

THE CASE FOR FEDERAL FIREARMS CONTROL

47861
The City of New York

CRIMINAL JUSTICE
COORDINATING COUNCIL

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INTRODUCTORY NOTE

For several years, police officials, mayors, and presidential commissions have called on the Federal government to control guns the way almost every other nation does. But time and time again our best arguments and the most enlightened legislation have been unable to survive the countervailing pressure of the gun lobby.

One reason for that may be that we have never assembled the facts well enough to win strong public support that will be felt in Washington.

For example, we have always argued that gun control must be initiated at the federal level because strong state and local statutes, such as New York's while effective, are severely undermined by the absence of uniform national regulations. Yet, while we knew from the Police Department's daily experiences that this was true, we never had the evidence to prove it.

This document, prepared by my office in cooperation with the New York City Police Department, is intended to provide the most accurate information available regarding firearms production and availability, firearms thefts, firearms and police murders, and the correlation between the strength of firearms regulations and the rate of violent crime.

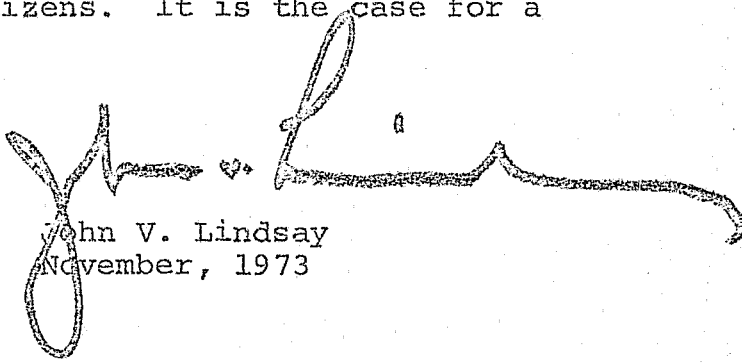
In the past few months there has been an increased effort by Federal and New York City officials to enforce the existing firearms law in New York. Data developed from this effort is presented in this document. It demonstrates the inadequacy of the present structure which allows illegal gun-running operations to move across state lines, and proves beyond doubt that permissive gun laws in states other than New York, especially those in the South, are directly responsible for gun crimes committed in New York City.

And, while we have heard many speeches about the need to "support our police", no one has ever gathered together the statistics for police killings by guns across the nation. This document includes this information, and it is powerful and tragic evidence for "law and order" advocates.

One disturbing finding that emerged from our inquiries is the inadequate recordkeeping and collection functions of the Federal government in this area. This is one of the most unregulated industries in the nation, with barely any Federal monitoring of production, thefts and sales. This, itself, is a national scandal. If these firms were also producing heroin, there would be Federal action and national outrage. But their outpouring of guns, which annually kills far more people than drug addiction, barely causes a stir in Washington.

The final section of the report describes the kind of federal gun control legislation I believe is needed. If read with care, the proposal should ease the fears of those who have been led to believe that gun control is some kind of conspiracy against the law-abiding hunter. Gun control is no more a threat to hunters than car registration and driver-licensing is a threat to drivers. The only hunting gun control would stop would be the hunting Americans do against each other.

The case for federal gun control is the case for protecting our police and our citizens. It is the case for a civilized America.



John V. Lindsay
November, 1973

I. THE PROLIFERATION OF FIREARMS IN THE
UNITED STATES

A. THE FIREARMS MARKET

THERE ARE AN ESTIMATED 210 MILLION
FIREARMS IN THE UNITED STATES. THIS
INCLUDES 25-40 MILLION HANDGUNS,
WITH AN ADDITIONAL 2.5 MILLION HAND-
GUNS SOLD EVERY YEAR.

Current estimates, based primarily on studies undertaken in 1968 by the President's Commission on the Causes and Prevention of Violence (The Eisenhower Commission) indicate that there are probably as many as 210 million firearms in the United States. This includes 25-40 million handguns, which the Eisenhower Commission reported are being manufactured and introduced into the civilian population at the rate of 2.5 million a year.

Today a new handgun is sold at the rate of one every thirteen seconds, and used ones are traded at the rate of two a minute.

A Staff Report to the Eisenhower Commission, entitled "Firearms and Violence in American Life," found that the number of firearms--both long-guns and handguns--added to the civilian market has been increasing rapidly over the years:

1959: 2.2 million	1964: 2.5
1960: 2.2	1965: 3.1
1961: 2.1	1966: 3.6
1962: 2.2	1967: 4.1
1963: 2.2	1968: 5.3

The report found the greatest increase was in handguns:

1899-1948: 2.7 million per decade
1949-1958: 4.8 million
1958-1968: 10.2 million

Another indicator of the increasing proliferation of firearms, especially handguns, is that from 1962 to 1968:

- annual rifle sales doubled;
- annual shotgun sales almost doubled;
- annual handgun sales quadrupled from 600,000 to 2.5 million.

And, our best information indicates that since 1968 this trend has accelerated.

It should be noted that none of these numbers or those that follow can be exact; for neither the federal government nor any other body keeps an exact count of gun production or ownership.

(Note: Throughout this memorandum, the terms "guns" or "firearms" will mean long-guns and handguns. "Handguns" will be used to describe those guns which can be concealed and used with one hand, i.e., a pistol or revolver. Handguns pose the greatest problem in terms of crime, while long-guns create a serious risk of accidents and suicides.)

B. THE LEGAL AVAILABILITY OF FIREARMS IN THE UNITED STATES

THERE ARE FEW LEGAL RESTRICTIONS ON THE AVAILABILITY OF FIREARMS IN THE UNITED STATES. THE 1968 FEDERAL GUN CONTROL ACT IS WEAK AND UNENFORCEABLE, AND 42 STATES HAVE NO RESTRICTIONS WHATSOEVER ON WHO MAY BUY A HANDGUN.

1. The Federal Law

The Federal Gun Control Act of 1968 banned the interstate and mail order sale of firearms and ammunition. It also contained a provision requiring that anyone buying a firearm of any kind must fill out an identification form giving his name, address, description, and a description of the gun.

Although well-intentioned, the 1968 Gun Control Act is a sadly inadequate compromise law, riddled with holes. Among the major loopholes are:

1. Under the Act, a resident of a state can purchase a gun anywhere in the state provided he meets certain minimum requirements, such as not having a jail record and being over a specified minimum age. However, no verification is required of this information by the purchaser. The purchaser need only sign his name to a form stating that this is indeed his real name and that he is not a lunatic, a felon, or a minor. No fingerprints are required and no background or identity check of any kind is made by the local or state police.

2. Although the 1968 Act banned the importation of cheap handguns known as "Saturday Night Specials," they can still be manufactured domestically and their constituent parts can still be imported and then assembled here. Thus, 1,000,000 "Saturday Night Specials"--guns that can have no conceivable sporting purpose--were assembled and sold in the United States in 1970.

3. Under the 1968 Act any legal purchaser of a gun can resell or give the gun away in his own state to anyone he chooses, as long as the person is thought to be over age and not known to be a convicted felon. There is no regulation or monitoring of these transactions, and no record of such sales or transfers are required.

2. State and Local Laws

A digest of state and local firearms laws prepared by the National Rifle Association in 1971 illustrates the lack of minimum uniform standards of firearms control.

For example, a permit or license is required to purchase a handgun in only eight states, so that the weak provisions of the 1968 Gun Control Act are the only restrictions that exist in 42 states. In 21 states no license is needed to carry a handgun. And in only three states (Illinois, New Jersey, and Massachusetts) and two cities (New York and Washington, D.C.) is a license or identification card needed to acquire a rifle or shotgun.

C. GUN THEFTS

HUNDREDS OF THOUSANDS OF GUNS ARE STOLEN
EACH YEAR, MANY DURING BULK SHIPMENT.

ONLY NEW YORK CITY REQUIRES SECURITY
MEASURES TO PROTECT AGAINST THEFTS.

Another aspect of gun over-availability has to do with stolen guns. It has been estimated that there are 500,000 guns stolen each year in the United States. And many of these guns may end up in the hands of organized crime.

Except in New York City, there are no laws mandating specific security measures for the protection of firearms from theft. The federal government does not even have a cumulative record of the number of guns that are reported stolen each year, and has no organized effort to investigate these thefts and stimulate preventive measures against re-occurrences.

A New York Daily News article in 1971 reported one ramification of this laxity of control and information:

"In recent months, a shipment of 3,000 .38 calibre pistols consigned to a western dealer was stolen from the Brooklyn piers. The guns became part of the local crime family's arsenal, according to police theory...Several guns picked up on Joe Columbo's body guards were traced to a stolen Kennedy Airport shipment..."

D. THE UNITED STATES COMPARED TO OTHER NATIONS

THE UNITED STATES STANDS PRACTICALLY
ALONE IN ITS FAILURE TO LIMIT THE
AVAILABILITY OF GUNS.

Almost every European country requires a license to carry a firearm or registration of firearm ownership, or both. Italy, West Germany, France, Belgium, Britain, and the Soviet Union all have stringent gun laws. And, five European countries and Japan totally prohibit the private possession of handguns. Even Israel, on the brink of war and foreign invasion, has a civilian firearms ownership rate that is about 1/15 that of the United States.

The following table, prepared by the Staff Report to the Eisenhower Commission, shows how the United States stands compared to other countries in terms of handgun ownership.

Estimated Handgun Ownership Per 100,000

Ireland.....	under 500
Finland.....	under 500
Netherlands.....	under 500
Greece.....	under 500
Great Britain.....	under 500
Switzerland.....	under 500
Yugoslavia.....	500-1000
Israel.....	1000
Austria.....	3000
Canada.....	3000
United States.....	12,000-20,000

II. GUNS AND VIOLENCE IN AMERICA

A. GUN DEATHS

AN AVERAGE OF 69 PEOPLE ARE KILLED
EACH DAY BY GUNS--25,000 EACH YEAR
BY MURDER, ACCIDENT, OR SUICIDE.

A total of 25,000 people are now killed each year by firearms in the United States.

This includes 2,900 from gun accidents, 10,000 from gun suicides, and more than 12,000 from gun homicides.

In any given day an average of 69 people in the United States will be killed by firearms.

That means annual fatalities equal to more than half the number of all combat deaths in the U.S. suffered in Vietnam.

Forty percent of all firearms fatalities involve children between the ages of one and nineteen.

B. GUN CRIMES

THERE WERE ALMOST 200,000 GUN CRIMES
COMMITTED IN 1972--OR ALMOST 600 A DAY.

Approximately 63% of the more than 250,000 armed robberies committed in 1972 were committed with a firearm. This statistic is especially alarming because the FBI has found that firearms are seven times more lethal than any other weapon.

Of the 13,520 murders committed in the United States

in 1972, 54% were committed with handguns and another 12% with long-guns. This is a slight increase over 1971 when 51% of all murders were committed with handguns. In 1972 murder increased in the United States by 5%, as compared to a decrease in overall crime of nearly 2%.

This means that about 10,000 people were murdered with handguns in 1972, an average of 27 per day, more than one per hour. In an average 39 hours more Americans will be murdered by handguns than were murdered by all firearms in England in 1972.

C. POLICE KILLINGS

THERE HAS BEEN AN ALARMING NATION-
WIDE INCREASE IN POLICE KILLINGS IN
THE PAST EIGHT YEARS, WITH 108
POLICE OFFICERS KILLED BY FIREARMS
IN 35 DIFFERENT STATES IN 1972.

There were 112 police officers killed in 1972 in the United States--as compared to 86 in 1969, 64 in 1968, 57 in 1966, and so on.

One hundred eight of the 112 policemen murdered in 1972 were killed with firearms and 74 were killed with handguns.

From 1966 through 1972, 621 law enforcement officers were murdered. Ninety-five percent were murdered with firearms, and 72% were murdered by handguns.

Police killings are a national problem, affecting almost every major city and state. From 1966 through 1972, police officers were killed by firearms in 22 of the 25 largest cities:

<u>Cities</u>	<u>Total</u>	<u>Firearms</u>	<u>Handguns</u>
New York City, New York	28	23	21
Chicago, Illinois	36	36	29
Los Angeles, California	8	8	6
Philadelphia, Pennsylvania	9	9	8
Detroit, Michigan	17	17	14
Houston, Texas	8	7	7
Baltimore, Maryland	8	7	6
Dallas, Texas	5	5	4
Indianapolis, Indiana	-0-	-0-	-0-
Washington, D.C.	3	7	7
San Diego, California	2	2	2
Cleveland, Ohio	9	9	6
Milwaukee, Wisconsin	3	3	1
San Francisco, California	10	9	6
San Antonio, Texas	3	3	2
Honolulu, Hawaii	1	1	1
Memphis, Tennessee	-0-	-0-	-0-
Boston, Massachusetts	3	3	3
St. Louis, Missouri	5	5	4
Phoenix, Arizona	1	1	-0-
New Orleans, Louisiana	4	4	3
Columbus, Ohio	2	2	1
Jacksonville, Florida	1	1	1
Denver, Colorado	1	1	1
Seattle, Washington	1	-0-	-0-
 TOTAL	 173	 163	 133

And, in 1972, police officers were killed by firearms in 34 different states:

<u>State</u>	<u>Total</u>	<u>Firearms</u>	<u>Handguns</u>
Alabama	3	3	1
Alaska	1	1	-0-
Arkansas	3	3	1
California	6	6	4
Colorado	1	1	1
Delaware	2	2	2
Florida	5	5	4
Georgia	6	6	6
Idaho	1	-0-	-0-
Illinois	3	2	2
Indiana	3	3	2
Kansas	1	1	1
Kentucky	2	2	-0-
Louisiana	5	5	3

<u>State</u>	<u>Total</u>	<u>Firearms</u>	<u>Handguns</u>
Maryland	2	2	1
Michigan	5	4	4
Minnesota	4	4	3
Mississippi	1	1	1
Missouri	5	5	2
New Jersey	1	1	1
New York	5	5	5
North Carolina	7	7	6
Ohio	7	7	5
Oklahoma	4	4	2
Pennsylvania	7	7	4
South Carolina	1	1	1
South Dakota	1	1	1
Tennessee	2	2	1
Texas	10	9	5
Vermont	1	1	1
Virginia	2	2	2
Washington	1	1	1
West Virginia	2	2	1
Wisconsin	1	1	-0-
Wyoming	1	1	-0-
 TOTAL	 112	 108	 74

1973 has thus far shown a continuation of this trend. As of November 1, 111 police officers had been murdered, 73 with handguns and 104 with firearms. And, as of November 1, in New York City six officers have been killed, all with handguns. (This includes New York City Housing and Transit Police.)

The Staff Report to the Eisenhower Commission concluded:

"The policeman, himself armed, is capable of defending against violent attack. He is trained and equipped to ward off attacks with blunt objects, knives, or fists, and his firearm is usually sufficient to overcome his attacker, even if surprised at close range. It is, therefore, the capacity of firearms to kill instantly and from a distance that threatens the lives of police officers in the United States."

III. GUNS AND VIOLENCE IN NEW YORK CITY

LOCAL GUN CONTROLS IN NEW YORK CITY HAVE WORKED TO CURB VIOLENT CRIME, BUT IT IS APPARENT THAT THEY ARE UNDERMINED BY THE ABSENCE OF UNIFORM FEDERAL GUN CONTROL.

A. THE LAW IN NEW YORK

NEW YORK CITY HAS THE NATION'S MOST STRINGENT LOCAL GUN CONTROLS.

To own a long-gun or handgun in New York City you must have a license. To get such a license, an applicant is fingerprinted and his background is investigated in detail over a period of several weeks. Those with histories of mental disorder, felony convictions or drug or alcohol abuse are automatically denied licenses. To own a handgun the applicant must pass the same kind of vigorous background check and also show specific, legitimate need for the weapon. Only 28,000 civilians are licensed to own handguns in New York, of whom almost 4,000 are target shooters allowed to use their weapons only at the firing range.

In addition, the City tightly controls retailers and wholesalers of firearms and is the only jurisdiction that imposes specific theft-prevention security standards on firearms dealers. In December of 1972, the City enacted a law prohibiting the manufacture of cheap handguns ("Saturday Night Specials") in New York.

B. GUN CONTROL HAS WORKED IN NEW YORK

NEW YORK'S STRINGENT GUN CONTROL LAWS

HAVE BEEN EFFECTIVE IN LIMITING
GUN CRIMES.

Of the nation's ten largest cities, New York's murder rate is the second lowest. The murder rate in cities such as Dallas and Atlanta where there are no state and local gun controls is appreciably higher than New York's.

The percentage of crimes committed with firearms in New York City is considerably lower than the national average. The Eisenhower Commission Staff Report found that in 1967, 40% of New York's murders were committed with guns as compared to 63% in the nation, and 57% for the other largest 8 cities. The Report also found that 13% of all robberies in New York were committed with firearms as compared to 37% nationally and 44% in the other 8 largest cities.

C. THE EFFECT OF THE ABSENCE OF NATIONAL GUN CONTROLS ON NEW YORK'S LOCAL CONTROLS

THE ABSENCE OF NATIONAL GUN CONTROLS

HAS UNDERMINED NEW YORK'S LOCAL CONTROLS.

The easy availability of firearms throughout the United States has critically limited the effectiveness of our local controls.

In 1972, more than 51% of the murders in New York City involved the use of firearms as compared to 25% in 1965. In fact, the increase in murders in New York City in recent years can be almost completely attributed to the increase in firearm murders. The City's Chief Medical Examiner has noted that several other categories of homicide, such as strangulation, assault, arson, and infanticide had remained fairly constant over the last decade while shootings have increased rapidly.

In 1972, there were 4,362 assaults in New York involving guns as compared to 2,711 four years before. In 1972, there were 21,576 robberies involving guns as compared to 12,285

four years before.

With the exception of a few rare incidents, ALL OF THESE CRIMES--THE MURDERS, ROBBERIES, AND ASSAULTS--WERE COMMITTED WITH UNREGISTERED FIREARMS BY PERSONS NOT LICENSED TO POSSESS THEM IN NEW YORK CITY.

These firearms, mostly handguns, were brought into New York to be borrowed or sold on the black market from other jurisdictions that do not have New York's strict laws. These black market operations are responsible for bringing literally thousands of guns each week into New York City.

In response to this interstate traffic in firearms, in 1973, the City's police began working on an ongoing basis with the Alcohol, Tobacco and Firearms Unit (ATF) of the Treasury Department. A joint survey was undertaken of the approximately 3,000 handguns seized by New York City Police in the first six months of 1973 from persons arrested on charges of murder, assault, robbery and violation of the City's gun laws. ATF is tracing these guns to the last point of known transfer, whereupon ATF and the City police will try to determine how the gun then made its way into the possession of the person arrested with it in New York City.

Though the results of the survey are not yet complete (as of November 1, 1973,) they promise to confirm our worst fears about the way in which the absence of strict national gun controls undercuts New York's tough local laws:

--Ninety-seven percent of these handguns have thus far been traced to retail sales outside of New York. (The remainder about 3%, were guns bought legally in New York City but then either stolen from licensees or, in a handful of instances, abused by the licensees themselves.)

--Almost 70% of the guns came from four states in the South: South Carolina, Georgia, Florida and Virginia--with South Carolina accounting for an alarming one-third of the total. These states have weak or non-existent state gun controls and the only real restriction on handguns is the federal form that a purchaser must sign, swearing he is a resident of the state and is not a felon, lunatic, drug abuser or alcoholic.

Illustrative of the tragic consequence of this interstate traffic is one case in which a joint AFT-City Police effort uncovered a black market operation alleged to be "running" hundreds of handguns a week into New York. Of the 200 guns in just one shipment that defendants in this case are known

to have bought in another state and sold illegally in New York, 169 have already been seized by our Police Department in connection with arrests for attempted murder, armed robbery, and assault.

On the other hand, in the last two years less than one-tenth of one percent of the 20,000 people licensed to carry handguns in New York City have used their guns to commit a murder or a robbery.

That, in short, is the case for federal gun control.

D. POLICE KILLINGS IN NEW YORK CITY

SINCE 1966, 33 POLICE OFFICERS IN NEW YORK CITY HAVE BEEN KILLED, 29 WITH FIREARMS; 26 WITH HANDGUNS.

The month of June, 1973, tragically provided more than enough evidence of the relationship between police assaults and guns, especially handguns. In a 15 day period beginning Saturday, June 2, seven police officers were assaulted with handguns, and one was attacked with a shot-gun. Three of the officers were killed, all with handguns. None of the handguns has yet been identified as a "Saturday Night Special." (A fact which emphasizes that a mere "Saturday Night Special" law will not solve our gun control problems.)

Here are the important facts about each shooting:

1. June 2: A patrolman was killed in a bar with a handgun during a hold-up.

2. June 4: A Transit Authority patrolman, on duty, was shot in the arm with a .38 handgun.

3. June 5: A patrolman, on duty in Brooklyn, was shot in the arm, leg and abdomen while responding to a complaint of shots fired. Three perpetrators were involved using .32 and .22 handguns.

4. June 5: A Transit Authority patrolman, on duty

at a subway station in the Bronx, was shot three times by four perpetrators. He died at 5:15 a.m. from a wound from a 9mm handgun.

5. June 6: A detective, on duty, was shot in Central Park. A 9mm handgun was used.

6. and 7. June 17: A patrolman responding to a call that a distraught man was waving a handgun in a bar was shot to death by the man. His partner was seriously wounded.

None of the handguns used in these shootings were legally registered.

IV. THE CORRELATION BETWEEN GUN CONTROL AND
GUN CRIMES

A. THE UNITED STATES VS. OTHER COUNTRIES

THERE IS SOLID EVIDENCE OF THE CORRELATION BETWEEN THE RESTRICTIONS A COUNTRY PLACES ON FIREARMS AND ITS MURDER RATE.

In England, where there are stringent controls on who may own firearms, 19 policemen were killed in the 21 years from 1946 to 1967 as compared to 1,014 American police officers during the same time. And, English police officers are not armed.

In England and Wales, where the combined population is 48.8 million, there were 399 homicides in 1970; in Detroit, where the population is 1.5 million, there were 550 murders in 1970.

In Tokyo, stiff gun laws are credited with making crime a relatively minor problem. It is illegal in Japan to own a handgun, and according to the New York Times, the police feel that the resulting absence of handguns is crucial in keeping the murder and robbery rates as low as they are. Thus, in Tokyo, the world's largest city, three people were murdered with handguns in 1970. During the same year in New York City 538 people were killed with handguns. And, in Detroit, a still smaller city but one with gun laws that are less effective than New York's, there were 550 murders. As for the argument that would-be killers would merely use alternative weapons if guns were made unavailable, there were a total of 217 murders in Tokyo last year as compared to 1,117 in New York City, which has 30% less people.

In 1969, the murder rate in the United States was 7.2 per 100,000 residents as compared to .4 per 100,000 in Finland, .02 in Norway, and .06 in Sweden--all countries with strong gun laws.

The rate of homicides due to firearms in the United States is eight times that of the country with the second highest rate (Canada), 42 times that of England, and 23 times that of West Germany. All of these countries have strong gun law.

Thus, the United States not only ranks number one among the nations of the world in the number of gun deaths, but number two lags so far behind that the total of gun deaths in all free nations does not equal the total for the United States alone.

B. THE CORRELATION BETWEEN LOCAL GUN CONTROL LAWS AND VIOLENT CRIME WITHIN THE UNITED STATES

EVEN WITHIN THE UNITED STATES, IN STATES AND LOCALITIES WHERE GUN LAWS ARE STRONG, THE MURDER RATE, AS WELL AS THE PERCENTAGE OF MURDER COMMITTED WITH FIREARMS, IS LOWER THAN IN AREAS WHERE GUN LAWS ARE WEAK.

The variations shown above between the United States and other countries cannot be dismissed as mere functions of a particular American culture of violence. Rather, the gun laws seem to be a key variable in rates of crimes of violence in the United States. Every available comparison between localities within the United States indicates that where gun control laws are stringent, the murder rate, as well as the percentage of murders committed with firearms, is lower than in areas where gun laws are weak or non-existent and which, therefore, have a greater number of guns per capita.

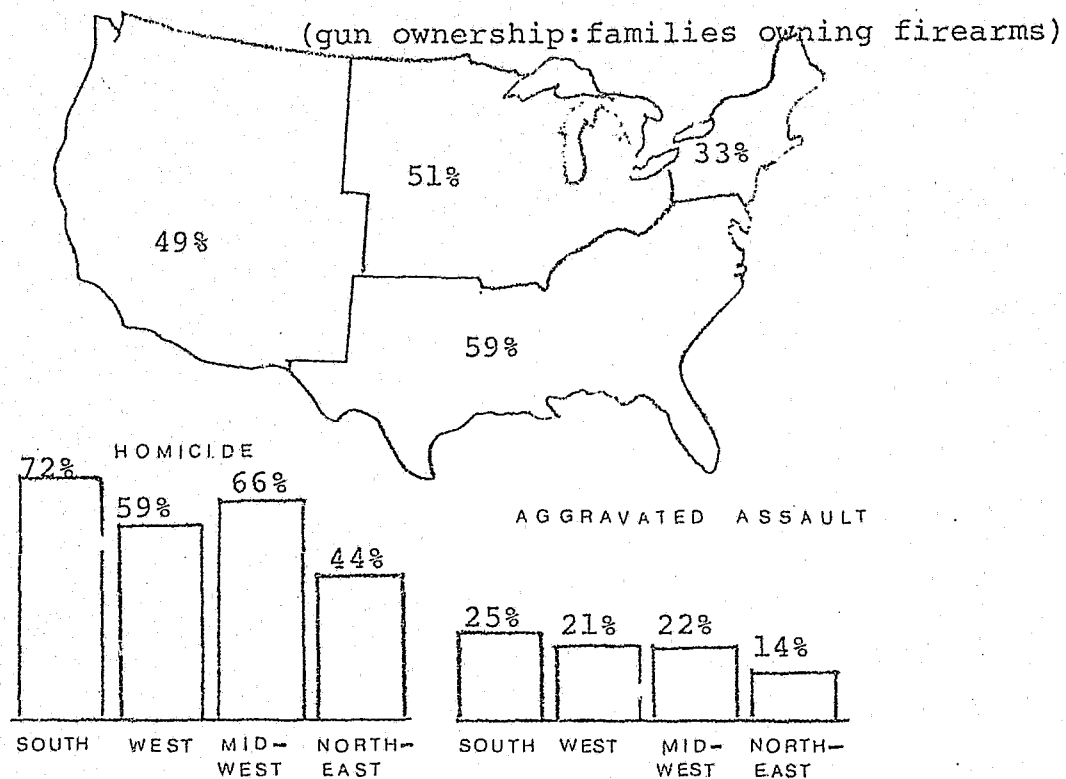
The three states generally thought to have the toughest gun laws--New Jersey, Massachusetts, and New York--are among the five states with the lowest percentage of murders committed with firearms, according to the FBI.

On the other hand, Alaska, the most sparsely populated state, and Texas, both with weak controls, were among the

highest in 1968 in murder rates. And, in terms of percentages of murders committed with firearms, the following figures from the Eisenhower Commission Staff Report tell a clear story:

Alaska	71.4%
Texas	68.7%
New York	31.8%

Regionally, the South has the highest rates of gun ownership and generally the weakest laws in the nation. And, the South leads the nation in the percent of homicides committed with firearms and in the rate of accidental gun deaths per 100,000. This is illustrated by the following tables prepared by the Eisenhower Commission Staff Report.



Gun ownership and percentage gun use in homicide and aggravated assault by region.

Sources:

1967 Uniform Crime Report.

1968 Harris poll.

Similarly in September of 1973, the Washington Post reported that:

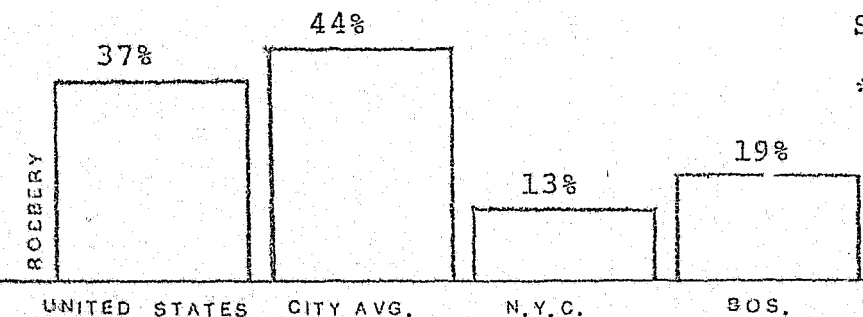
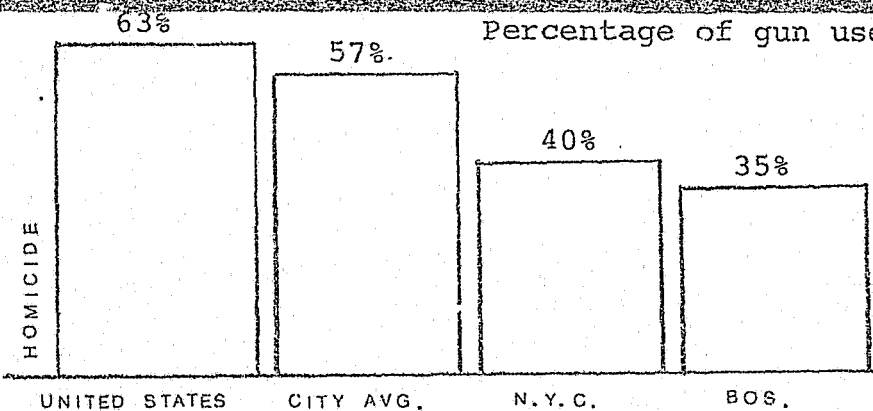
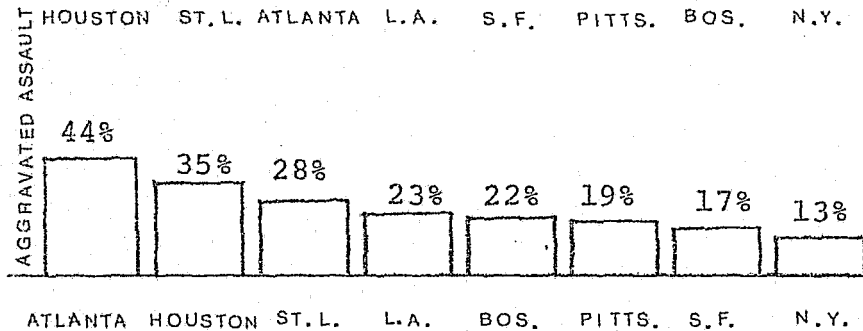
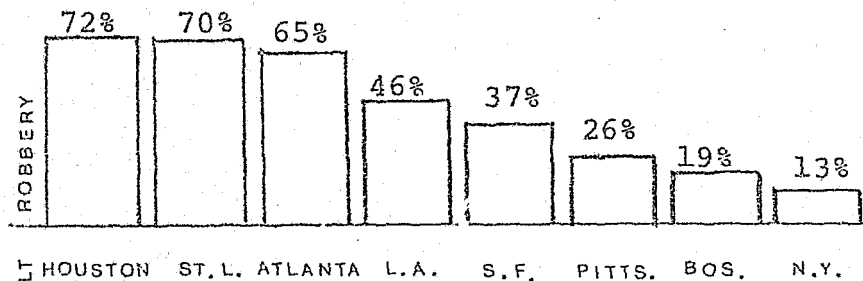
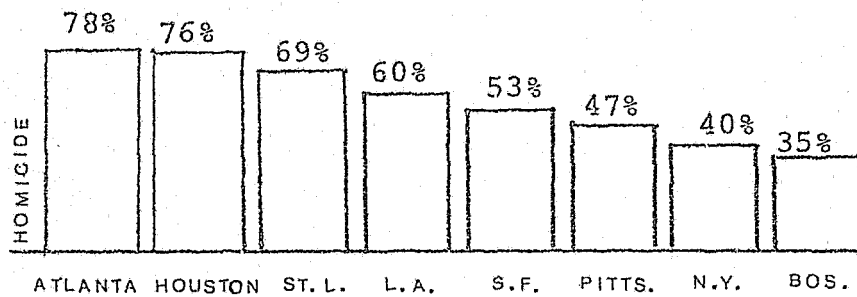
An absence of gun control legislation in Southern cities may be one reason why those metropolitan areas are dominating the nation's murder statistics...

FBI data show Atlanta leading the nation in 1972 with a rate of 23 slayings per 100,000 population, followed by Gainesville, Fla.; Little Rock, Ark.; Greenville, S.C.; Columbus, Ga.; Tuscaloosa, Ala.; Richmond, Va.; and Savannah, Ga...

Out of 53 metropolitan areas that reported 12 or more homicides per 100,000 population, 42 were in a 12-state Southern region..."If I had my way they would take every handgun ever made and throw them in the river," said Georgia Division of Investigation Director William Beardsley.

The Staff report to the Eisenhower Commission prepared the following two tables which further illustrate the correlation between firearms laws and firearms crimes. (NOTE: New York and Boston are the two major cities in the United States with strong state and local gun laws.)

Percentage use of firearms in crime, eight U.S. cities, 1967:



Sources:
 *Uniform Crime Report
 **Local Police Department

C. CAN GUN CONTROL BE EFFECTIVE?

THE SLOGAN, "IF GUNS ARE OUTLAWED,
ONLY OUTLAWS WILL HAVE GUNS," IS
CONTRADICTED BY ALL AVAILABLE EVIDENCE.

This is an argument frequently used by opponents of gun control. It implies that strict gun laws would disarm the law-abiding citizen while not affecting criminals at all. There are several counter-arguments:

1. Federal gun control does not mean that guns would be outlawed; at most, effective legislation would ban handguns not owned for a specific, legitimate need.

2. Total enforcement of any gun law would indeed be impossible. However, such laws could be enforced effectively enough to make a tremendous difference. If strict accounts were kept on all guns, beginning in the factory and moving on from there, and if there were uniform national standards, gun laws would be enforceable. As J. Edgar Hoover put it: "While it is true that a hardened criminal might possibly obtain a gun regardless of statutes in force, most authorities agree that controls would make acquisition much more difficult and less likely."

Also, a strong gun law facilitates increased control of criminals by providing police with an important ground for arresting armed citizens. In 1968, Leonard Reisman, then a New York City Police Department Deputy Commissioner, testified that the State's Sullivan law had enabled the police "to make many arrests for the illegal possession of pistols and revolvers before the possessor had had the opportunity to commit a crime of violence."

3. Restricting the availability of guns even to law-abiding citizens would in fact be an important step in curbing violent crime. Guns in the hands of outlaws are not the main cause of gun violence and civilian slaughter in the United States. There were 2,900 accidental gun deaths last year, 200,000 accidental gun injuries, and 10,000 gun suicides. None of these involved outlaws having guns. Most involved guns being too readily available.

Thus in 1968, the Staff Report to the Eisenhower

Commission, in considering the argument that civilians need firearms for self protection, found that for every robber stopped by a homeowner with a handgun, four homeowners or members of their family were killed in handgun accidents.

Similarly, a study done in Cleveland in 1973 found that a firearm purchased to protect a family against an intruder is six times more likely to be used to kill a family member or friend.

More important, the FBI tells us that most murders (73% in 1972) are committed by previously law-abiding citizens committing impulsive gun-murders while engaged in arguments with family members or other acquaintances. In these cases, a readily available gun is what turns an assault into a murder.

V. SUGGESTED FEDERAL FIREARMS CONTROL

LEGISLATION

GUNS SHOULD BE TREATED LIKE MOTOR VEHICLES.

Based on our experience with firearms abuse in New York, we would include the following in a model federal firearms control bill:

1. A requirement that all firearms be registered.
2. A requirement that all owners of firearms be licensed and that no one receive a license until his identity has been verified and it is certain that he is not a minor and has no history of felony conviction, mental disorder, or alcohol or drug abuse.
3. A strict limitation on licenses for the ownership of handguns so that only those demonstrating a specific, over-riding legitimate need for a handgun can get one. Presumably police officials in urban centers would interpret this requirement of over-riding legitimate need to mean that few, if any, civilians could own handguns in a crowded, urban environment, except for target shooters, who might be required to store their handguns at the shooting range.
4. A total ban on the domestic manufacture, assembly or sale of handguns not suitable for sporting use ("Saturday Night Specials").

It should be emphasized that a ban on "Saturday Night Specials" is only a part of our overall proposal. This is because the experience in New York and elsewhere indicates that while these cheap handguns are an important aspect of the handgun abuse problem faced by law-abiding citizens and police officers, eliminating them will not come close to fully eliminating the problem. Recent surveys conducted by the New York City Police Department of guns seized from arrested perpetrators determined that less than 30% of the firearms seized were "Saturday Night Specials." Similarly, a survey of all handguns seized in the first six months of 1973 in the City's highest crime precinct found that even in this poverty neighborhood, approximately half of

the classifiable handguns used by alleged perpetrators were high-quality, expensive weapons. And, none of the seven New York City police officers assaulted with handguns during June, 1973 were assaulted with "Saturday Night Specials."

5. A requirement that gun manufacturers, wholesalers, retailers, and transporters take appropriate security measures to guard against firearms thefts and that they be required to report all such thefts immediately to the police and the federal government.

6. To help end the damage caused by years of uncontrolled firearms distribution and ownership, the federal government would for a two-year period buy back all firearms from civilians who want to turn them in at a price at least equal to their current market value. This "buy-back" option would be available to all who surrender their guns voluntarily to state, local or federal police officials. For these two years subsequent to the passage of federal gun controls there would be no prosecution for violation of the new law for all who so surrender their guns voluntarily. The federal government would destroy all such firearms.

This "buy-back" option would not only make the other elements of the new law more realistically enforceable; it would also remove from circulation those thousands of guns now kept "lying around" by law-abiding citizens who don't really need or want them. Police experience indicates that these guns often become weapons in accidents, spur-of-the-moment assaults, murder, and suicides; and that they are often stolen in burglaries, then ending up in the hands of criminals.

This proposed system of firearms control essentially parallels the system of motor vehicles control now used by the 50 states: vehicles are registered and drivers are licensed. It should be noted that there is no reason why this legislation could not take the form of federally imposed standards that the states or localities could enforce. This would provide some flexibility for the "over-riding need" standard proposed for the granting of handgun licenses.

END