy, keener than most of the national congressional delegates from Texas to voice states' rights enthusiasm in opposition to various kinds of federal firearms restrictions, as Chapter 3 has already shown, seemed far more willing to expound in detail on his commitment to a natural, or constitutional, right of individuals to keep and bear arms, than he did on any made to that other constitutional bulwark against gun control. Such a preference being made goes perhaps that little bit further in illustrating the less than total confidence in the relevance of states' rights to the political debates of the late twentieth century amongst the national congressional delegates from the Lone Star State.

Within the South Carolinian national congressional delegations, a quick reference to, or unquestioning acceptance of, a natural, or constitutional, right of individuals to keep and bear arms, in both letters to constituents and the more substantial speeches and position papers put out during the firearms restrictions controversy, was the most usual approach taken on this issue. Even in the publication of the June, 1967, edition of Strom Thurmond reports To The People, which was entitled 'The Right to Bear Arms', the Senator kept things short.³⁰

The difficulty arising from this state of affairs, in terms of interpretation, is made all the more problematic by the possibility that substantially detailed material, explaining

²⁹ Untitled speech, p. 3, 'Box 569, File 244, Speeches, August 31, 1968, Gun Club', Ibid.

³⁰ Strom Thurmond *reports to the People*, June 19, 1967, 'Speeches, Box 28, Folder 100-11A-2404', Thurmond, Op. Cit.

commitments to a natural, or constitutional, right of individuals to keep and bear arms, was produced by national congressional delegates from South Carolina, but has either been lost over time, or at least has not fallen into the path of this researcher. Considering the extensive cataloguing of Strom Thurmond's speeches at the Strom Thurmond Institute, Clemson University, and the considerable body of material produced by W. J. B. Dorn still available for perusal at the Modern Political Collections, University of South Carolina, in particular, it would, however, be conceivable to suggest that such expositions, given their absence from these collections, were certainly rare. An attempt to understand why this was the case, in contrast to examples being set at the time within the Texan national congressional delegations, is far from a useless exercise. Could it have indicated that amongst the South Carolinian national congressional delegations in general there was a less dedicated commitment to the idea that a natural, or constitutional, right of individuals to keep and bear arms actually existed, than there was amongst those national congressional delegates in Texas most enamoured by the concept? This would seem unlikely, though certainly hard to prove either way. The responses made to correspondents who did go to certain lengths to explain their own conviction that such a natural, or constitutional, right existed showed no real signs of disapproval with the conclusions reached. Thurmond, for instance, found himself in 'general agreement' with an individual residing in Santa Fe, New Mexico, who took some care over dismissing any suggestion that the first half of the Second Amendment, with its reference to 'a well regulated militia', placed any kind of restriction on an individual right to keep and bear arms.³¹ What might be suggested instead, is that the South Carolinian national congressional delegates either felt states' rights were the more important constitutional guarantee to defend in these debates, or considered lengthy diatribes on the constitutional rights of states would prove a more effective political tool against the firearms restrictions under consideration. As Chapter 3 has shown, the more substantial material from Dorn and Thurmond devoted much of its time to the state/federal dilemma. Even Thurmond's release to constituents entitled 'The Right to Bear Arms' paid the lion's share of attention to the problem of reconciling states' rights with various federal firearms restrictions proposals.³² A commitment to a

³¹ Letter sent from, and reply sent to, Representative E. S. Johnny Walker, regarding individual from Sante Fe, New Mexico, June 14, and June 21, 1967, 'Subject Correspondence 1967, Box 6, Crime 3 (Weapons Control/Firearms), Fd 3', *Ibid.*

³² Strom Thurmond *reports* to the People, June 19, 1967, 'Speeches, Box 28, Folder

natural, or constitutional, right of individuals to keep and bear arms was definitely very real, but the constitutional rights of the states seemed to be the defence more thoroughly utilised by the national congressional delegations from South Carolina when battling federal firearms restrictions proposals during the 1960s.

It has been shown that within the national congressional delegations from both Texas and South Carolina there was a strong commitment to the idea that individuals had a natural, or at least a constitutional, right to keep and bear arms, and to making appeals to such in opposition to the enactment of additional firearms restrictions. It has also been suggested that although there were those within the national congressional delegations from Texas eager to enthuse about a natural, or constitutional, right of individuals to keep and bear arms, to a degree not matched in the arguments presented by their South Carolinian colleagues, there was a more unanimous commitment to such a right amongst the latter.

As a final point it is worth noting that national congressional delegates from Texas and South Carolina were remarkably selective when it came to defending the so-called constitutional rights of individual U. S. citizens. A constitutional right of individuals to keep and bear arms may have been high on the list of priorities, but the constitutional rights of criminals or the accused, for instance, were not. As was shown in Chapter 1, these congressmen were enamoured most of all with those firearms restrictions designed to provide mandatory minimum sentences for the criminal misuse of firearms. Concern for placing those individuals indicted for such action under the threat of double jeopardy, prohibited by the Fifth Amendment, or of the kind of ‘cruel . . . punishments’ prohibited in the Eighth Amendment, rarely ruffled too many of these legislator’s feathers.

This makes it easier to understand why even though national legislators from Texas and South Carolina were keen to promote a constitutional right of individuals to keep and bear arms as an insurmountable barrier to a wide variety of gun controls, so few of these legislators tried to take full advantage of what was one of the more obvious opportunities to persuade people without an interest in *practical pursuits* with guns to join in the battle against firearms restrictions. Certainly the option was there for these national congressional delegates to claim that a threat of *negation via legislation*, as opposed to *negation via the proper procedure of constitutional amendment*, hanging over the so-called constitutional right of individuals to keep and bear arms had far wider implications. This threat of *negation via*

100-11A-2404’, Ibid.

legislation could easily have been dressed up by these congressmen as something which would create a frightening precedent: ‘One constitutional right of individuals being negated in such a manner will lead to others meeting the same fate!’. Something which the historian J. T. Patterson has described as an ‘. . . unprecedented rights-consciousness . . .’ was very much alive in the U. S. during the 1960s.³³ The optimism surrounding America’s affluence and commanding international position in the immediate post-war years gave rise to the hopes and demands that all Americans could and should be able to share in the nation’s good fortune. As the 1950s came to an end and the 1960s began, the constitutional and other rights of minorities, the accused, the poor, women and beyond, all found themselves on the national political forum like at no time in the past. In such an atmosphere, the claim that the enactment of firearms restrictions would add up to an unhealthy precedent being set with regard to the *negation* of all constitutionally protected individual rights *via legislation* had all the right ingredients for attracting a large following to the banner of gun control opponents. The national congressional delegations from South Carolina and Texas did not seem happy to go down this road.

The fact that national congressional delegates from Texas and South Carolina were remarkably selective when it came to defending the so-called constitutional rights of individual U. S. citizens was relevant here for two reasons. On one level, these congressmen obviously had their own reservations about certain individual rights allegedly guaranteed by the Constitution. They would not have wanted to risk giving the appearance of no longer holding these reservations. On another level, these legislators can only have wished to reduce the possibility of attention being drawn to what many critics might have termed the hypocrisy of supporting the constitutional rights of individuals only when stances taken in political debates could be bolstered by doing so. Certainly national congressional delegates from Texas and South Carolina would have desired to avoid rather than actively invite the criticism that their appeal to the constitutional right of individuals to keep and bear arms in the firearms restrictions controversy of the 1960s was as much a tactical as a heartfelt course of action.

³³ J. T. Patterson, Grand Expectations - The United States, 1945-1974, (New York/Oxford, 1996), p. vii.

New York and Connecticut

The dominant voice which emanated from the national congressional delegations of both Connecticut and New York supported the idea that some kind of individual right to keep and bear arms did limit the severity of firearms restrictions which could be passed into law. Representative R. N. Giaimo, of Connecticut's third district, proved keen to reassure correspondents that no ' . . . Member of Congress wishes to interfere . . . with the Constitutional right of the people to bear arms . . . ',³⁴ and Representative J. S. Monagan, of Connecticut's fifth district, was by no means exceptional in his attempt to cover all bases shortly after President J. F. Kennedy's assassination, by expressing the hope that controls on firearms ' . . . could be tightened up to some degree without invading any constitutional privilege'.³⁵ Meanwhile, the desire of Representative B. B. Conable, Jr., of New York's thirty seventh district, to remind constituents that ' . . . the constitutional right to bear arms . . .' was always at the forefront of his mind when taking a ' . . . position on firearms legislation . . . ',³⁶ was a far from unusual expression of sentiment from within the New Yorker national congressional delegations. Even Representative V. L. Anfuso, of New York's eighth district, an early advocate of the federal registration of certain kinds of firearms, was keen to make clear that he saw the right of individuals to keep and bear arms to be 'a constitutional guarantee'.³⁷

³⁴ See for instance: Undated letter to 'Dear Friend', 'Box 177, Folder: Gun Legislation Letter', Records and Papers of Robert N. Giaimo, Dodd Center, University of Connecticut, Storrs, Connecticut.

³⁵ Letter sent to individual in Thomaston, Connecticut, December 9, 1963, 'Box 5: Pink Copies 1963 - 1964, P-L, Folder: Baa-Baq', Records and Papers of John S. Monagan, Special Collections: Archives, Manuscripts, Rare Books, Dartmouth College Library, Hanover, New Hampshire.

³⁶ See for instance: Letter sent to individual in Attica, New York, February 10, 1969, 'Box 50, Folder: Judiciary - Gun Reg.', Records and Papers of Barber B. Conable, Jr., #2794, 2B Carl A. Kroch Library, Cornell University Library, Ithaca, New York.

³⁷ Congressional Record, 87th Congress, 2nd Session, Vol. 108, (Government Printing Office, Washington, 1962), p. 6894.

It was not the case that the members of Congress from New York and Connecticut who stressed how the right of individuals to keep and bear arms was of natural, or constitutional, origin, were more inclined to support less stringent firearms restrictions than colleagues who appeared instead to believe that this right was only supported by the strength of tradition and no higher authority. Representative Frank Horton, of New York's thirty sixth district, for instance, was a late yet solid convert to the idea that firearms restrictions should go as far as to reduce the interstate commerce in guns to that between federally licensed dealers, manufacturers, and importers, as in the Gun Control Act, but he had always been very firm in his commitment to a constitutional right of individuals to keep and bear arms. Indeed, before the House Committee on Ways and Means, in 1965, Horton spelt out in no uncertain terms that the right of individuals to keep and bear arms was a ' . . . basic premise that we in America hold, which is guaranteed by the Constitution'.³⁸ On the other hand, Representative R. C. McEwen, of New York's thirty first district, the only member of New York's congressional delegation in the Ninetieth Congress to vote against the Gun Control Act in its final form, was surprisingly ambivalent with regard to the ultimate authority of any such right. Thus differing convictions concerning the origin - natural, constitutional, or any other kind - of an individual right to keep and bear arms, by themselves, provided no real clues as to the extent to which these congressmen would be willing to support firearms restrictions.

From the position that some form of right for individuals to keep and bear arms did, indeed, exist, justifications for supporting the kinds of firearms restrictions that national congressional delegates from Connecticut and New York did, were frequently presented in a simple manner that did not require lengthy diatribes to the effect of why, for instance, the Second Amendment did not guarantee any such right. In short, the argument went, that to believe this right to be an unrestricted one would be foolish. Representative B. L. Podell, of New York's thirteenth district, seemed slightly amused by the idea of an unrestricted right of individuals to keep and bear arms:

³⁸ 'On proposed amendments to the National Firearms Act and the Federal Firearms Act', Hearings Before the Committee on Ways and Means, United States House of Representatives, 89th Congress, 1st Session, July 12th, 13th, 14th, 19th, 20th, 21st, 22nd, 23rd, 26th, 27th and 28th, 1965, Parts 1 and 2, (Government Printing Office, Washington, 1965), p. 259.

Can you just imagine how fortunate the wealthy would be, for in their garages next to their pleasure car would be found nothing less than a Sherman tank. After all, if we have the right to bear arms, then by golly, let us do it.³⁹

Representative J. B. Bingham, of New York's twenty third district, took the alternative route of illustrating how belief in an unrestricted right of individuals to keep and bear arms was just as ridiculous as belief in the unlimited nature of any other kind of freedom that had been secured for individuals over the course of time:

Mr. Chairman, as I heard some of the statements about our freedoms being endangered by [the licensing of firearms owners], I was reminded of an old gentleman who used to drive an electric car in my hometown of New Haven back in the early twenties. He was noted for the fact that he refused to stop at the traffic lights when they were installed, because he said it was a basic infringement upon his freedom for him not to be permitted to proceed through an intersection when he chose.⁴⁰

Accepting that individuals had a right to keep and bear arms, but that it was a right which could have limitations placed upon it, was a stance, through design or chance, that helped to avoid the worst kinds of direct confrontation with those opponents of gun controls who had never thought to question the existence of such a right; those who had been brought up around guns and had no reason to believe that access to them should be considered anything other than one of those unquestioned mores of everyday living. Those national congressional delegates from Connecticut and New York who adopted this line were certainly able to weaken the effect of any claims that the firearms restrictions they supported were designed to negate any such right.

³⁹ Congressional Record (2), 90th Congress, 2nd Session, Vol. 114, (Government Printing Office, Washington, 1968), p. 22760.

⁴⁰ Ibid., pp. 22754 - 22755.

The same could not be said for the equally powerful voice from within the national congressional delegations from Connecticut and New York which challenged the idea that individuals had a constitutionally protected right to keep and bear arms. The standard argument seemed to ignore the idea that individuals might have a natural right to keep and bear arms, and went something like this: ‘The Second Amendment was designed to prevent the state militias from being disarmed by the federal government, and, thus, only a far from binding historical tradition allowing individual U. S. citizens to keep and bear arms stands in the way of any gun controls that can be proposed, nothing more.’

Connecticut’s T. J. Dodd voiced perhaps the most detailed description of this position on March 28, 1965, in an angry response to individuals objecting, through a monotonous repetition of only ‘. . . the last half of the Second Amendment which states “the right of the people to keep and bear Arms, shall not be infringed”’,⁴¹ to his efforts to place tighter controls on the interstate traffic in firearms. After providing his own interpretation of the historical context from out of which the Bill of Rights arose, and citing six important court decisions involving the Second Amendment in subsequent years, the Senator spelt out his interpretation of this Amendment in five clearly elucidated points:

First, the Second Amendment does not confer upon the individual the absolute right to keep and bear arms.

Second, the Second Amendment, unlike the First, was not adopted with individual rights in mind, but as a protection for the States in the maintenance of their Militias against possible encroachment by Federal power.

Third, the purpose of the Amendment was to assure the continuation and render possible the effectiveness of a well regulated Militia, and it must be interpreted and applied with that end in view.

⁴¹ News Release, March 28, 1965, p. 1, ‘Series III: Administrative and Legislative Files, Subseries: Speeches, Articles, and Press Releases, Box 201, Fd 5184’, Records and Papers of Thomas J. Dodd, Dodd Center, University of Connecticut, Storrs, Connecticut.

Fourth, the limitation imposed upon the Federal Government by the Second Amendment is not absolute.

Fifth, the Second Amendment has no application with regard to State laws.⁴²

Speeches going into the detail of Dodd's, which took up some nine pages under the title The Use of Firearms: Right or Privilege?, were rare, and his own was certainly prompted by his being the key figure in Congress, throughout the 1960s, attempting to take firearms restrictions beyond those imposed by the National Firearms and Federal Firearms Acts of the 1930s. This said, the position outlined by Dodd had a substantial following amongst national congressional delegates from Connecticut and New York. The Floor debate in the House of Representatives, in July, 1968, over H. R 17735, the House's version of what eventually became the Gun Control Act, was littered with the comments of individuals such as Representative B. S. Rosenthal, of New York's eighth district, and Representative Herbert Tenzer, of New York's fifth district, arguing against the idea that the Second Amendment protected a right for individuals to keep and bear arms.⁴³ Indeed, even as early as 1963, Representative O. R. Reid, of New York's twenty sixth district, had the Legislative Reference Service of the Library of Congress draw up a memoranda on Firearms and the Second Amendment, for his own personal uses, which did cover quite thoroughly the subject matter Dodd himself was to highlight a few years later.⁴⁴

⁴² The Use of Firearms: Right or Privilege?, March 28, 1965, p. 6, 'Series III: Administrative and Legislative Files, Subseries: Speeches, Articles, and Press Releases, Box 201, Fd 5185', Ibid.

⁴³ Congressional Record (2), Op. Cit., pp. 21774, and 21810.

⁴⁴ Excerpts from Memoranda Prepared by the Law Division, Legislative Reference Service, Library of Congress, for Congressman Ogden R. Reid (R-NY) on the Subject: Firearms and the Second Amendment, December, 1963, 'Part 4, Congressional Files, 755, Series No. III, Box 154, Folder 154-2', Records and Papers of Ogden R. Reid, Manuscripts and Archives, Yale University Library, 130 Wall Street, Box 208240, New Haven, Connecticut.

It has already been noted above, that, amongst those national congressmen from Connecticut and New York believing in the existence of a right of individuals to keep and bear arms, differing convictions concerning the origin - natural, constitutional, or any other kind - of such a right, by themselves, provided no real clues as to the extent to which these national congressmen would be willing to support firearms restrictions. By contrast the national congressional delegates from these two states who made efforts to illustrate that the Second Amendment did not defend a right for individuals to keep and bear arms, numbered, almost without exception, amongst those who, by at least the end of the decade, were demanding the stricter forms of firearms restrictions such as the federal registration and licensing of guns and their owners.

By adopting the argument that the Second Amendment had been designed to prevent the state militias from being disarmed by the federal government, and that individuals had only ever been privileged to keep and bear arms, nothing more, these national congressional delegates from New York and Connecticut placed themselves in a difficult position.

First of all, despite accepting that an historical privilege for individuals to keep and bear arms did exist, these congressmen from New York and Connecticut were opening themselves up, along with the firearms restrictions they championed, to more intensive opposition. These congressional delegates were effectively holding up their colours on the field of battle amidst people of uncertain allegiance in the hope that the friendly might rally in strength around a clear signal of intent and that opponents might be looking away in the crucial moments. The sword, however, was double-edged.

Sometimes such action encouraged remarkable outbursts of opposition even when the goals being set were really rather modest. Representative Alexander Pirnie, of New York's thirty second district, for instance, was one of only a few of these congressmen from New York and Connecticut who refused to support the federal registration of rifles and shotguns, or the federal licensing of all firearms owners. Even so, Pirnie was rather viciously condemned as 'un-American', and grouped together with other '... Fascist-minded members of the Republican Party ...', in a letter written by an individual obviously upset at having been informed by the legislator's office '... that we, under Article 2 of the Bill of Rights, have no right to possess arms'.⁴⁵ It was certainly the case that disputing the existence of a

⁴⁵ Letter sent to New York State Senator James H. Donovan, by individual in Barneveld, New York, October 11, 1968, 'Box 15, Folder: Political 'Unusual' letters, 1967-68', Records and Papers of Alexander Pirnie, #2905, 2B Carl A. Kroch Library, Cornell

constitutional right of individuals to keep and bear arms could only have helped to fuel fears that if one part of the Bill of Rights was so easily swept aside by legislators it would not be difficult for other parts of this document to be dealt similar fates.

And, indeed, it should not be forgotten that, on the whole, the national legislators from Connecticut and New York who chose to argue that the Second Amendment was not designed with the rights of individuals in mind were inviting hard line opposition without tackling the question as to whether or not individuals had a natural right to keep and bear arms. The implication was that these congressmen did not believe any such right existed, but there were no real efforts made to go into this.⁴⁶ Most likely the gamble was that by centring attention on the Second Amendment opponents would also focus their attention in that area. As has been shown through the examples of national congressional delegates from South Carolina and Texas such as W. J. B. Dorn and John Dowdy this did not always add up to a safe bet.

Secondly, those congressmen from Connecticut and New York who chose to challenge the idea that the Second Amendment safeguarded a right of individuals to keep and bear arms, found themselves in the unenviable position of having to defend their position in the face of the nearly two hundred year old widely ingrained presumption that ran counter to their belief. Challenging such universally accepted, and passionately defended, mores of society has always been harder than towing the line; burdens of proof are always the challenger's to carry. In a legislative dispute which involved rallying public opinion to a cause the problems were myriad.

Too much detail might have served to confuse, which perhaps explains why speeches as detailed as the one presented by T. J. Dodd, cited above, were few and far between. Too little detail, on the other hand, raised difficulties of a totally different kind. Incomplete explanations, for instance, were easily unwound by opponents. Arguing that the Second Amendment was designed to serve state militias as opposed to the individual, and stopping there, left an opening for those who were convinced that, in the last resort, such militias would

University Library, Ithaca, New York.

⁴⁶ See for instance: The Right to Bear Arms, p. 1, entered into the Congressional Record, August 25, 1966, 'Series III: Administrative and Legislative Files, Subseries: Speeches, Articles, and Press Releases, Box 204, Fd 5367', Dodd, Op. Cit..

be made up by all able-bodied individuals. Dodd dealt with this problem quite clearly in his lengthy diatribe on the subject:

. . . I submit that the only prohibition upon the Congress imposed by the Second Amendment is with regard to enacting legislation which would interfere with the right of the State Militias, *or today the National Guard*, to keep and bear arms.⁴⁷

Others were not as careful. Representative W. F. Ryan, of New York's twentieth district, for instance, failed to add the finishing touches to his exclamation that the '. . . United States Supreme Court has interpreted this provision as applying only to state militias . . .', in a speech delivered on July 19, 1968.⁴⁸

At times it was simpler to cite the name of an established authority in the field, in the hope that this would be enough to carry the day. Carl Bakal, writer of the inflammatory The Right To Bear Arms,⁴⁹ was a much quoted favourite, whose work found itself inserted in the Congressional Record on more than one occasion.⁵⁰ Even this was an imperfect solution considering the size, complexity, and blatant belligerency, of the output by such names, which was unlikely to appeal to members of the public lacking a specific interest in the subject matter.

⁴⁷ The Use of Firearms: Right or Privilege?, March 28, 1965, p. 6, 'Series III: Administrative and Legislative Files, Subseries: Speeches, Articles, and Press Releases, Box 201, Fd 5185', Ibid. *My emphasis*.

⁴⁸ Gun Control, July 19, 1968, p. 3, 'Box 445', Records and Papers of William F. Ryan, Seeley G. Mudd Manuscript Library, 65 Olden Street, Princeton University Library, Princeton, New Jersey. Published with permission of the Princeton University Library.

⁴⁹ Carl Bakal, Op. Cit..

⁵⁰ See for instance: The Right to Bear Arms, pp. 1-2, entered into the Congressional Record, August 25, 1966, 'Series III: Administrative and Legislative Files, Subseries: Speeches, Articles, and Press Releases, Box 204, Fd 5367', Dodd, Op. Cit..

In short, the congressmen from Connecticut and New York who were insistent that the Second Amendment did not concern itself with the right of individuals to keep and bear arms made their job twice as hard. Not only were they in the position of having to fight for certain forms of firearms restrictions, but they also found themselves having to pump life into a public debate over a constitutional issue that may well have been best left to the Supreme Court. Worst of all they ran the risk of jeopardising the firearms restrictions proposals they championed if the latter dispute failed to end in their favour.

A third problem related more directly to what these congressmen from New York and Connecticut had to rely on for evidence. In the absence of a Supreme Court ruling on whether or not the Second Amendment defended a right for individuals to keep and bear arms, these congressional delegates were forced to hunt all over the place for legal authorities to support their position. The ambiguity of the authorities unveiled seemed to guarantee that closure would always remain out of reach.

The Supreme Court ruling in the 1939 case of *U. S. v. Miller* was a case in point. Jack Miller, and an accomplice, had been convicted under the National Firearms Act, of 1934, for transporting an unregistered shotgun, its barrel shorter than the required eighteen inches in length necessary to make such a transport legal, across state lines. The defendants' claim that the National Firearms Act violated their Second Amendment rights was dismissed by the decision that:

In the absence of any evidence tending to show that possession or use of [the type of arm in question] at this time has some reasonable relationship to the preservation or efficiency of a well regulated militia, we cannot say that the Second Amendment guarantees the right to keep and bear such an instrument.⁵¹

In itself, by centring attention on the weapon in question, as opposed to the person, this part of the ruling was of little aid to those national congressmen from Connecticut and New York seeking to illustrate the legal authority behind their belief that the Second Amendment did not concern itself with the rights of individuals. Indeed, references to these sentences raised the spectre of all gun control advocates' worst nightmare; a nightmare in which individuals had the constitutionally protected right to keep and bear all of the arms available to 'a well

⁵¹ Quoted by: R. G. Weatherup, *Op. Cit.*, p. 999.

regulated militia'. It was a difficulty missed by Representative E. Q. Daddario, of Connecticut's first district, when using these lines to defend legislation he cosponsored, in the Ninety First Congress, to place further restrictions on handgun ownership and use.⁵² The Miller decision went on, though, to explore the various clauses of the Constitution dealing with 'well regulated' militias, and to conclude:

With obvious purpose to assure the continuation and render possible the effectiveness of such forces the declaration and guarantee of the Second Amendment were made. It must be interpreted and applied with that end in view.⁵³

At first glance this might have seemed to bring the national congressional delegates from Connecticut and New York who argued that there was no right for individuals to keep and bear arms protected by the Constitution several steps closer to clinching the day. A second glance reveals a problem. Whilst tracing the history of the Second Amendment, the Miller decision argued that for the Founding Fathers 'a well regulated militia' seemed to comprise 'all males physically capable of acting in concert for the common defense'.⁵⁴ This left the door open for opponents of firearms restrictions to suggest that in the Miller decision the Supreme Court had actually lent its authority to the idea that individuals did have a constitutionally protected right to keep and bear arms.

The ambiguity of the legal authorities drawn upon by the national congressmen from Connecticut and New York involving themselves in debates over whether or not the Second Amendment concerned itself with the rights of individuals, guaranteed that this war of words would remain, at best, deadlocked. If these congressmen entered the disputation in the hope

⁵² See for instance: Letter sent to individual in New Haven, Connecticut, August 4, 1970, 'Box 28, Folder: Firearms Misc.', Records and Papers of Emilio Q. Daddario, Special Collections & Archives, Olin Library, Wesleyan University, Middletown, Connecticut.

⁵³ Quoted by: R. G. Weatherup, Op. Cit., p. 999.

⁵⁴ Quoted by: Wendy Kaminer 'Second Thoughts on the Second Amendment', J. E. Dizard, R. M. Muth, and S. P. Andrews, Jr., Editors, Guns in America: A Reader, (New York/London, 1999), p. 493.

of gaining a quick victory, which would add momentum to their efforts to push various forms of firearms restrictions through Congress, they seemed destined for disappointment from the word go.

A final problem for these congressmen from New York and Connecticut stemmed from their emphasis on the Second Amendment having been designed to prevent the state militias from being disarmed by the federal government. To a certain extent they ran the risk of adding more clout to the states' rights objections to federal firearms restrictions covered in Chapter 3. This was by no means an intended result as the completed argument made clear that the state militias of the Founding Fathers' day bore no relation to the modern day equivalent, which was the professionally trained National Guard. As has already been noted above, however, the congressmen from Connecticut and New York who adhered to this position did not always spell it out in full.

On top of these four major problems facing those national congressional delegates from Connecticut and New York who chose to defend, or bolster, their efforts to pass various forms of firearms restrictions through Congress, in part, by arguing that the Second Amendment did not provide any constitutional protection for individuals to keep and bear arms, there were the additional snags caused by the confusion and limited commitment of the delegates themselves. Representative Emanuel Celler, of New York's tenth district, for instance, wrapped himself in knots when delivering a speech to an audience at New York University, on 22 February, 1968. Here he argued that the ' . . . Second Amendment to the Constitution . . . guarantees the right to bear arms [but this] is a limited right . . . ', and then continued with the following:

Beyond that, the purpose of the Second Amendment is to assure the continuation and to render possible the effectiveness of the militia. It gives the individual citizen no personal claim to the use or ownership of firearms.⁵⁵

Celler appeared to be saying first of all that the Second Amendment did champion a right for individuals to keep and bear arms, and then that in fact it did not. A grey area it would seem.

⁵⁵ The Federal Role in the Security of the Citizen, February 22, 1968, p. 11, 'Box 540, Folder: 90th Congress (Second of 2), Speeches and Statements', Records and Papers of Emanuel Celler, Manuscript Division, Library of Congress, Washington, D. C..

But, although the occasional tripping-over-one's-own-tongue might have caused only minimal damage to the efforts to pass firearms restrictions going beyond existing laws, the habit of occasionally supporting the idea that the Second Amendment did not concern itself with the rights of individuals, but sometimes having a change of heart and arguing instead that in fact a right of individuals to keep and bear arms, albeit limited, was constitutionally protected after all, was a less healthy one. Needless to say this habit was widespread. Senator R. F. Kennedy, of New York, provided one of the more striking examples of this. Back in 1965, his replies to correspondents unhappy with a Bill which had been designed to limit the interstate traffic in firearms borrowed almost verbatim from the words of Assistant Attorney General, Fred M. Vinson, Jr.:

The Second Amendment of the Constitution has been interpreted by the Supreme Court as a guarantee that the Federal government will not interfere with the right of the people to keep and bear arms for the maintenance of a well regulated militia. This militia today is the National Guard and S. 1592 cannot be construed so as to be considered as infringing on the right to bear arms within the framework of that specific purpose.⁵⁶

Yet from 1966 onwards, without changing his actual commitment to expanding the range of firearms restrictions on the books, Kennedy seemed willing to concede that ‘. . . the Constitution of the United States does give our citizens the right to bear arms’.⁵⁷ When one of the most useful reasons for arguing that there was no constitutional protection for individuals to keep and bear arms would seem to have been that to do so provided the kind of clear symbol around which advocates of tighter gun controls might have been able to rally in strength, there can be no doubt that a half-hearted commitment to this stance would have

⁵⁶ See for instance: Letter sent from, and reply sent to, individual in Port Chester, New York, August 10, and September 28, 1965, ‘Senate Papers: Correspondence: Subject File, 1965, (Box 13), Folder: Crime: Firearms, 8/1965 - 9/1965’, Records and Papers of Robert F. Kennedy, John F. Kennedy Library, Boston, Massachusetts.

⁵⁷ See for instance: Letter sent to individual in Lockport, New York, June 29, 1966, ‘Senate Papers: Correspondence: Subject File, 1966, (Box 23), Folder: Crime: Firearms, 6/1966 - 8/1966’, Ibid.

served only to undermine a fundamental aspect of its *raison d'être*. Beyond this, such a clear indication of uncertainty gave greater credence to complaints that these gun control advocates were dabbling in the fields they did not understand.

The idea that individuals might have a natural, constitutional, or some other kind of, right to keep and bear arms, was certainly not one which was ignored by the national congressional delegations from Connecticut and New York in the firearms restrictions controversy of the 1960s. Nor could it have been, considering the persistent invocations of such a right by the various opponents of additional gun controls. However, the divided response from national congressmen who served the two northern states highlighted a glaring problem for efforts being made to produce more than token gun controls. The two positions taken by these delegates, either the affable concession that individuals did have some kind of limited right to keep and bear arms which needed to be paid some attention when gun controls were thought out, or the more belligerent line that the constitution certainly provided no protection for individuals wanting to keep and bear firearms, served only to undermine the common goal. Those who adopted the former approach undermined the rallying cry of those championing the latter. Those who pursued the more belligerent line, on the other hand, provided the ammunition with which parties objecting to the passage of meaningful gun controls could shoot down all proponents of such, as would-be banes of the constitutional rights of U. S. citizens.

Summary

There can be no doubt that during the firearms restrictions controversy of the 1960s national congressional delegations from Texas and South Carolina in the main displayed a keen belief in a constitutional or even natural right of individuals to keep and bear arms, and a desire to advertise this in opposition to additional gun controls. There were those within the national congressional delegations from Texas eager to enthuse about a natural, or constitutional, right of individuals to keep and bear arms, to a degree not matched in the arguments presented by their South Carolinian colleagues, but there was a more unanimous commitment to such a right amongst the latter.

National congressional delegations from New York and Connecticut lacked a unity of purpose in this arena of debate to a degree which could only have damaged their efforts to ensure the enactment of further firearms restrictions.

The constitutional selectiveness of national congressional delegates from Texas and South Carolina justifies a final point. Although there was certainly a degree of genuine concern amongst these congressmen that a constitutional or even natural right of individuals to keep and bear arms might be destroyed by gun controls, there can be little doubt that this issue was made the focus of as much attention as it was for political expediency. *Practical pursuits* of law-abiding citizens were under threat from what national legislators serving the two southern states saw as ineffective moves to reduce gun violence. By appealing to a constitutional or even natural right of individuals to keep and bear arms these congressmen could achieve two things. They could give a greater legitimacy to the *practical pursuits* under threat, and they could force gun control advocates into an arena of discourse in which the latter's position, considering the example of national legislators from New York and Connecticut, was far from strong.

Chapter 5

Firearms Restrictions and the Domestic Small Arms Industry

Within American society, major national power now resides in the economic, the political, and the military domains. / As each of these domains has coincided with the others, as decisions tend to become total in their consequence, the leading men in each of the three domains of power - the warlords, the corporation chieftains, the political directorate - tend to come together, to form the power elite of America. / . . . this instituted elite is frequently in some tension: it comes together only on certain coinciding points and only on certain occasions of "crisis". In the long peace of the nineteenth century, the military were not in the high councils of state, not of the political directorate, and neither were the economic men - they made raids upon the state but they did not join its directorate. During the 'thirties, the political man was ascendant. Now the military and the corporate men are in the top positions.¹

As the 1950s came to their close and the 1960s progressed, increasing levels of attention were given to complaints that the truly important decisions affecting all citizens of the United States of America (U. S.) were being made by a rather small and undemocratic ruling class. Fears were raised in particular about the extent to which the permanent state of emergency created by the Cold War gave unprecedented, and undesirable, political influence to relatively unaccountable military and corporate bosses; bosses who had managed to make themselves indispensable to the West's efforts to contain the perceived Soviet menace. These kinds of concerns formed the bread and butter of the New Left discourse which emerged in the 1960s and had had their champions amongst those radical intellectuals writing in the 1950s who had appeared disgruntled with a conformist conservatism accepted by, or forced upon, U. S. society as a whole² for much of that earlier decade. The sociologist C. W. Mills numbered

¹ C. W. Mills, The Power Elite, Fifth printing, (New York/London, 1963), pp. 6, 9 and 276.

² See note 11, Chapter 1.

prominently amongst the latter; his seminal text, The Power Elite, quoted above, proved a striking departure for its time. But worries about the creeping growth of the political influence of corporate and military elites were by no means confined to radical voices of protest. Indeed, one of the most cautionary remarks on the matter was issued from the mouth of an individual frequently damned by many contemporary commentators and then historians alike for his role in stultifying the process of progressive liberal change during the 1950s. President D. D. Eisenhower reached a wide audience with his farewell address in which he warned:

In the councils of government we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex. The potential for the disastrous rise of misplaced power exists and will persist.³

With the wider public's suspicions about the possible 'rise of misplaced power' being developed and expanded by various critics it should come as no surprise that the firearms restrictions controversy of the 1960s produced numerous assumptions and accusations about the political influence of the domestic small arms industry.

The domestic small arms industry was, and in many ways remains, a many headed monster made up of myriad manufacturers, importers, dealers, and others beside. It was, however, the large manufacturers like Remington Arms Co., Inc., O. F. Mossberg and Sons, Inc., Ithaca Gun Co., and the Winchester-Western Division of Olin Mathieson Chemical Corp., all eager to reduce the damage being done to them by cheaper competition, which provoked some of the more cynical comments from individual observers of the firearms restrictions controversy of the 1960s. Investigative journalist Robert Sherrill, for instance, found it difficult to ignore the interesting detail that, by the end of the 1960s, debates over gun control seemed to have helped secure aims set out by these and other manufacturers more than a decade before. Back in 1958, as Sherrill pointed out, E. C. Hadley, President of the Sporting Arms and Ammunition Manufacturers Institute (S. A. A. M. I.), announced to the

³ Quoted in: G. B. Tindall, and D. E. Shi, America: A Narrative History, Third edition, (New York/London, 1992), p. 1326.

House Foreign Affairs Committee that financial difficulties being faced by domestic manufacturers had four principal sources:

First, the importation of American-made rifles declared surplus by our allies abroad; second, the importation of surplus used and new foreign-made military surplus rifles; third, the importation of foreign-made commercial arms; fourth, the sale of surplus military firearms made by the U. S. government within the United States.⁴

Fortunately for domestic manufacturers, the Gun Control Act of 1968 prohibited the first two of these activities⁵ and put in place a system that made the third a far more complex procedure; a system banning the importation of commercial handguns failing to meet a number of sporting criteria, but placing no limits on the importation of commercial shotguns and rifles.⁶ By the end of the 1960s the fourth source of economic concern for domestic manufacturers highlighted by E. C. Hadley had been reduced to a shadow of its former self and the Pentagon had publicised its decision to melt down a considerable percentage of obsolete firearms.⁷ As for the Gun Control Act's abolition of the interstate mail-order trade in all kinds of firearms, except between federally licensed dealers, manufacturers, and importers, it was remarkably convenient for the domestic small arms-producing industry that it was foreign manufactured and foreign military surplus firearms in general which were ' . . . sold via

⁴ Quoted in: R. Sherrill, The Saturday Night Special, (New York, 1973), p. 296.

⁵ Gun Control Act, Public Law 90-618, Title 1, Sections 922 (l) and 925 (d).

⁶ Ibid.. As Sherrill indicated, the larger the handgun the more likely it was to find itself classified as suitable for sporting purposes. (R. Sherrill, Op. Cit., p. 297). Sherrill's research also indicated that some of the domestic manufacturers were rather happy that foreign-made commercial shotguns and rifles could still be imported after the passage of the Gun Control Act as many of them had their long guns assembled abroad and then shipped back into the home market. (Ibid., pp. 296-297).

⁷ See: R. Sherrill, Op. Cit., p. 224.

the mail-order - common carrier route . . . ' above and beyond all other types.⁸ The firearms restrictions controversy of the 1960s seemed to have enabled domestic manufacturers, at least on paper, to secure a monopoly of trade.

All in the name of bringing about a reduction in gun violence? It should come as no surprise that some critics suspected something more than coincidence at work.

The efforts of the National Rifle Association (N. R. A.) to ensure that only those firearms restrictions causing minimal inconvenience to law-abiding owners/would be owners of guns could be passed into law during the debates of the 1960s were suspect to many. Certainly the individual liberties of law-abiding owners/would be owners of firearms appeared the prime concern of the N. R. A.'s activities, but was there more? After all the relationship between this organisation and the domestic small arms industry was in many ways bordering on symbiotic. As Carl Bakal's widely read investigations uncovered, the purchase of adverts by manufacturers and dealers in the N. R. A.'s widely read American Rifleman, for instance, helped keep profits up for the industry and, in 1964 at least, supplied a quarter of the N. R. A.'s total income.⁹

It was not just the chief opponents of strong firearms restrictions, however, who were forced to face accusations of serving corporate and, indeed, military¹⁰ interests before any other kind. Connecticut and Massachusetts were home to the bulk of the domestic small arms-producing industry; the former well known for its plants in Hamden, New Haven, Bridgeport and Hartford, and the latter housing the same in Chicopee Falls, Worcester and

⁸ Statement of Senator Thomas J. Dodd, Chairman, Senate Subcommittee to Investigate Juvenile Delinquency, March 26, 1964 - Importation of Foreign-made Firearms, p. 1, 'Series III: Administrative and Legislative Files, Subseries: Speeches, Articles, and Press Releases, Box 199, Fd. 5015', Records and Papers of Thomas J. Dodd, Dodd Center, University of Connecticut, Storrs, Connecticut.

⁹ See: Carl Bakal, The Right to Bear Arms, (New York/Toronto/London, 1966), p. 140.

¹⁰ See: Undated transcript of program with Senator P. S. Bush and Mike Goode, p. 1, 'Box 2, Folder: Miscellaneous Statements 1957', Records and Papers of Prescott S. Bush, Dodd Center, University of Connecticut, Storrs, Connecticut. Here Senator Bush of Connecticut emphasises the importance of his state's small arms industry to the 'nation's defense'.

Springfield.¹¹ Was it just happenstance that Senator T. J. Dodd, of Connecticut, and Senator Edward Kennedy, of Massachusetts, were two of the prime movers for strong firearms restrictions throughout the 1960s? Could the firearms restrictions they supported be understood better, and make more sense, if described as methods of *trade control*, designed to help the industries in these congressmen's own states, rather than as measures designed to reduce gun violence? A number of observers were quite ' . . . certain "the big boys" of the gun industry, most of them New England firms, are encouraging Sen. Thomas J. Dodd, D-Conn., to go after the [lower priced] imported competition'.¹²

It is not the aim of this chapter to conduct an in depth investigation into the extent to which the domestic small arms industry dictated the terms of debate and the ultimate conclusion to the firearms restrictions controversy of the 1960s. Instead it will be shown that for the national congressional delegations of New York, Texas, Connecticut, and South Carolina, accusations that either proponents or opponents of stronger firearms restrictions were acting in the interests of the domestic small arms industry first and foremost, along with protestations that this was not the case, never developed a discourse of enough substance to justify being described a fifth arena of debate in the gun control disputes of the decade.

To illustrate this point in the simplest way possible the chapter has been divided into two sections. In part one, first of all, comes a look at how far national congressional delegations from Texas and South Carolina went to undermine the efforts of gun control advocates with the charge that such efforts had the interests of the domestic small arms industry at their heart. Secondly, a few observations are made as to why the national congressional delegations from the two southern states only went as far as they did in this respect. After that, the tables are turned so that this time the extent to which the national congressional delegations from New York and Connecticut went to take advantage of any apparent links between opponents of gun control and elements of the domestic small arms

¹¹ See: Press release concerning importation of surplus foreign military rifles, March 31, 1961, p. 1, 'Series III: Administrative and Legislative Files, Subseries: Speeches, Articles, and Press Releases, Box 192, Fd. 4577', Dodd, Op. Cit..

¹² J. E. Simonds, 'Gun Factory in Lucrative Trade Marks Time as Controls Fly By'. Newspaper clipping sent by individual in Mt. Vernon, New York, June 26, 1968, 'Series II: Subject Files, Box 130, Fd. Firearms 1968 Jul', Ibid..

industry is analysed. In part two, a short illustration is made of the lengths to which the national congressional delegations from all four states went to defend themselves against the complaint that their stances in the firearms restrictions controversy of the 1960s pandered too extensively to the whims of the domestic small arms industry.

Accusations Regarding Motivation

There were occasions when national congressional delegates from Texas and South Carolina appeared eager to undermine the efforts of gun control advocates with the charge that such efforts had the interests of the domestic small arms industry, particularly the domestic small arms-producing/manufacturing industry, at their heart. In truth, however, it did not happen often and certainly never developed into anything particularly deliberate and systematic.

Senator Strom Thurmond, of South Carolina, made one of the most public attacks in this area when adding his name to the minority views accompanying a report which had been put together on the Omnibus Crime Control and Safe Streets Act, in April, 1968, by the Senate's Committee on the Judiciary. When it came to the import restrictions contained within Title IV of that Act, Thurmond was happy to be associated with the following:

For more than a decade, the New England firearms manufacturers have been engaged in various attempts to restrict or eliminate competition from foreign sources. / . . . / Domestic gun control legislation is no place to attempt to impose protectionist views on foreign trade policy.¹³

Without being quite so explicit, this was as good as pointing a withering finger at national congressmen from Connecticut and Massachusetts in particular and shouting, 'Caught you!'.

On the whole, however, comments from the national congressional delegations for Texas and South Carolina, connecting important gun control advocates with the interests of the domestic small arms-producing industry, did seem rather few and far between. By way of

¹³ 'Omnibus Crime Control and Safe Streets Act of 1967', Report from the Committee on the Judiciary, United States Senate, 90th Congress, 2nd Session, No. 1097, (Government Printing Office, Washington, 1968), p. 245.

explaining to a correspondent why law-abiding citizens wanting to bring firearms into the U. S. were being inconvenienced by import restrictions after the Gun Control Act came into force, Representative Ray Roberts, of Texas's fourth district, offered the following:

The American firearms manufacturers were able to get a clause in the Firearms Act prohibiting the importation of any guns not suitable for hunting or not readily adaptable for sporting purposes. This is one reason why the Firearms Bill passed - - the American manufacturers went along with the deal. As you know, *Senator Dodd* is their spokesman.¹⁴

L. Mendel Rivers, of South Carolina's first district, trod similar territory when sympathising with an individual who believed T. J. Dodd would not have presented himself as a champion for firearms restrictions if President J. F. Kennedy had been shot with a 'Winchester Model 70 or a Remington Model 700' as opposed to an Italian Mannlicher-Carcano rifle, an item of foreign military surplus.¹⁵ But this was about as far as it went; the occasional leading remark to correspondents. No lengthy press releases were sent out to constituents on the issue, no joint petitions were signed, and no involved expositions were made on the Floor of either the House of Representatives or the Senate.

Four principal factors suggest themselves as explanations for why national congressional delegates from Texas and South Carolina, when seeking to block the passage of various firearms restrictions into law, did not make substantial use of arguments that gun control advocates were using concerns over the rising levels of gun violence to bamboozle

¹⁴ Letter sent to individual in Mesquite, Texas, September 10, 1969, 'Box 37, File 37.9', Records and Papers of Ray Roberts, James Gilliam Gee Library, Texas A & M University, Commerce, Texas. *My emphasis*.

¹⁵ Letter sent from, and reply sent to, individual in Moncks Corner, South Carolina, March 27, and April 8, 1965, 'Legislative Files, Bills, A 1974.2, Box 115, Folder Legislation Ways and Means, 89th Congress, Firearms Legislation', Records and Papers of L. Mendel Rivers, The Citadel Archives and Museum, Charleston, South Carolina.

politicians into pushing *trade controls*, favouring certain elements of the domestic small arms industry, through Congress.

The first is the very simple detail that even those firearms restrictions proposals which might have been easy to describe, with a little imagination, as *trade controls* designed to further the interests of particular segments of the domestic small arms industry, were championed by advocates as methods of accident, suicide, and crime control with an inescapable logic that paid close attention to detail. As has been shown in Chapter 1, national congressional delegates from Texas and South Carolina did not agree that many of these proposals could actually reduce levels of gun violence by any significant margin, and were not shy when it came to explaining why. Attempting to argue that such proposals were in fact not even designed with a reduction of the levels in gun violence at the forefront of advocates' minds would, though, have been taking on quite a task. A brief look at two areas in particular, the abolition of interstate mail-order sales in firearms except between federally licensed dealers, manufacturers, and importers, and the prohibition of certain kinds of importation, illustrates this more clearly.

Mail-order firearms bought in violation of the law and then used in the commission of criminal activities were a major source of concern in the 1960s. Washington D. C.'s Chief of Police John B. Layton, Commissioner Howard R. Leary of the Philadelphia, Pennsylvania, police department, Chief of Police Curtis Brostron of St. Louis, Montana, Commander Carl K. Miller of the Chicago Police Department, and Captain Merton W. Howe, commander of the Los Angeles Police Department's robbery division, all testified to this effect before the Senate's Subcommittee to Investigate Juvenile Delinquency in 1965.¹⁶ The relative anonymity of the mails and the cheap firearms on offer through them made abuse by convicted felons, juveniles, and other irresponsible elements a common affair.

Similarly, there was a great deal of concern over the quantity of foreign firearms being used in the commission of crimes. Once again before the Subcommittee to Investigate Juvenile Delinquency in 1965, when S.1592 was at the centre of discussions, Captain Merton W. Howe commented '... that in 1963, 46.7 percent of the firearms which were destroyed by the [Los Angeles Police Department] under authority conferred by the California Penal Code,

¹⁶ 'Federal Firearms Amendments of 1966', Report from the Committee on the Judiciary, United States Senate, 89th Congress, 2nd Session, No. 1866, (Government Printing Office, Washington, 1966), pp. 57-8.

were foreign made'.¹⁷ Chief Herbert T. Jenkins, of the Atlanta Police Department, reported the more worrying observation ' . . . that 80 percent of the confiscated firearms now in the possession of his department are foreign-made imports . . .'.¹⁸ Gun control advocates would seem to have had a very good reason for arguing the case that firearms restrictions focused on these particular kinds of weapon were essential to any efforts to reduce gun violence.

In short, the best any national congressional delegate from Texas and South Carolina could really have hoped to do by emphasising the *trade control* dimension to gun control advocates' so-called accident, suicide, and crime control measures, was to illustrate that such a dimension existed, not that it was by any means dominant. National congressmen from South Carolina and Texas were unlikely to have felt such a line of attack would produce the fruits that other approaches would.

The second factor posed an even clearer problem. Even though some of the firearms restrictions supported by gun control advocates might have suggested a design which was partly determined by the desire to protect certain elements of the domestic small arms industry, many of the other controls under discussion did not. As this investigation has already shown, large numbers of individuals supporting the abolition of interstate mail-order sales in firearms except between federally licensed dealers, manufacturers, and importers, and the prohibition of certain kinds of importation, also supported the federal registration of all firearms, and the federal licensing of all firearms owners/would be owners. How did this help the domestic small arms industry in any way whatsoever? Surely the inconvenience of such measures would actually stop some people from purchasing firearms; or at least a number of the complaints discussed in earlier chapters definitely hint that this was a widely held belief. The entirety of the domestic small arms industry would lose out if these kinds of legislative proposals were enacted. Some care also needed to be taken if the abolition of interstate mail-order commerce in firearms, except between federally licensed dealers, manufacturers, and importers, was going to be highlighted as *trade policy* designed to help domestic small arms manufacturers. Certainly most of the interstate mail-order trade was in cheap foreign-made firearms, but by no means all of it. The domestic small arms-producing industry was going to be hurt by this kind of measure.

¹⁷ Ibid., p. 65.

¹⁸ Ibid..

The third factor was the rather uncooperative habit gun control advocates had of condemning the domestic small arms industry. As has been shown already, T. J. Dodd was one individual in particular who was mentioned by name when attacks were made on the links between gun control advocates and the domestic small arms-producing industry. During the second half of the 1960s especially, however, Dodd could be quite forthright in his damnation of an industry he felt had a key role to play in the ‘. . . gross lack of firearms controls in the majority of our states’.¹⁹ Indeed, in 1969, he specifically damned ‘. . . the Connecticut gun industry . . .’ for having sabotaged the efforts of ‘. . . a Committee of the Connecticut Legislature . . . to strengthen Connecticut’s gun laws . . .’ the year before.²⁰ This kind of outburst was never going to make the labelling of gun control advocates by national congressional delegates from Texas and South Carolina as little more than spokesmen/spokeswomen for the domestic small arms industry an easy task.

The fourth, and final, factor boils down to the likelihood that national congressional delegates from Texas and South Carolina did not wish to risk having a similar line of attack being used to undermine their own stances in the firearms restrictions controversy of the 1960s. After all, a number of these congressmen were either members of the N. R. A. or appeared closely linked to it. Representative John Dowdy, of Texas’ seventh and then second district, for instance, was a fully fledged Life Member when serving on Capitol Hill.²¹ And communications between the Executive Vice President of the N. R. A. and Representative W. J. B. Dorn, of South Carolina’s third district, concerning the congressman’s ‘willingness to testify before the Judiciary Committee in opposition to . . .’ a particular firearms restriction proposal, in 1967, certainly hinted at the existence of a warm relationship.²² In an emotional

¹⁹ Floor Statement by Senator Thomas J. Dodd on the Introduction of the ‘Federal Gun Certification Act of 1969’, June 18, 1969, p. 3, ‘Series III: Administrative and Legislative Files, Subseries: Speeches, Articles, and Press Releases, Box 213, Fd. 5832’, Dodd, Op. Cit.

²⁰ Floor Statement by Senator Thomas J. Dodd on the Introduction . . ., Ibid.

²¹ See: Letter to individual in Athens, Texas, December 29, 1965, ‘Legislation, Judiciary Committee, Firearms, 1965, Box 191, File 190’, Records and Papers of John V. Dowdy, Baylor University Collections of Political Materials, Waco, Texas.

²² See: Letter and attachments from and reply to Mr. Franklin L. Orth, Executive Vice

media driven climate such links risked the accusation of guilt by association with an organisation condemned by critics like Carl Bakal for promoting ‘. . . the private interests of the American gun industry’, above and beyond ‘. . . the public welfare. . .’.²³ On top of this, the preference of national legislators from the two southern states for firearms restrictions designed to *deter* the criminal misuse of guns was hardly immune to suspicion. Dealing out punishments for criminal misuse of firearms rather than restricting the sale of these weapons would not have caused any great hardship for the domestic small arms industry. National congressional delegates from Texas and South Carolina would have been well aware of the double-edged blade to any efforts that could have been made to paint gun control advocates as mere servants of the domestic small arms industry.

So, in defending the firearms restrictions which they themselves championed did national congressional delegates from New York and Connecticut take advantage of any supposed links between opponents of gun control and elements of the domestic small arms industry? In fact there was as little consistency amongst national congressional delegates from the two northern states on this matter as there was amongst their southern counterparts.

As has already been shown in Chapter 2, a number of national congressional delegates from New York and Connecticut were keen to discredit the N. R. A. as a tax-evading lobby. There is no doubt that the investigation into the N. R. A.’s activities threatened by the Chairman of the House Judiciary Committee, Representative Emanuel Celler, of New York’s tenth district, carried, amongst other things, the implication that the N. R. A. was believed to be a carefully constructed tool of the domestic small arms industry. T. J. Dodd was certainly not beating around the bush when he described the N. R. A. as ‘. . . the greatest representative of the gun merchants of them all . . .’.²⁴ Thus, to a certain extent, tainting the N. R. A. as an organisation that really did not have the interests of law-abiding owners/would be owners of

President, N. R. A., March 30 and 31, 1967, ‘Box 81, Top. 1, 1967-1968, Gun Control, 3 of 5, 81-3’, Records and Papers of William Jennings Bryan Dorn, Modern Political Collections, South Caroliniana Library, University of South Carolina, Columbia, South Carolina.

²³ Carl Bakal, Op. Cit., p. 140.

²⁴ Congressional Record, 90th Congress, 2nd Session, Vol. 114, (Government Printing Office, Washington, 1968), p. 13232.

firearms at the heart of its concerns, was a tactic embraced by some national congressional delegates from the two northern states. However, it tended to take the form of the occasional frustrated outcry rather than a systematic method of undermining the efforts of opponents of gun control. Accusing all members of the N. R. A., or individuals known to have some links with the association, of being stooges of the domestic small arms industry was not a practice employed by these congressmen.

Other than attacks on the N. R. A., national congressional delegates from New York and Connecticut were not all that inclined to spend a great deal of effort attempting to paint opposition to firearms restrictions as domestic small arms industry oriented. On occasion T. J. Dodd would damn legislative proposals offered as weak alternatives to his own with words such as the following:

This “compromise” legislation is the child of the firearms industry. Its token support is generated by the gun industry group, its claques, associations, federations, foundations and publications beholden to it. / It is unfortunate that this group, in the pursuit of its own self-interest has found it necessary to mislead legitimate sportsmen into letter-writing campaigns opposing sound firearms policy that public safety demands. Yet this group has spent fortunes to spread misinformation, untruths and even lies to gain their ends.²⁵

And, in 1969, during the course of a successful action against the removal of all .22 calibre rimfire ammunition from the record-keeping requirements of the Gun Control Act, Dodd stressed:

The single most compelling argument put forth by the proponents of stripping .22 caliber ammunition from Federal controls appears to be an economic one. / Over 70 percent of all ammunition manufactured in the United States is .22

²⁵ Statement of Senator Dodd Concerning Industry Firearms Legislation, April 30, 1968, p. 3, ‘Series III: Administrative and Legislative Files, Subseries: Speeches, Articles, and Press Releases, Box 209, Fd. 5632’, Dodd, Op. Cit..

caliber. / If economics is the overriding consideration, then let those who propose to strip these controls from the Federal law make this clear.²⁶

But most national congressional delegates from Connecticut and New York preferred to keep hints at any conspiratorial links between gun control opponents and the domestic small arms industry to a minimum.

The question remains as to why this was the case? A number of explanations suggest themselves.

First of all, when a glance was taken at the widespread dissatisfaction with the idea of enacting further gun controls it would have been quite apparent to national congressional delegates from New York and Connecticut that there were a good many issues being raised quite separate from, and far more obviously than, concerns for the domestic small arms industry; issues outlined in the previous chapters of this study. These details were likely to have suggested to national congressmen from the two northern states that there were more effective ways of overcoming resistance to firearms restrictions proposals than attempting to label opponents as lackeys for the domestic small arms industry.

Secondly, even if national congressional delegates from New York and Connecticut had chosen to focus more of their attention solely on the leadership given to opponents of firearms restrictions by groups like the N. R. A. there would have been problems. Attempting to convince observers that such groups were nothing more than fronts for the domestic small arms industry would not have been an easy task. Making the charge stick would have required a great deal of time and effort being spent on trying to prove that other interests these groups claimed to defend were secondary. In the case of the N. R. A. this would certainly have been time and effort unlikely to have produced satisfactory results given the organisation's well publicised history of seeking:

To promote social welfare and public safety, law and order, and the national defense; to educate and train citizens of good repute in the safe and efficient

²⁶ Proposed Statement of Senator Thomas J. Dodd Before the Senate Finance Committee on S. 2718, September 23, 1969, p. 6, 'Series III: Administrative and Legislative Files, Subseries: Speeches, Articles, and Press Releases, Box 214, Fd. 5872', Ibid..

handling of small arms and in the technique of design, production, and group instruction; to increase the knowledge of small arms and promote efficiency in the use of such arms on the part of members of the law enforcement agencies, of the Armed Forces, and of citizens who would be subject to service in the event of war; and generally to encourage the lawful ownership of small arms by citizens of good repute.²⁷

It would have been time which national congressional delegates from New York and Connecticut would not have been happy to lose given the spiralling rate of gun violence. It would also have been effort taken away from that being spent so constructively by these same congressmen in other arenas of the firearms restrictions debate.

A final suggestion for why national congressional delegates from New York and Connecticut did not go to any great lengths to undermine opposition to gun controls by painting a picture of the domestic small arms industry as the master puppeteer behind all dissent, boils down to the same concluding check, posited above, on the freedom of the national congressional delegations from South Carolina and Texas to use similar tactics against proponents of such controls. Congressmen from the two northern states would not have wanted to risk the tables being turned to discredit their own stances in the firearms restrictions controversy of the 1960s. Connecticut and Massachusetts may have been home to the bulk of the domestic small arms-producing industry but some key players in this industry were housed in New York as well.²⁸ By 1968, a significant number of national legislators from Connecticut and New York had been aware for well over a decade of how importers of cheap military surplus, such as Samuel Cummings' hugely successful International Armament Corporation, had been damaging the business of domestic manufacturing groups like S. A. A.

²⁷ This is taken from Standing Firm, an N. R. A. pamphlet. Quoted in: D. S. Cupps, Bullets, Ballots, and Politics: The National Rifle Association Fights Gun Control, Unpublished Dissertation, (Princeton University, Department of Political Science, University Microfilms, 1970), p. 93.

²⁸ Ithaca and Ilion were home to a number of small arms-producing companies in New York. See: Press release concerning importation of surplus foreign military rifles . . . , Dodd, Op. Cit.

M. I. These national congressmen would seem to have fought consistently, though unsuccessfully, through the years for a trade policy to correct this problem. In 1961, for instance, three national congressional delegates from New York joined four from Massachusetts and the entire national congressional delegation from Connecticut in signing a letter to the Director of the Office of Civil and Defense Mobilization asking for restrictions on the importation of surplus military rifles so that the domestic small arms-producing industry might be protected.²⁹ What a wonderful coincidence it was that fears concerning the rising tide of gun violence enabled these national legislators to achieve with the Gun Control Act what they could not by other means. It stood to reason that the national congressional delegations from New York and Connecticut would have been aware that one way to help ensure opponents of firearms restrictions could not benefit too extensively from this coincidence would have been to draw as little attention to it as possible. Spending a good deal of time accusing opponents of firearms restrictions of pandering to the whims of the domestic small arms industry would not have been a sensible course of action with such a goal in mind.

Protestations To The Contrary

So far it has been shown that the national congressional delegations from Texas, South Carolina, New York, and Connecticut, were not inclined, when challenging the stances being taken by opponents in the firearms restrictions controversy of the 1960s, to draw substantial attention to any links between such opponents' positions and the well-being of the domestic

²⁹ The national congressional delegates from Connecticut and New York were Senator T. J. Dodd of Connecticut, Senator P. S. Bush, of Connecticut, Senator K. B. Keating of New York, Representative *at large* Frank Kowalski, of Connecticut, Representative E. Q. Daddario, of Connecticut's first district, Representative R. N. Giaimo, of Connecticut's third district, Representative J. S. Monagan, of Connecticut's fifth district, Representative Horace Seeley-Brown, of Connecticut's second district, Representative A. W. Sibal, of Connecticut's fourth district, Representative John Taber, of New York's thirty sixth district, and Representative Alexander Pirnie, of New York's thirty fourth district. See: Press release concerning importation of surplus foreign military rifles . . . , Ibid.

small arms industry. Some suggestions have also been made as to why such tactics did not find themselves employed to any greater extent than they were by national congressional delegates usually so eager to grab at opportunities for undermining the stances being taken by their opposite numbers. At the beginning of this chapter it was posited that for national congressmen serving New York, Texas, Connecticut, and South Carolina, in this decade, accusations that either proponents or opponents of stronger firearms restrictions were acting in the interests of the domestic small arms industry first and foremost, along with protestations that this was not the case, never developed a discourse of enough substance to justify being described a fifth arena of debate in the gun control disputes. How then did these national legislators respond on those occasions that they did find themselves facing the accusations of suspicious minds believing the domestic small arms industry, or certain segments of it, to be the prime mover in these discussions?

Amongst national congressional delegates from Connecticut and New York there was very little to suggest a great deal of time was spent attempting to construct an effective repost to such accusations.

Certainly there seemed to be a ringing endorsement from national congressmen of the two northern states for the one important legislative idea that hinted at proponents of gun controls attempting to act pre-emptively to stave off these challenges. Under Title IV of the Omnibus Crime Control and Safe Streets Act, the Federal Firearms Act, of 1938, was transferred from Title 15 of the U. S. Code to Title 18. In truth both Title IV of the Omnibus Crime Control And Safe Streets Act and then the Gun Control Act, with their emphasis on abolishing the interstate commerce in firearms except between federally licensed dealers, manufacturers, and importers, replaced the older Act; the desire was to put the new legislation into the U. S. Code where it most, in the words of T. J. Dodd: ‘. . . makes sense . . .’.³⁰ How this could be viewed as a possible pre-emptive strike against those who might have suggested the new legislation was closer to *trade control* than accident, suicide, and crime control, becomes clear when the Titles of the U. S. Code in question are inspected. In short, Title 15 of the U. S. Code was related to issues of commerce and trade, whilst Title 18 contained all the criminal laws.

This, however, was about as far as it went. On the whole, national congressional delegates from New York and Connecticut paid little attention to accusations that they were

³⁰ Congressional Record, Op. Cit., p. 13324.

either close associates of, or running errands for, the domestic small arms industry. What occasional reactions there were tended merely to spell out in no uncertain terms that the firearms restrictions being championed were designed solely with the intent of reducing the level of gun violence in the country.³¹ This said, there was certainly one occasion when, in a moment of inspiration, T. J. Dodd made the quick-witted effort to turn the tables on his would-be accusers. In direct response to the minority views aired by Strom Thurmond and three other members of the Senate's Judiciary Committee, in April, 1968, against the import restrictions included in Title IV of the Omnibus Crime Control and Safe Streets Act,³² came the following:

I am a New England Senator, and my State has 10 of the Nation's largest gun manufacturers. I must assume that the minority views imply that I am attempting to protect the firearms industry in Connecticut and the other New England States by including import controls in my bill. / I would first remind the Senators that the firearms industry, including the manufacturers in New England, have not supported my bill. / They have supported the Hruska bill.³³ /

³¹ See for instance: Letter and attachments from and reply to individual in Hillsdale & North Hillsdale, New York, July 1 and 26, 1965, 'Senate Papers: Correspondence: Subject File, 1965 (Box 13) Folder: Crime, Firearms, 2/1965-7/1965', Records and Papers of Robert F. Kennedy, John F. Kennedy Library, Boston, Massachusetts. Here, in response to a correspondent claiming ' . . . S. 1592 has the safety of the citizenry second to the field-of-profit of Senator Dodd's constituents, and has chosen from among many possible means of control that which will enhance the annual reports of Remington, Colt, et. al.', Senator R. F. Kennedy, of New York, duly explained why he felt the particular Bill in question was an appropriate means of tackling gun violence.

³² See Note 13.

³³ Senator R. L. Hruska, of Nebraska, tended to propose firearms legislation which, rather than abolishing the interstate trade in particular types of firearms except between federally licensed dealers, manufacturers, and importers, only sought to prevent such interstate commerce from violating state laws and local ordinances. His alternative to Title IV was Amendment 708 which had the support of those Senators

Their representatives have publicly endorsed the Hruska bill, which does not provide for import controls on the type of firearms they produce.³⁴

But, with the few exceptions to one side, there was little effort on the part of national congressional delegates from New York and Connecticut to direct more than a passing glance at any challenge that their stances in the firearms restrictions controversy of the 1960s were determined by a concern for the well-being of the domestic small arms industry. The charge was considered either too ridiculous to be given credit or, perhaps, best left ignored in case of self-incrimination.

National congressional delegates from Texas and South Carolina were even less inclined to waste time thinking out careful replies to similar accusations levelled at them. In many ways these congressmen had an easier job than their northern colleagues. It was blindingly obvious that any effort to ensure that law-abiding owners/would be owners of firearms should only be made to face as little inconvenience as possible when seeking to purchase firearms, and ammunition, was going to be an effort which also benefited the domestic small arms industry. It was a mere *sequitor* that would have made it a simple matter for national legislators from South Carolina and Texas to dismiss from their minds any claim that a special concern for this industry was being displayed through such efforts.

Summary

In introducing this study I stated that for the national congressional delegations of New York, Connecticut, Texas, and South Carolina, there were four main arenas of debate in the firearms restrictions controversy of the 1960s. One of these was set up by advocates of such restrictions, and centred around the proposition that gun controls were an effective tool against gun violence. The latter three centred around the separate claims of opponents that most of the firearms restrictions under discussion amounted to a violation of the *individual liberties* of law-abiding owners/would be owners of guns, an invasion of constitutionally defined states' rights, and, finally, an infringement of a constitutional or even natural right of individuals to keep and bear arms. I then pointed out that a fifth arena of debate concerning

who signed the minority views.

³⁴ Congressional Record, Op. Cit., p. 13323.

the extent to which the congressional delegations under question chose to accuse opponents or proponents of firearms restrictions of placing the fate of the domestic small arms industry too close to the heart of their objectives, was of less prominence.

In this chapter the last observation has been confirmed, and even taken a step or two further. It was quite apparent that for national congressmen serving New York, Texas, Connecticut, and South Carolina, in this decade, accusations that either proponents or opponents of stronger firearms restrictions were acting in the interests of the domestic small arms industry first and foremost, along with protestations that this was not the case, never developed a discourse of enough substance to actually justify being described a fifth arena of debate in the gun control disputes.

Conclusion

For the national congressional delegations from New York, Texas, Connecticut and South Carolina, there were four main arenas of debate in the firearms restrictions controversy of the 1960s, whilst a fifth was of less prominence.

One arena, set up by advocates of firearms restrictions, centred around the proposition that gun controls were an effective tool against gun violence; of which crimes with guns was the chief concern.

Four separate points should be highlighted here.

First of all, national congressional delegates from New York and Connecticut were convinced that the implementation of a wide variety of firearms restrictions could reduce gun violence which was on the rise throughout the 1960s. National legislators from Texas and South Carolina seemed very wary of this belief.

Secondly, the national congressional delegations from the two northern states and the two southern states were separated from each other on this issue at a fundamental level. Their alternative stances stemmed from differing ideologies concerning the role of the individual and the role of the United States of America's (U. S.) society as a whole¹ in the running of people's daily lives; ideologies increasingly open to public scrutiny in a decade which saw the role of government expand under President Lyndon B. Johnson's Great Society programmes. Within the northern delegations the feeling that both mental and physical environments needed to be changed to reduce the ills in society was dominant, whilst in the southern delegations there was more belief in individuals taking responsibility for their own lives. Firearms restrictions fitted the former stance, the punishment of malefactors fitted the latter.

Thirdly, with certain provisos taken into account, it seems distinctly possible that, if the parameters of the entire debate concerning firearms restrictions could have been contained within the arena of 'firearms restrictions versus gun violence', the ultimate success for the keenest supporters of the wide variety of additional gun controls on offer might have come earlier and have been of more substance.

Finally, there was no doubt that positions adopted by national congressional delegates from Texas and South Carolina, on the issue of whether or not firearms restrictions could

¹ See note 11, Chapter 1.

bring about a significant reduction in gun violence, hinted at objections stretching into realms beyond this arena of debate.

Through the eyes of national congressional delegates serving New York, Texas, Connecticut, and South Carolina, the firearms restrictions controversy in the U. S. during the 1960s had two principal levels to it. The first of these contained the debate just outlined and saw advocates of firearms restrictions stating that such measures could reduce gun violence and opponents replying that this was not so. At this level the national congressional delegations from New York and Connecticut were in their ascendancy. The second stemmed from another more involved reply given by opponents of firearms restrictions: ‘Even if gun violence could be reduced by measures like these, too much would be lost by their very enactment’. It is here that the second, third, and fourth, arenas of debate engaged in by the national congressional delegations from New York, Texas, Connecticut, and South Carolina, were located. It was also this level which saw the national congressional delegations from South Carolina and Texas at the height of their strength.

In common with firearms restrictions controversies before and after the 1960s, the extent to which gun controls should be permitted to restrict the ability of law-abiding citizens to continue certain *practical pursuits*, formed an important arena of discourse. Through the test of time a number of these *practical pursuits* have come to be seen, and defended, as *individual liberties*, even though their legal origin, and definition, have remained far from clear.

For national congressional delegates from New York, Texas, Connecticut, and South Carolina, the principal *individual liberties* under question were the keeping and bearing of guns for the purposes of engaging in recreational activities, challenging the forces of tyranny, and self-defence.² National legislators from the two southern states were keen to champion these three *individual liberties* to the detriment of additional firearms restrictions. National congressmen from the two northern states, during their battle against gun crimes, gun accidents and gun suicides, could find themselves placed on the defensive when accused of undermining these same *individual liberties*, especially in a decade when crime levels were on the rise, the Cold War continued, and American involvement in the Vietnam War was escalating. There was no doubt, however, that the northerners approached the issue of

² See note 42, Chapter 1.

individual liberties and firearms restrictions in a manner which reduced the impact of arguments that such measures were a serious threat to these freedoms.

The stances adopted by the national congressional delegations for Texas and South Carolina suggested, however, that their opposition to a wide variety of the firearms restrictions under discussion in the 1960s went deeper than a desire to protect the *individual liberties* of law-abiding people to keep and bear firearms for the purposes of engaging in recreational activities, challenging the forces of tyranny, and self-defence, from the implementation of unsound methods of controlling gun violence. Provisions of the Constitution itself were under threat.

Appeals to states' rights were ever present in the firearms restrictions controversy of the 1960s. There can be no doubt that opposition to federal firearms restrictions from South Carolinian and Texan national congressional delegations was strengthened significantly by the implications of the word federal. Just like on so many other occasions in the past when the federal government had attempted to expand its influence there was a sizeable body of resistance in these two southern states to federal intervention in a realm reserved to the states in the Constitution. The intensity with which Texan national legislators emphasised states' rights objections to federal firearms restrictions was somewhat diluted in comparison to the forthright manner in which such resistance was offered from the ranks of South Carolina's delegates. This actually fits the larger picture. Texans had not flocked to the states' rights banner anything like as enthusiastically as South Carolinians in the 1948 Presidential elections or in the civil rights struggles that followed. The firearms restrictions controversy gave further illumination to the growing distance between Texas and the Old South.

The national congressional delegations from New York and Connecticut never really found an answer to the cry that states' rights would be violated by federal firearms restrictions. Most particularly in the early years of the decade, efforts do seem to have been made to encourage a belief that federal intrusion into a realm traditionally reserved to the states would be small. What became increasingly apparent, however, was that reassurances made were coupled with the underlying message that with states' rights came states' responsibilities, and if the states could not be trusted to enforce stringent firearms restrictions the federal government would be forced into more intrusive action. By the end of the decade, reassurances from these congressional delegations, that the federal government, in enacting stringent firearms legislation, would not be over-stretching its constitutional bounds with regard to state/federal relations, took the form of simple semantics. The argument went along

the lines that, too many states had failed to toughen their own laws so the federal government should take over; all that remained necessary was to show states' rights enthusiasts that federal action in this area was legal, whether it was liked or not.

National congressional delegations from Texas and South Carolina also displayed a keen belief in a constitutional or even natural right of individuals to keep and bear arms, and a desire to advertise this in opposition to additional gun controls. Although a few national legislators from Texas were eager to enthuse about a natural, or constitutional, right of individuals to keep and bear arms, to a degree not matched in the arguments presented by the South Carolinian contingent, there was a more unanimous commitment to such a right amongst the South Carolinians.

There were two kinds of reaction to these sorts of arguments from within the national congressional delegations of New York and Connecticut.

Perhaps the most useful came from national congressmen who agreed that individuals did indeed have some kind of right to keep and bear firearms but that like any other right it was not unlimited. Arguments like this were at least able to weaken the effect of any claims that the firearms restrictions supported by these congressmen were designed to negate any such right.

The same could not be said for the equally powerful voice from within the national congressional delegations from Connecticut and New York which challenged the idea that individuals had a constitutionally protected right to keep and bear firearms. The standard argument seemed to ignore the idea that individuals might have a natural right to keep and bear arms and went something like this: 'The Second Amendment was designed to prevent the state militias from being disarmed by the federal government, and, thus, only a far from binding historical tradition allowing individuals to keep and bear firearms stands in the way of any firearms restrictions that can be proposed, nothing more'. Such a stance brought with it all the hazards of uniting opponents of firearms restrictions in a common cause, and having to defend a position in the face of the nearly two hundred year old widely ingrained presumption that ran counter to it.

The divided response to this issue from the national congressional delegates of New York and Connecticut highlighted a glaring problem for efforts being made to produce more than token gun controls. The two positions taken by these delegates served only to undermine the common goal of meaningful limitations being placed on the ownership and use of firearms. Those who adopted the former approach to the matter undermined the rallying cry of those

championing the latter. Those who pursued the more belligerent line, on the other hand, provided the ammunition with which parties objecting to the passage of meaningful gun controls could shoot down all proponents of such, as would be banes of the constitutional rights of individuals.

A final point needs to be highlighted with regard to all of the constitutional reservations raised by the national congressional delegations from Texas and South Carolina. Although there can be no doubt that on one level these were legitimate concerns, it seems likely they were made the focus of as much attention as they were for political expediency. *Practical pursuits* of law-abiding citizens were under threat from what national legislators serving the two southern states saw as ineffective efforts to reduce gun violence. These congressmen's commitment to constitutional provisions providing for the rights of individuals when it came to a variety of other subject areas was, at best, selective, and appeals to states' rights were an obvious choice considering the minimal desire being shown for gun control by the state governments of both Texas and South Carolina. By drawing attention to constitutional matters in the firearms restrictions controversy of the 1960s national congressional delegates from the two southern states sought to undermine efforts to enact additional gun controls by giving a greater legitimacy to the *practical pursuits* in question and by moving the focus of the discourse away from arenas in which the position of gun control opponents seemed weaker.

A rather interesting offshoot of the firearms restrictions controversy of the 1960s was that it seemed to secure, at least on paper, a monopoly of trade for domestic manufacturers. To some this seemed rather ominous at a time when warnings of the political influence of a military-industrial complex were fresh in the memory.

It was not just the chief opponents of strong firearms restrictions who were forced to face accusations of serving corporate and, indeed, military interests before any other kind. Some of the keenest proponents of strong firearms restrictions found themselves charged with championing measures better described as methods of *trade control*, designed to help the domestic small arms industry, than as measures designed to reduce gun violence.

For national congressmen serving New York, Texas, Connecticut, and South Carolina, accusations that either proponents or opponents of stronger firearms restrictions were acting in the interests of the domestic small arms industry first and foremost, along with protestations that this was not the case, never developed a discourse of enough substance to actually justify being described a fifth arena of debate in the gun control disputes.

Considering the absence of any historiographical debate on the firearms restrictions controversy of the 1960s, this study provides a useful stepping stone for future research. The groundwork for a range of comparative studies has been laid, not just with the national congressional delegations of other states in mind but also other groups at different levels of U. S. society as a whole. Through the development of a more complete picture of the entire discourse which took place a clear idea of what was not discussed by members of the federal government, and why, could be developed. Also important, though, is that my investigation makes it possible to view wider issues of the 1960s, such as liberal and conservative attitudes concerning the role of the individual and the role of U. S. society as a whole in the running of people's daily lives, and southern appeals to states' rights, from a fresh perspective.

A final word needs to be spared for the observations of public affairs analyst W. J. Vizzard which were outlined in the introduction to my thesis.³ At the outset I made clear that my objective has not been to test the accuracy of Vizzard's findings regarding what the theoretical orientations' within which opposing factions in gun control debates in the U. S. throughout the twentieth century have operated actually were. His was a study of a wide body of opinion over a broad chronological spectrum, whereas mine has focused on particular groups of people during a specific decade. Results were never likely to have been identical but it is at least certain that three of the four paradigms of debate outlined by Vizzard were alive and well amongst the national congressional delegations from New York, Connecticut, Texas, and South Carolina, in the firearms restrictions controversy of the 1960s. First of all, proponents of firearms restrictions believed such measures capable of reducing levels of crime but opponents were less than convinced of this. Secondly, opponents of firearms restrictions appeared to be more distrustful of government and to have more faith in individual responsibility than proponents. And finally, even though national congressional delegates from New York and Connecticut showed some sympathy for law-abiding citizens being able to keep and bear firearms for engaging in recreational activities and self-defence, it was most definitely the case that gun control opponents falling under the purview of my study had a far more positive view of firearms and firearms owners than gun control proponents.

³ W. J. Vizzard, 'The Impact of Agenda Conflict on Policy Formulation and Implementation: The Case of Gun Control', J. E. Dizard, R. M. Muth, and S. P. Andrews, Jr., Editors, Guns in America: A Reader, (New York/London, 1999), pp. 131-44.

Appendix A - Key Acts Referred to in the Text¹

What follows is a brief summary of the principal features related to firearms in seven Acts referred to in the text.

National Firearms Act of 1934: This Act placed a system of taxation on the production and transfer of certain firearms particularly prone to criminal misuse; machine guns and sawed-off shotguns numbered amongst the weapons singled out. A system of registration was also set up which required a documentation of pertinent information on these particular firearms from the production details to the identity of individuals making a purchase.

Federal Firearms Act of 1938: Centring on the realms of interstate and foreign commerce this Act set up a system of licensing for dealers in firearms, as well as for importers and manufacturers of firearms. It prohibited convicted felons, persons under indictment, and fugitives from justice from receiving firearms in interstate commerce. Individuals residing in states that made it necessary for a permit to be obtained in order for certain firearms to be purchased were required to show this permit in order to receive such firearms through the channels of interstate commerce. The Act also provided against the transportation or receipt

¹ This information has been compiled from the following: American Rifleman, February, 1968; Carl Bakal, The Right to Bear Arms, (New York/Toronto/London, 1966); Letter and attachments sent to individual in Batavia, New York, May 22, 1968, 'Box 32, Folder: Judiciary-Gun', Records and Papers of Barber B. Conable, Jr., #2794, 2B Carl A. Kroch Library, Cornell University Library, Ithaca, New York; Brief Summary of Seven Gun Control Bills Introduced by Senator Dodd, 'Series II: Subject Files, Box 130, Folder: Firearms 1968, Sep-Dec', Records and Papers of Thomas J. Dodd, Dodd Center, University of Connecticut, Storrs, Connecticut; Conference Report on Interest Equalization Tax Act with Ammunition Amendment, p. 1, entered in the Congressional Record on November 21, 1969, 'Series III: Administrative and Legislative Files, Subseries: Speeches, Articles, and Press Releases, Box 214, Fd 5904', Ibid.; and Harry Hogan, Federal Legislation Regulating the Traffic in Firearms: Existing and Proposed, Library of Congress, Legislative Reference Service, Education and Public Welfare Division, April 27, 1965.

of stolen firearms and of firearms from which the serial number had been removed, obliterated, or altered.

Mutual Security Act of 1954: Section 414 of this Act allowed the Department of State, through powers delegated to it by the President, to place certain restrictions on the importation of firearms.

Civil Rights Act of 1968: Title X of this Act lay down certain provisions against an individual teaching the use of, or transporting, a firearm when that individual had reason to believe that the knowledge, or firearm, would be used in a civil disorder which might damage federal interests.

Omnibus Crime Control and Safe Streets Act of 1968: Title IV of this Act prohibited interstate mail-order sales of firearms, excluding rifles and shotguns, except between certain categories of people such as federally licensed dealers. It also prohibited the sale of firearms, other than rifles and shotguns, to individuals not resident in the state where they sought to make a purchase. Again certain categories of people were exempt from this provision. The sale of firearms, other than rifles and shotguns, to individuals under 21 years old was prohibited in both intrastate and interstate commerce. A number of restrictions were also placed on the types of firearm that could be imported into the United States of America (U. S.). A variety of other provisions included strict controls on 'destructive devices',² and the price of a federal dealers' license fee being raised from \$1 to \$10.

Gun Control Act of 1968: This Act prohibited interstate mail-order sales of firearms, except between certain categories of people such as federally licensed dealers. It also prohibited the sale of any firearm to individuals not resident in the state where they sought to make a purchase. Again certain categories of people were exempt from this provision, and individuals seeking to purchase a rifle or shotgun who resided in a state contiguous to the seller's own could do so if a particular procedure was followed. The sale of firearms to individuals under 21 years old, or under 18 years old in the case of rifles and shotguns, was prohibited in both intrastate and interstate commerce. Mail-order intrastate commerce in firearms became subject to purchasers submitting a sworn affidavit that certain conditions had been met. A

² See note 68, Chapter 1.

number of restrictions were also placed on the types of firearm that could be imported into the U. S., and a variety of other provisions included strict controls on ‘destructive devices’, and a federal dealers’ license fee of \$10.

Interest Equalization Tax Extension Act of 1969: This Act had provisions added to it which swept aside certain ammunition record keeping requirements relating to rifle bullets and shotgun shells which had been included in the Gun Control Act of 1968.

Appendix B - Key Bills Referred to in the Text¹

What follows is a brief summary of the principal features of the Bills introduced by Senator T. J. Dodd (D)² of Connecticut over a time period which spans from the 88th to the 91st Congresses. After then will come a list of the other Bills referred to in the text which can be directly related to Dodd's. Finally some space is given to those Bills mentioned in the main body of this thesis which are not so easily categorised.

Bills Introduced by T. J. Dodd

S. 1975 (88th Congress): This was originally designed so that anyone seeking to buy interstate mail-order firearms, other than rifles and shotguns, would include a sworn affidavit with any order. The sworn affidavit had to attest to the fact that the purchaser was 18 years old or above, that he/she was not prohibited by the Federal Firearms Act from receiving the firearm

¹ This information has been compiled from the following: D. S. Cupps, Bullets, Ballots, and Politics: The National Rifle Association Fights Gun Control, Unpublished Dissertation, (Princeton University, Department of Political Science, University Microfilms, 1970); Brief Summary of Seven Gun Control Bills Introduced by Senator Dodd, 'Series II: Subject Files, Box 130, Folder: Firearms 1968, Sep-Dec', Records and Papers of Thomas J. Dodd, Dodd Center, University of Connecticut, Storrs, Connecticut; Harry Hogan, Federal Legislation Regulating the Traffic in Firearms: Existing and Proposed, Library of Congress, Legislative Reference Service, Education and Public Welfare Division, April 27, 1965; Firearms and Related Bills in the 91st Congress, 1st Session (January 3 through November 12, 1969), Legislative Information Service, National Rifle Association of America; H. R. 17818, June 12, 1968, 'Part 4, Congressional Files, 755, Series No. V, Box 171, Folder 171-229', Records and Papers of Ogden R. Reid, Manuscripts and Archives, Yale University Library, 130 Wall Street, Box 208240, New Haven, Connecticut; and H. R. 18403, July 9, 1968, 'Box RC 18/13, Folder, Anti-crime Legislation Summary, May 1968', Records and Papers of Jim Wright, Mary Couets Burnett Library, Texas Christian University, Fort Worth, Texas.

² (D) is the abbreviation being used for Democrat.

in question, and that no state or local law would be broken were the firearm to be shipped to him/her. A variety of other provisions included an increase in the price for federal dealers' licenses from \$1 to \$10.

S. 14 (89th Congress): This Bill was very similar to S. 1975. Interstate mail-order sales in rifles and shotguns were now included in its provisions. On top of this, the seller was required to send a copy of the sworn affidavit to the chief law enforcement officer of the locality in which the would be purchaser lived.

S. 1591 (89th Congress): This Bill was intended to apply the taxation and registration provisions of the National Firearms Act to 'destructive devices'.³

S. 1592 (89th Congress): This Bill was originally designed to prohibit interstate mail-order sales of firearms, except between certain categories of people such as federally licensed dealers. Eventually it was amended so that interstate mail-order sales of rifles and shotguns were governed by an affidavit procedure similar to that in S. 14. S. 1592 also prohibited the sale of handguns to individuals not resident in the state where they sought to make a purchase. Again certain categories of people were exempt from this provision. The sale of firearms to individuals under 21 years old, or under 18 years old in the case of rifles and shotguns, was prohibited in both intrastate and interstate commerce. A number of restrictions were also placed on the types of firearm that could be imported into the United States of America (U. S.). A variety of other provisions included strict controls on 'destructive devices' and yet another increase to federal dealers' license fees.

S. 1 (90th Congress): As introduced this Bill was similar to S. 1592 as amended.

S. 1 Amendment 90 (90th Congress): Originally this Bill was similar to S. 1 except that it reinstated the prohibition of interstate mail-order sales of firearms contained in the original version of S. 1592.

S. 3633 (90th Congress): In its final version reported out of Conference Committee this Bill prohibited interstate mail-order sales of firearms, except between certain categories of people

³ See note 68, Chapter 1.

such as federally licensed dealers. It also prohibited the sale of any firearm to individuals not resident in the state where they sought to make a purchase. Again certain categories of people were exempt from this provision, and individuals seeking to purchase a rifle or shotgun who resided in a state contiguous to the seller's own could do so if certain conditions were met. The sale of firearms to individuals under 21 years old, or under 18 years old in the case of rifles and shotguns, was prohibited in both intrastate and interstate commerce. Mail-order intrastate commerce in firearms became subject to an affidavit procedure similar to that conceived in S. 14 for mail-order interstate commerce in firearms. A number of restrictions were also placed on the types of firearm that could be imported into the U. S.. A variety of other provisions included strict controls on 'destructive devices', which combined the kind of controls described in S. 1591 with others, and a federal dealers' license fee of \$10.

S. 3691 (90th Congress): This Bill called for the federal registration of firearms and for the federal licensing of gun owners residing in states which failed to enact laws which met specific federal licensing requirements.

S. 2433 (91st Congress): This Bill provided that a Certificate of Eligibility be obtained from the Secretary of the Treasury by any individual possessing or hoping to possess a firearm, in order to make either continued possession or purchase legal. Personal details, and details of the firearm in question, had to be sent to the Secretary when applying for the Certificate. The Secretary would reject the application or revoke a Certificate at a later date if certain conditions were not met.

Other Bills Referred to in the Text which can be Directly Related to Dodd's

H. R. 3431 introduced by Representative J. V. Lindsay (R)⁴ of New York's seventeenth district in the 89th Congress: This Bill was similar in design to S. 14.

H. R. 3395 introduced by Representative J. M. Murphy (D) of New York's sixteenth district in the 89th Congress: This Bill was similar in design to S. 14.

⁴ (R) is the abbreviation being used for Republican.

H. R. 6628 introduced by J. M. Murphy in the 89th Congress: In its original form this Bill was similar to the unaltered version of S. 1592.

H. R. 6783 introduced by Representative A. J. Multer (D) of New York's thirteenth district in the 89th Congress: In its original form this Bill was similar to the unaltered version of S. 1592.

H. R. 5384 introduced by Representative Emanuel Celler (D) of New York's tenth district in the 90th Congress: This Bill served for a period as S. 1 Amendment 90's counterpart in the House of Representatives.

H. R. 17735 introduced by Emanuel Celler in the 90th Congress: In its final version reported out of Conference Committee this Bill was identical S. 3633.

H. R. 17818 introduced by Representative O. R. Reid (R) of New York's twenty sixth district in the 90th Congress: At introduction this Bill contained many of the provisions to be found in the final version of S. 3633.

H. R. 18110 introduced by Emanuel Celler in the 90th Congress: This Bill was S. 3691's counterpart in the House of Representatives.

H. R. 2166 introduced by Emanuel Celler in the 91st Congress: This Bill was a variant of S. 3691.

H. R. 52 introduced by Representative W. F. Ryan (D) of New York's twentieth district, in the 91st Congress: This Bill was a variant of S. 3691.

Miscellaneous Bills Referred to in the Text

H. R. 5642 introduced by Representative Bob Casey (D) of Texas' twenty second district in the 89th Congress: This Bill was intended to provide for the mandatory minimum punishment of individuals who during the commission of certain crimes used or carried a firearm which had been transported across any state boundaries.

H. R. 18403 introduced by Representative Jim Wright (D) of Texas' twelfth district in the 90th Congress: This was a variant of Casey's H. R. 5642.

Appendix C - Key Votes Referred to in the Text¹

What follows is a brief indication of who voted for what during the 90th Congress. Although there were other roll calls available for perusal the information included below is restricted to those mentioned in the main text. This appendix has been divided into three sections. First comes the votes that were cast in the Senate on August 22nd, 1967, regarding a proposed amendment to H. R. 10738 designed to reduce appropriations to, and end the provision of free ammunition from the Secretary of Defense to, the National Board for the Promotion of Rifle Practice (N. B. P. R. P.). Second comes votes in both the Senate and the House of Representatives regarding H. R. 5037 and S. 917, the Bills which became the Omnibus Crime Control and Safe Streets Act of 1968. Finally comes votes in both the Senate and the House of Representatives regarding H. R. 17735 and S. 3633, the Bills which became the Gun Control Act of 1968.

A

Votes Cast in the Senate on August 22nd, 1967, Regarding a Proposed Amendment to H. R. 10738 Designed to Reduce Appropriations to, and End the Provision of Free Ammunition from the Secretary of Defence to, the N. B. P. R. P.

The amendment was not approved.

Connecticut -

Thomas J. Dodd (D)² YEA

¹ This information has been compiled from the following: Congressional Record, 90th Congress, 1st Session, Vol. 113, (Government Printing Office, Washington, 1967); Congressional Record, 90th Congress, 2nd Session, Vol. 114, (Government Printing Office, Washington, 1968); and J. K. Hudzik, Firearms Legislation: The 90th Congress, Unpublished Dissertation, (Michigan State University, Department of Political Science, University Microfilms, 1971).

² (D) is the abbreviation being used for Democrat.

A. A. Ribicoff (D) *NAY*

New York -

Robert Kennedy (D) *YEA*

Jacob Javits (R)³ *YEA*

South Carolina -

Ernest Hollings (D) *NAY*

Strom Thurmond (R) *NAY*

Texas -

R. Yarborough (D) *NAY*

John G. Tower (R) *NAY*

B

Votes Regarding H. R. 5037 and S. 917, the Bills which Became the Omnibus Crime Control and Safe Streets Act of 1968

House of Representatives

Votes cast on June 6, 1968, regarding whether or not to adopt House Resolution 1197 providing for the House's agreement to the passage of the amended H. R. 5037. The Bill passed.

³ (R) is the abbreviation being used for Republican.

Connecticut -

E. Q. Daddario (D)	YEA
W. L. St. Onge (D)	YEA
R. N. Giaimo (D)	YEA
Donald Irwin (D)	YEA
J. S. Monagan (D)	YEA
T. J. Meskill (R)	YEA

New York -

Otis G. Pike (D)	YEA
J. R. Grover (R)	YEA
Lester Wolff (D)	YEA
John Wydler (R)	YEA
Herbert Tenzer (D)	YEA
R. L. Ottinger (D)	YEA
Ogden Reid (R)	YEA
John G. Dow (D)	YEA
J. Y. Resnick (D)	N. V. ⁴
D. E. Button (R)	YEA
C. J. King (R)	YEA
R. C. McEwen (R)	YEA
A. Pirnie (R)	YEA
H. W. Robison (R)	YEA
J. M. Hanley (D)	YEA
S. S. Stratton (D)	YEA
Frank Horton (R)	YEA
B. B. Conable (R)	YEA
C. E. Goodell (R)	YEA
R. D. McCarthy (D)	YEA

⁴ N. V. signifies that the national congressional delegate in question did **Not Vote**.

H. P. Smith IH (R)	YEA
T. J. Dulski (D)	YEA

New York City -

S. Halpern (R)	YEA
J. P. Addabbo (D)	YEA
B. S. Rosenthal (D)	YEA
J. J. Delaney (D)	YEA
E. Celler (D)	YEA
F. J. Brasco (D)	YEA
Edna F. Kelly (D)	YEA
B. L. Podell (D)	YEA
J. J. Rooney (D)	N. V. (Y) ⁵
H. L. Carey (D)	YEA
J. M. Murphy (D)	YEA
T. Kupferman (R)	YEA
L. Farbstein (D)	YEA
W. F. Ryan (D)	NAY
J. H. Scheuer (D)	YEA
J. H. Gilbert (D)	YEA
J. B. Bingham (D)	YEA
Paul A. Fino (R)	YEA

South Carolina -

L. M. Rivers (D)	N. V. (Y)
Albert Watson (R)	YEA
W. J. B. Dorn (D)	YEA

⁵ Letters in brackets (Y) or (N) following N. V. indicate that although the national congressional delegate in question did **Not Vote** his/her preference was recorded in the Congressional Record.

R. T. Ashmore (D)	YEA
T. S. Gettys (D)	N. V.
J. L. McMillan (D)	N. V. (Y)

Texas -

W. Patman (D)	YEA
John Dowdy (D)	N. V.
(Joe Pool (D) /	
J. M. Collins (R)) ⁶	YEA
Ray Roberts (D)	YEA
Earle Cabell (D)	YEA
Olin Teague (D)	YEA
George Bush (R)	YEA
R. C. Eckhardt (D)	YEA
Jack Brooks (D)	YEA
J. J. Pickle (D)	YEA
W. R. Poage (D)	YEA
Jim Wright (D)	YEA
G. Purcell (D)	N. V.
John Young (D)	YEA
E. de la Garza (D)	YEA
Richard White (D)	YEA
Omar Burleson (D)	YEA
Robert Price (R)	YEA
George Mahon (D)	YEA
H. Gonzalez (D)	NAY
O. C. Fisher (D)	YEA
Bob Casey (D)	YEA
A. Kazen (D)	YEA

⁶ Joe Pool and J. M. Collins served Texas' third district at different times in the 90th Congress. Pool was voting in this instance.

Senate

	1	2	3	4
Connecticut -				
Thomas J. Dodd (D)	YEA	YEA	YEA	YEA
A. A. Ribicoff (D)	YEA	YEA	YEA	YEA
New York -				
Robert Kennedy (D)	N. V. (Y)	N. V. (Y)	N. V. (Y)	N. V.
Jacob Javits (R)	YEA	YEA	YEA	YEA
South Carolina -				
Ernest Hollings (D)	N. V. (N)	N. V. (N)	N. V. (N)	N. V. (Y)
Strom Thurmond (R)	NAY	NAY	NAY	YEA
Texas -				
R. Yarborough (D)	YEA	YEA	N. V.	N. V.
John G. Tower (R)	NAY	NAY	NAY	YEA

1. Cast on May 16th, 1968, regarding a proposed amendment to S. 917 designed to extend the firearms restrictions section of the Bill to cover rifles and shotguns. The amendment was not approved.

2. Cast on May 16th, 1968, regarding a proposed amendment to S. 917 designed to extend the firearms restrictions section of the Bill to cover rifles and shotguns but also permitting individual states to exempt themselves from this provision. The amendment was not approved.

3. Cast on May 16th, 1968, regarding a proposed amendment to S. 917 designed to extend the firearms restrictions section of the Bill to cover rifles and shotguns in a way which would make it possible for individuals to purchase interstate mail-order rifles and shotguns only by submitting a sworn affidavit that certain conditions had been met. The amendment was not approved.

4. Cast on May 23, 1968, regarding whether or not to pass the amended S. 917. The Bill passed.

C

Votes Regarding H. R. 17735 and S. 3633, the Bills which Became the Gun Control Act of 1968

House of Representatives

	1	2	3	4	5
Connecticut -					
E. Q. Daddario (D)	<i>NAY</i>	YEA	<i>NAY</i>	YEA	YEA
W. L. St. Onge (D)	<i>NAY</i>	YEA	<i>NAY</i>	YEA	YEA
R. N. Giaimo (D)	<i>NAY</i>	YEA	<i>NAY</i> (was Y) ⁷	YEA	N. V. (Y)
Donald Irwin (D)	<i>NAY</i>	YEA	<i>NAY</i>	YEA	YEA
J. S. Monagan (D)	<i>NAY</i>	YEA	<i>NAY</i>	YEA	YEA
T. J. Meskill (R)	<i>NAY</i>	YEA	<i>NAY</i>	YEA	YEA

New York -

⁷ Entries such as *NAY* (was Y) or YEA (was *N*) speak for themselves; the national congressional delegate in question changed his/her vote.

Otis G. Pike (D)	<i>NAY</i>	YEA	<i>NAY</i>	YEA	YEA
J. R. Grover (R)	<i>NAY</i>	YEA	YEA	YEA	YEA
Lester Wolff (D)	<i>NAY</i>	YEA	<i>NAY</i>	YEA	YEA
John Wydler (R)	<i>NAY</i>	YEA	<i>NAY</i>	YEA	YEA
Herbert Tenzer (D)	<i>NAY</i>	YEA	<i>NAY</i>	YEA	YEA
R. L. Ottinger (D)	<i>NAY</i>	YEA	<i>NAY</i>	YEA	YEA
Ogden Reid (R)	<i>NAY</i>	<i>NAY</i>	<i>NAY</i>	YEA	YEA
John G. Dow (D)	<i>NAY</i>	<i>NAY</i>	<i>NAY</i>	YEA	N. V.
J. Y. Resnick (D)	<i>NAY</i>	YEA	<i>NAY</i>	YEA	N. V.
D. E. Button (R)	<i>NAY</i>	YEA	<i>NAY</i>	YEA	N. V.
C. J. King (R)	YEA	YEA	YEA	YEA	YEA
R. C. McEwen (R)	<i>NAY</i>	YEA	YEA	YEA	<i>NAY</i>
A. Pirnie (R)	<i>NAY</i>	YEA	<i>NAY</i>	YEA	YEA
H. W. Robison (R)	<i>NAY</i>	YEA	<i>NAY</i>	YEA	N. V. (Y)
J. M. Hanley (D)	<i>NAY</i>	YEA	<i>NAY</i>	YEA	YEA
S. S. Stratton (D)	<i>NAY</i>	YEA	<i>NAY</i>	YEA	N. V. (Y)
Frank Horton (R)	<i>NAY</i>	YEA	<i>NAY</i>	YEA	YEA
B. B. Conable (R)	<i>NAY</i>	YEA	<i>NAY</i>	YEA	YEA
C. E. Goodell (R)	<i>NAY</i>	YEA	<i>NAY</i>	YEA	- ⁸
R. D. McCarthy (D)	<i>NAY</i>	YEA	<i>NAY</i>	YEA	YEA
H. P. Smith III (R)	<i>NAY</i>	YEA	<i>NAY</i>	YEA	YEA
T. J. Dulski (D)	<i>NAY</i>	YEA	<i>NAY</i>	YEA	YEA

New York City -

S. Halpern (R)	<i>NAY</i>	YEA	<i>NAY</i>	YEA	YEA
J. P. Addabbo (D)	<i>NAY</i>	YEA	<i>NAY</i>	YEA	YEA
B. S. Rosenthal (D)	<i>NAY</i>	<i>NAY</i>	<i>NAY</i>	YEA	YEA
J. J. Delaney (D)	<i>NAY</i>	YEA	<i>NAY</i>	YEA	YEA
E. Celler (D)	<i>NAY</i>	YEA	<i>NAY</i>	YEA	YEA

⁸ C. E. Goodell had by this time entered the Senate to fill the space left by R. F. Kennedy's assassination.

F. J. Brasco (D)	<i>NAY</i>	YEA	<i>NAY</i>	YEA	YEA
Edna F. Kelly (D)	<i>NAY</i>	YEA	<i>NAY</i>	YEA	YEA
B. L. Podell (D)	<i>NAY</i>	YEA	<i>NAY</i>	YEA	YEA
J. J. Rooney (D)	<i>NAY</i>	YEA	<i>NAY</i>	YEA	YEA
H. L. Carey (D)	<i>NAY</i>	YEA	<i>NAY</i>	YEA	YEA
J. M. Murphy (D)	N. V.	N. V.	N. V. (N)	N. V. (Y)	N. V. (Y)
T. Kupferman (R)	<i>NAY</i>	YEA	<i>NAY</i>	YEA	N. V.
L. Farbstein (D)	<i>NAY</i>	YEA	<i>NAY</i>	YEA	YEA
W. F. Ryan (D)	<i>NAY</i>	<i>NAY</i>	<i>NAY</i>	YEA	N. V. (Y)
J. H. Scheuer (D)	<i>NAY</i>	YEA (was <i>N</i>)	<i>NAY</i>	YEA	YEA
J. H. Gilbert (D)	<i>NAY</i>	YEA	<i>NAY</i>	YEA	YEA
J. B. Bingham (D)	<i>NAY</i>	<i>NAY</i>	<i>NAY</i>	YEA	YEA
Paul A. Fino (R)	<i>NAY</i>	YEA	<i>NAY</i>	YEA	YEA

South Carolina -

L. M. Rivers (D)	YEA	YEA	YEA	<i>NAY</i>	<i>NAY</i>
Albert Watson (R)	YEA	YEA	YEA	<i>NAY</i>	<i>NAY</i>
W. J. B. Dorn (D)	YEA	YEA	YEA	<i>NAY</i>	<i>NAY</i>
R. T. Ashmore (D)	YEA	YEA	YEA	<i>NAY</i>	N. V. (N)
T. S. Gettys (D)	YEA	YEA	YEA	<i>NAY</i>	<i>NAY</i>
J. L. McMillan (D)	YEA	YEA	YEA	<i>NAY</i>	<i>NAY</i>

Texas -

W. Patman (D)	<i>NAY</i>	YEA	<i>NAY</i>	<i>NAY</i>	N. V. (N)
John Dowdy (D)	YEA	YEA	YEA	<i>NAY</i>	<i>NAY</i>
(Joe Pool (D) /					
J.M. Collins (R)) ⁹	-	-	-	-	<i>NAY</i>
Ray Roberts (D)	YEA	YEA	YEA	<i>NAY</i>	N. V. (N)
Earle Cabell (D)	YEA	YEA	YEA	<i>NAY</i>	N. V. (N)

⁹ J. M. Collins cast the only vote recorded here.

Olin Teague (D)	YEA	YEA	YEA	<i>NAY</i>	<i>NAY</i>
George Bush (R)	YEA	YEA	YEA	YEA	N. V.
R. C. Eckhardt (D)	<i>NAY</i> (was Y)	YEA	<i>NAY</i>	YEA	YEA
Jack Brooks (D)	YEA	YEA	YEA	<i>NAY</i>	N. V. (N)
J. J. Pickle (D)	<i>NAY</i>	YEA	YEA	YEA	N. V. (Y)
W. R. Poage (D)	YEA	YEA	YEA	YEA	YEA
Jim Wright (D)	YEA	YEA	YEA	YEA	N. V.
G. Purcell (D)	YEA	YEA	YEA	<i>NAY</i>	<i>NAY</i>
John Young (D)	YEA	YEA	YEA	<i>NAY</i>	<i>NAY</i>
E. de la Garza (D)	YEA	YEA	YEA	<i>NAY</i>	<i>NAY</i>
Richard White (D)	YEA	YEA	YEA	<i>NAY</i>	<i>NAY</i>
Omar Burleson (D)	YEA	YEA	YEA	<i>NAY</i>	<i>NAY</i>
Robert Price (R)	YEA	YEA	YEA	<i>NAY</i>	<i>NAY</i>
George Mahon (D)	YEA	YEA	YEA	<i>NAY</i>	<i>NAY</i>
H. Gonzalez (D)	<i>NAY</i>	YEA	<i>NAY</i>	YEA	YEA
O. C. Fisher (D)	YEA	YEA	YEA	<i>NAY</i>	N. V. (N)
Bob Casey (D)	YEA	YEA	YEA	YEA	N. V.
A. Kazen (D)	YEA	YEA	YEA	<i>NAY</i>	<i>NAY</i>

1. Cast on July 24th, 1968, regarding a proposed amendment to H. R. 17735 designed to remove rifle, shotgun, and .22 calibre rimfire ammunition from the provisions of the Bill. The amendment was approved by the House but was later removed in Conference Committee. The Gun Control Act thus retained some stringent controls on the sale and ownership of these kinds of ammunition.

2. Cast on July 24th, 1968, regarding a proposed amendment to H. R. 17735 designed to provide for the imposition of mandatory minimum punishments for the criminal misuse of firearms. It was only relevant when the crime for which the firearm was used, or during which the firearm was carried unlawfully, added up to a federal felony. The amendment was approved by the House but later weakened in Conference Committee.

3. Cast on July 24th, 1968, regarding a proposed amendment to H. R. 17735 designed at least in part, to exempt the interstate activities of the N. B. P. R. P. from certain provisions of the Bill. The amendment was approved by the House but was tightened up in Conference Committee.

4. Cast on July 24th, 1968, regarding whether or not the amended H. R. 17735 should be allowed to pass through the House. The amended H. R. 17735 did pass the House.

5. Cast on October 10th, 1968, regarding whether or not to pass the version of H. R. 17735/S. 3633 to emerge from Conference Committee. The Bill passed.

Senate

Votes cast on September 18, 1968, regarding whether or not to pass the amended S. 3633.
The Bill passed.

Connecticut -

Thomas J. Dodd (D) YEA

A. A. Ribicoff (D) YEA

New York -

Charles Goodell (R) YEA

Jacob Javits (R) YEA

South Carolina -

Ernest Hollings (D) *NAY*

Strom Thurmond (R) *NAY*

Texas -

R. Yarborough (D) YEA

John G. Tower (R) YEA

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