



DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
WASHINGTON, D.C. 20226

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JUN - 8 1994

Dr. Garen J. Wintemute
University of California, Davis
The Glenn Dairy Building
1700 Alhambra Boulevard, Suite 106
Sacramento, California 95816

Dear Dr. Wintemute:

This refers to your letter of May 4, 1994, in which you ask if certain domestic handguns met the minimum requirements on ATF Form 4590, Factoring Criteria for Weapons to qualify for importation into the United States.

The following handgun does not meet the requirements of prerequisite number 1 (the pistol must have a positive manually operated safety device) on ATF Form 4590 and as such does not qualify for importation:

ACCU-TEK Model 9

The following handguns do not meet the requirements of prerequisite number 2 (the combined length and height must not be less than 10 inches with the height, right angle measurement without magazine or extension, being at least 4 inches and the height being at least 6 inches) and as such do not qualify for importation:

ACCU-TEK Model 32SS
ACCU-TEK Model 380SS
ACCU-TEK Model AT-25
AMT Backup
AMT Backup II
Beretta Model 21 Bobcat, .22lr
Beretta Model 21 Bobcat, .25ACP
Beretta Model 950 Jetfire
Bryco Model 38, .380ACP
Bryco Model J-22
Bryco Model J-25
Colt Mustang
Colt Mustang Plus II

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Davis Big Bore Derringer, .32 H&R Mag.
Davis Big Bore Derringer, .38Spl.
Davis D Series Derringer, .22lr
Davis D Series Derringer, .22WMR
Davis D Series Derringer, .25ACP
Davis D Series Derringer, .32ACP
Davis P-32
Davis P-38
Intratec Protec 22
Intratec Protec 25
KBI PSP 25
Lorcin L-22
Lorcin L-25
Phoenix HP22
Phoenix HP25
Phoenix Raven
Sundance A-25
Sundance BOA
Sundance Point Blank Derringer
Taurus PT-22
Taurus PT-25

The following handguns meet the requirements of prerequisites 1 and 2 on ATF Form 4590 but do not accrue the minimum qualifying score of 75 points on ATF Form 4590. These handguns do not qualify for importation.

Bryco 48, .22lr (24 points)
Bryco 48, .32ACP (24 points)
Bryco 48, .380ACP (24 points)
Bryco 59, .380ACP (49 points)
Bryco 59, .40 S&W (56 points)
Bryco 59, 9mm (56 points)
Colt Mustang PocketL (64 points)
Lorcin L-32, .32ACP (42 points)
Lorcin L-380, .380ACP (42 points)
Lorcin L-9mm, 9mm (64 points)

The following handguns meet the requirements of prerequisites 1 and 2 on ATF Form 4590 and meet or exceed the minimum qualifying score of 75 points on ATF Form 4590. These hands qualify for importation.

AMT Automag II
AMT Automag III

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AMT Automag IV
AMT Automag V
AMT Hardballer
AMT Longslide
AMT On Duty, .40 S&W
AMT On Duty, 9mm
AMT Standard Govt.
Calico M110
Calico M950
Olympic OA93

The following handgun has not yet been placed in production and no accurate figures can be determined:

Kahr K9

We do not have sufficient information on the following handguns to make the determinations requested:

ACCU-TEK 40
Calico Liberty III
Davis 9mm
Lorcin L-HC

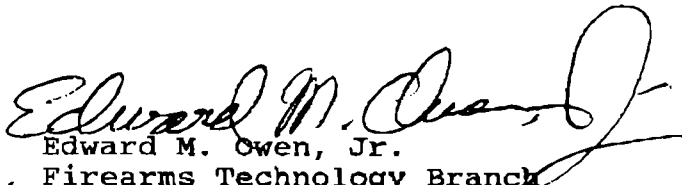
We cannot identify the following handguns:

Intratec CAT-9
LAW Enforcer

For your information, we are also enclosing a copy of a blank ATF Form 4590.

We trust that the foregoing has been responsive to your inquiry. If we may be of any further assistance, please contact us.

Sincerely yours,

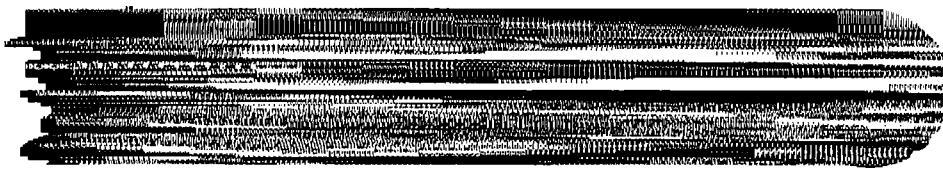

Edward M. Owen, Jr.
Chief, Firearms Technology Branch

Enclosure

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Handguns



ILA Research & Information Division

4/21/99

"Saturday Night Specials"

"Saturday Night Special" is a slang term generally used to refer disparagingly to relatively compact, less expensive, small-caliber handguns. Nevertheless, since the 1970s federal SNS legislation has sought to prohibit a wide range of handguns, including expensive ones. (Ex., S. 193, by Sen. Barbara Boxer)

Compact handguns, popular throughout American history, are useful for self-defense

- The Treasury Department and BATF have reported to Congress that "Self-defense handguns are generally small, lightweight revolvers and semiautomatic pistols, varying from .22 to .38 caliber." ("A Study Concerning the Threat to Law Enforcement Officers From the Criminal Use of Firearms and Ammunition," 1998.)
- *Anti-gun* criminologist Philip Cook has written that "Any gun that can be used in self-defense has a legitimate purpose, and therefore is not 'useless.' Similarly, any gun that can be used in crime can also be used in self-defense." ("The Saturday Night Special," *Journal of Criminal Law and Criminology*, 1981.)
- Criminologist Gary Kleck analyzed National Crime Victimization Survey data and found that "Robbery and assault victims who used a gun to resist were less likely to be attacked or to suffer an injury than those who used any other methods of self-protection or those who did not resist at all." (Kleck, *Targeting Guns*, 1997.)
- The Kleck/Gertz survey found that guns are used for protection 2.5 million times a year. ("Armed Resistance to Crime: The Prevalence and Nature of Self-Defense With a Gun," *Journal of Criminal Law and Criminology*, Fall 1995.)
- A study for the Justice Department found that 34% of felons have been scared off, shot at, wounded, or captured by an armed citizen, and 40% have not committed crimes because they feared that their potential victims were armed. (James D. Wright, Peter H. Rossi, *Armed and Considered Dangerous*, 1986.)

"Saturday Night Specials" are not preferred by criminals

- "SNSs are involved in only about 1-3% of all violent crimes." -- "Most handgun criminals do not use SNSs, and most SNSs are not owned or used for criminal

purposes. Instead, most are probably owned by poor people for protection." (Criminologist Gary Kleck, *Targeting Guns*, 1997; *Point Blank*, 1991.)

- Studies for the Justice Department have found that "There is no evidence to suggest that criminals prefer smaller *caliber* guns . . . or cheaper weapons" and that "The often-assumed criminal preference for small, cheap handguns is not confirmed." (James D. Wright, et al., *Under the Gun*, 1983; *Armed and Considered Dangerous*, 1986.)
- "Evidence clearly indicates that the belief that so-called 'Saturday Night Specials' are used to commit the great majority of felonies is misleading and counterproductive." (Police Foundation, *Firearm Abuse*, 1977.)

Even if a ban on small-caliber handguns could be enforced, it would have negative results

- A study for the Justice Dept. found that 68% of felons would switch to a "bigger, more expensive" handgun -- 18% would switch to a "sawed off [rifle or shotgun]." (Wright & Rossi, *Armed and Considered Dangerous*, 1986.)

A law against "Saturday Night Specials" would be discriminatory, by having a "disproportionate impact on poor people," prohibited by the Constitution's Equal Protection Clause

- Since the 1700s, laws and legislation targeting small, less expensive handguns have sought to disarm Blacks. "The name is sufficient evidence—the reference is to 'n[.....]-town Saturday Night.'" (B. Bruce-Briggs, "The Great American Gun War," *The Public Interest*, 1976.)
- A law against "Saturday Night Specials" would disproportionately affect poor citizens by reducing the availability of defensive handguns to low income Americans. (Gary Kleck, *Targeting Guns*, 1997.) The violent crime victimization rate is highest among people in households with annual incomes below \$7,500. (Bureau of Justice Statistics, *Criminal Victimization 1997, Changes 1996-97 with Trends 1993-97*, Dec. 1998)
 COMPACT handguns have been popular for personal protection for several centuries, due to their relatively small profile and weight. During the 18th century and early into the next, it was common for English gentlemen to carry one or more "pocket pistols" when traveling. In the United States, Thomas Jefferson, George Mason, and other of our country's early statesmen carried small pistols, as did many other middle-class and wealthier Americans. By the end of the 19th century, the habit of going armed was a recognized custom in the East. "It was estimated in 1877 that one Chicagoan in ten would be found with a pistol concealed on his person."1

Gun owners, including law enforcement officers, often favor compact handguns for their ease of carry in shoulder, waist and leg holsters, or in ladies' purses. James J. Fotis, Executive Director of the 65,000-member Law Enforcement Alliance of America, has said, "Small-caliber handguns have been carried by law enforcement officers for years, often as backups to their primary handguns. These handguns are useful for protective purposes because of their concealability and serve the primary function of 'backup' if a disarming occurs or if you have no time to reload. There is no reason to believe that small-caliber handguns are any less useful for protection when in the hands of other law-abiding citizens."

Compact handguns have long been popular for home defense. Their thinner grips and shorter distance between grip and trigger often suit people with small hands. Most produce relatively light recoil because of the lower-powered ammunition they typically use. Comfort and the ability to control a firearm with confidence are two of the most important factors in choosing a firearm for any use.

In a report to Congress, the Bureau of Alcohol, Tobacco and Firearms (BATF) noted the utility of small handguns for self-defense. "Self-defense handguns are generally small, lightweight revolvers and semiautomatic pistols, varying from .22 to .38 caliber," BATF stated. "Many of these firearms are available in .25, .32, .380, and 9mm caliber. Some of the better quality self-defense handguns are also used for target shooting."²

In the Gun Control Act (1968, P.L. 90-618) and Firearms Owners' Protection Act (1986, P.L. 99-308), Congress affirmed the right of citizens to possess firearms for protection, stating that it intended to not "place any undue or unnecessary Federal restrictions or burdens on law-abiding citizens with respect to the acquisition, possession, or use of firearms appropriate to the purpose of hunting, trapshooting, target shooting, personal protection, or any other lawful activity...." *Anti-gun* criminologist Philip Cook noted, "The Gun Control Act explicitly recognized that sporting uses were *not* the only legitimate purposes for acquiring and using a handgun."³ A 1996 nationwide Lawrence Research survey found that 75% of voters favor allowing law-abiding citizens to carry firearms for personal protection outside their homes.

Holding a different view, anti-gun activists Sarah and Jim Brady say that "the only reason for a gun in civilian hands is for sporting purposes" and that "for defense of the home, that's why we have police departments."⁴ Other spokesmen for the Bradys' group, Handgun Control, Inc., have advised people to "put up no defense - give them what they want," and stated that self-defense is "not a federally guaranteed constitutional right."⁵ These are views that are inconsistent with history, federal and state law, and the sentiments of the vast majority of the American people.

Are SNSs useful to criminals, but not law-abiding citizens defending themselves?

Some activists have claimed that "SNSs" are somehow simultaneously particularly useful to criminals but not to law-abiding citizens. *Anti-gun* criminologist Philip Cook disagreed. "Indeed, it seems doubtful that there are *any* guns that are 'useless' to legitimate owners, yet useful to criminals," Cook wrote. "Any gun that can be used in self-defense has a legitimate purpose, and therefore is not 'useless.' Similarly, any gun that can be used in crime can also be used in self-defense."⁶

A criminologist who is neutral on the question of "gun control," Gary Kleck, of Florida State University (winner of the American Society of Criminology's 1993 Hindelang Award for his 1991 book, *Point Blank: Guns and Violence in America*), also disagreed. "Supporters of SNS restrictions commonly adhere to two claims: (1) SNSs, which are capable of killing or grievously wounding, are dangerous in the hands of criminals, and (2) SNSs are useless for self-defense. . . . Regardless of how good or bad the SNS is at hurting or intimidating human beings, to whatever degree its technical characteristics limit its utility for defensive purposes, they must also limit its utility for offensive purposes. . . . [I]f criminals can seriously harm their victims with SNSs, then obviously victims can credibly threaten, and sometimes inflict, similar grievous bodily harm on their victimizers."⁷ Analyzing National Crime Victimization Survey data, Kleck found that "robbery and assault victims who used a gun to resist were less likely to be attacked or to suffer an injury than those who used any other methods of self-protection or those who did not resist at all."⁸ In the most comprehensive survey of its kind, Kleck also found that firearms are used for self-protection about 2.5 million times annually.⁹ A survey of felons for the U.S. Dept. of Justice found that 34% of felons have been "scared off, shot at, wounded, or captured by an armed victim," and 40% of felons have not committed one or more particular crimes for fear their potential victims were armed.¹⁰

31 "Right To Carry" (RTC) states recognize the right to carry compact handguns

Since the 1960s, when "gun control" supporters launched their first modern campaign for a federal SNS ban, 21 states have affirmed the right to carry compact (and other) handguns, by adopting "shall issue" carry permit laws. During 1995-1996 alone, 16 states adopted or improved "shall issue" laws, for a total of 31 RTC states.¹¹ Other states are considering adopting their own carry permit laws. Nearly 60% of handgun owners, and half the U.S. population, live in RTC states. Contrary to "gun control" advocates' predictions, states with RTC laws have seen crime decrease. On average, RTC states have a

24% lower total violent crime rate, a 19% lower homicide rate, a 39% lower robbery rate, and a 19% lower aggravated assault rate. The nine states with the lowest violent crime rates are all RTC states. "Gun control" advocates fault Florida and Texas, among RTC states, but Florida's homicide rate has decreased 41% since the state adopted its RTC law, and both states' homicide rates are lower today than at any time since before 1960. (Data: FBI)

The Supreme Court, in *U.S. v. Cruikshank* (92 U.S. 542, 1876), recognized that the right to arms preexisted the Constitution. The Court stated that the right to arms "is not a right granted by the Constitution. Neither is it in any manner dependent upon that instrument for its existence." In *Beard v. United States* (158 U.S. 550, 1895), the Court approved the common-law rule that a person "may repel force by force" in self-defense, and concluded that when attacked a person "was entitled to stand his ground and meet any attack made upon him with a deadly weapon, in such a way and with such force" as needed to prevent "great bodily injury or death." The laws of all 50 states, and the constitutions of most states, recognize the right to use armed force in self-defense.

Early laws against inexpensive handguns: Gun control = race control

After the Civil War, mass-production techniques led to a reduction in the prices of many goods, including firearms. New among purchasers of handguns and other guns were former slaves who, newly-freed, were entitled to exercise the right to arms, long considered one of the features distinguishing citizenship from servitude. As the Supreme Court had ruled in *Dred Scott v. Sanford* (19 How. 393, 1857):

"It [citizenship] would give to persons of the negro race, who were recognized as citizens in any one State of the Union, the right to enter every other State whenever they pleased . . . and it would give them the full liberty of speech in public and in private upon all subjects upon which its own citizens might speak; to hold public meetings upon political affairs, and to keep and carry arms wherever they went. . . ."

Efforts to prevent blacks from arming had a well-established history in the United States. The French Black Code (1751) required Louisiana colonists to stop and, "if necessary," beat "any black carrying any potential weapon. . . ." After Nat Turner's rebellion, the Virginia legislature made it illegal for free blacks "to keep or carry any firelock of any kind, any military weapon, or any powder or lead." Maryland considered dogs to be weapons, and permitted any white to shoot any unlicensed dog owned by a free black. Mississippi prohibited blacks from owning dogs. In 1834, Tennessee revised Article XI, Section 26 of its Constitution to read "That the free white men of this State have a right to keep and bear arms for their common defense," inserting the words "free white men" to replace "freemen," whose rights were protected when the Constitution was ratified in 1796.¹²

After the Civil War, southern states enacted the Black Codes, which "fixed the black population in serfdom, denying all political rights, excluding them from virtually any chance at economic or social advancement and, of course, forbidding them to own arms."¹³ Following ratification of the 14th Amendment (1868) and enactment of the Civil Rights Act (1875), several states passed laws race-neutral on their face, but not in their effect. Attorney Robert Dowd observed, "It does not matter that a law on its face applies to all. A law will be deemed unconstitutional if the 'the reality is that the law's impact falls on the minority.'" ¹⁴ Among these laws, the forerunners of modern SNS legislation, was Tennessee's "Army and Navy" law (1879), which prohibited the sale of any "belt or pocket pistols, or revolvers, or any other kind of pistols, except army or navy pistol" models, among the most expensive, largest handguns of the day. The law thus prohibited small derringers and rimfire revolvers that most Blacks could afford. From 1915-1921, a U.S. Senator from Tennessee, John K. Shields, sponsored bills in Congress to impose an "Army/Navy" law nationwide.¹⁵

A law to prohibit the mailing of pistols (with a view to prevent mail orders of SNSs by teenagers) was imposed by Congress in 1927. In 1968, Congress imposed the Gun Control Act, which, among other things, included provisions intended to stop the importation of SNSs¹⁶ [18 U.S.C. 925(d)(3)] and to prohibit interstate mail order purchases of firearms [18 U.S.C. 922(a)(3)]. The Act was ostensibly imposed in response to the assassinations of President John F. Kennedy, Senator Robert F. Kennedy

and the Rev. Dr. Martin Luther King. But even supporters of "gun control" have recognized that there was another purpose unspoken by the nation's lawmakers. *Anti-gun* journalist Robert Sherrill wrote that "The Gun Control Act of 1968 was passed not to control guns but to control blacks. . . . Inasmuch as the legislation finally passed in 1968 had nothing to do with the guns used in the assassinations of King and Robert Kennedy, it seems reasonable to assume that the law was directed at that other threat of the 1960s, more omnipresent than the political assassin—namely, the black rioter. . . . With the horrendous rioting of 1967 and 1968, Congress again was panicked toward passing some law that would shut off weapons access to blacks."17 B. Bruce-Briggs noted, "It is difficult to escape the conclusion that the 'Saturday night special' is emphasized because it is cheap and is being sold to a particular class of people. The name is sufficient evidence—the reference is to 'n[.....]-town Saturday Night.'"18

During the 1990s, low-income Blacks saw their right to arms threatened by the Chicago public housing authorities and the Clinton Administration, which suggested prohibiting residents of housing projects from possessing firearms. Portland, Maine's, housing authority imposed such a provision during the 1970s, but it was overturned by the state Supreme Court in a case brought forward with help from the NRA. On appeal, the U.S. Supreme Court declined to review the Maine Court's decision, thus letting it stand.19

The race-oriented history of many federal and state "gun control" laws is one that has escaped the attention of many in the academic and civil rights communities. Legal scholars Robert J. Cottrol and Raymond T. Diamond observe, "The history of blacks, firearms regulations, and the right to bear arms should cause us to ask new questions regarding the Second Amendment . . . Much of the contemporary crime that concerns Americans is in poor black neighborhoods and a case can be made that greater firearms restrictions might alleviate this tragedy. But another, perhaps stronger case can be made that a society with a dismal record of protecting a people has a dubious claim on the right to disarm them. Perhaps a re-examination of this history can lead us to a modern realization of what the framers of the Second Amendment understood: that it is unwise to place the means of protection totally in the hands of the state, and that self-defense is also a civil right."20

Sporting uses of compact, small-caliber handguns

A Department of Justice sponsored study in the 1980s noted the utility of compact, small-caliber handguns as "trail guns" (suited for campers and hikers) and for small-game hunting.21 Thirty-six states permit the use of small-caliber handguns for hunting small game.

"Saturday Night Specials" have never been "preferred" by criminals

In the 1970s, supporters of a federal SNS ban claimed SNSs were often used in crimes. The *anti-gun* Police Foundation reported however, "the evidence clearly indicates that the belief that so-called 'Saturday Night Specials' (inexpensive handguns) are used to commit the great majority of these felonies is misleading and counterproductive" and "seems to contradict the widespread notion that so-called 'Saturday Night Specials' are the favorite crime weapon."22 Two decades later, criminologist Gary Kleck found, "[M]ost crime handguns were not SNSs, nor did they claim a share even approaching a majority. . . . SNSs are involved in only about 1-3% of all violent crimes."23 Kleck noted, "[T]here is no strong reason to believe that criminals are any more likely to use SNSs than non-criminal members of the general public are. More specifically, criminals are no more likely to use cheap or small-caliber handguns than non-criminal gun owners. Therefore, there is no meaningful sense in which criminals can be said to 'prefer' SNSs. . . . [M]ost handgun criminals do not use SNSs, and most SNSs are not owned or used for criminal purposes. Instead, most are probably owned by poor people for protection."24

Studies for the Justice Dept.: "[T]here is no evidence to suggest that criminals prefer smaller *caliber* guns than the gun-owning population at large, or is there evidence that criminals prefer cheaper weapons;" 25 "The often-assumed criminal preference for small, cheap handguns is not confirmed [T]he characteristics of the so-called 'Saturday Night Special' did not emerge as being particularly important to [felons]. . . . [P]urging the market of small, cheap handguns may simply be irrelevant, most of all to predatory felons who are more likely to use their guns to commit crimes;" 26 and SNSs

are "of little interest" to juvenile offenders.²⁷

Gun control supporters' misuse of firearms tracing data

During the 1980s and 1990s, "gun control" supporters have tried to portray first one, then another, kind of firearm as "the weapon of choice of criminals." Invariably, they have not presented data from police departments, showing the kinds of guns used to commit crimes. Instead, they have mischaracterized BATF firearm tracing data, with claims asserting that such-and-such gun was the kind most commonly "traced to crime" or accounted for such-and-such percentage of guns "traced to crime." Firearm tracing data are not intended to provide such information, however. Following are excerpts from an analysis by the Congressional Research Service:²⁸

"The ATF tracing system is an operational system designed to help law enforcement agencies identify the ownership path of individual firearms. It was not designed to collect statistics." "Firearms selected for tracing do not constitute a random sample and cannot be considered representative of the larger universe of all firearms used by criminals, or of any subset of that universe. As a result, data from the tracing system may not be appropriate for drawing inferences such as which makes or models of firearms are used for illicit purposes." "Standardized procedures do not exist to ensure that officers use consistent definitions or terms in the reports of circumstances that lead to each trace request. . . . Also, it is not possible independently to verify the authenticity or accuracy of the circumstances surrounding trace requests." "A law enforcement officer may initiate a trace request for any reason. No crime need be involved. No screening policy ensures or requires that only guns known or suspected to have been used in crimes are traced." "The absence of a screening policy to ensure that trace requests are related to crimes, the omission of any reference to crimes on some requests, the omission or inclusion of certain firearms from the system, and most significantly BATF's recent statement that it does not 'always know' if a traced firearm has been used in a crime, provide foundation for questions as to whether the data from the tracing system provide representative information on firearms used in crimes." "Trace requests are not accurate indicators of specified crimes. . . . [T]races may be requested for a variety of reasons not necessarily related to criminal incidents. For example, a trace may be conducted on a firearm found at the residence of a suspect though the firearm itself is not associated with a criminal act. Traces may also be requested with respect to abandoned firearms, those found by chance, those seen by officers for sale at gun shows or pawn shops, or those used by suicide victims. In addition, traces may be requested with respect to firearms seized pursuant to an investigation not directly related with a violent criminal offense, such as tax evasion or a technical violation of the Gun Control Act provisions. It is not possible to identify how frequently firearm traces are requested for reasons other than those associated with violent crimes."

A study for the Justice Dept. found, "confiscated firearms often include *all* firearms recovered by the police, not just those related to a crime. This source of data makes it difficult to identify clearly the typical crime gun. In addition, the data on confiscated firearms are quite limited. There are no national statistics on the number and types of guns police confiscate or the reasons for confiscation, or is there a breakdown by the types of firearms associated with particular violent crimes (with the exception of homicide)."²⁹

The *anti-gun* Police Foundation reported, "Not all confiscations involve firearms used to commit crimes and not all firearms used to commit crimes are confiscated." Of guns confiscated, "between 50 and 60 percent of the crimes are charges of illegal weapons possession offenses," not violent crimes. "It is impossible to classify accurately the price of firearms merely by knowing their manufacturer. The classification will often be incorrect because a manufacturer that usually produces high-priced firearms may also make one inexpensive model, while the producer of inexpensive firearms may also make expensive models. . . . In only one city did the firearms assumed to be inexpensive handguns represent more than half of those confiscated among the manufacturers most represented. In seven of the nine sample cities inexpensive handguns represented less than 30 percent of the confiscated firearms, suggesting that inexpensive handguns are not used as weapons of violent crime any more often than other handguns."³⁰

"Saturday Night Specials" do not pose a safety hazard to their owners

Despite claims of SNSs "blowing up" when fired, no tests have identified such problems. In "handgun destruction" tests conducted for BATF during 1971, the \$39.95 "Guardian" revolver was among the top performers. Handguns manufactured in the U.S. are subject to tough standards set by the Sporting Arms and Ammunition Manufacturers Institute (SAAMI), founded in 1926 at the request of the federal government. Today, SAAMI publishes more than 700 voluntary standards related to firearm and ammunition quality and safety. SAAMI is an accredited standards developer for the American National Standards Institute (ANSI). These standards are reviewed by outside parties, such as the National Institute of Standards and Technology, and every five years the validity of the standards is re-affirmed. The U.S. Armed Forces, the FBI and many other state and local agencies frequently require that their firearms are manufactured in accordance with SAAMI specifications. According to the National Center for Health Statistics and National Safety Council, the fatal firearm accident rate is at an all-time low, down 88% since 1904. The annual number of such accidents is also at an all-time low, down 65% since 1930, during which time the number of privately owned firearms has quadrupled.³¹

Some of the consequences of a ban on less expensive guns

A ban would have a disproportionate impact on poor people, prohibited by the Constitution's Equal Protection Clause. "[E]fforts directed specifically at SNSs...would have their greatest impact in reducing the availability of defensive handguns to low income people....SNS-specific measures would disproportionately affect the law-abiding poor, since it is they who are most likely to own SNSs and obey the laws..."³²

Even if enforceable, an SNS ban would increase the threat posed by criminals. "Among that small segment of the criminal population that uses SNSs to commit crimes, most would presumably continue to use the SNSs they already had, while many criminal newcomers who sought such as gun could obtain it through theft and unregulated purchases, trades, and other transactions with friends, relatives, and occasionally black market dealers. Among those who were denied access to an SNS, the easiest adaptation would be to buy a marginally more expensive handgun. . . . Police officials have reported that this substitution of better quality handguns has in fact already occurred."³³

If unable to acquire a smaller handgun, 68% of felons say they would switch to a "bigger, more expensive" handgun, while 18% would switch to a "sawed off [rifle or shotgun]."³⁴ "Police officers feel they are more threatened by [higher-powered] guns than they were in the past. Some blame the increase on the affluence of criminals involved in the drug trade; others see it as an unfortunate outcome of the move to ban the cheap handguns known as 'Saturday Night Specials.'"³⁵ "[T]he substitution of higher-caliber for lower-caliber handguns would almost certainly cause the rate of handgun deaths to increase. . . . Das, for example might occur in the face of a ban on small-caliber handguns. . . ." ³⁶

1. Lee Kennett and James LaVerne Anderson, *The Gun in America: The Origins of a National Dilemma*, Westport: Greenwood Press, 1975, pp. 156-157.
2. Dept. of the Treasury, BATF, "A Study Concerning the Threat to Law Enforcement Officers From the Criminal Use of Firearms and Ammunition," 1998, pp. 23-24. The study was mandated by legislation supported by the NRA.
3. Philip Cook, "'The Saturday Night Special': An Assessment of Alternative Definitions from a Policy Perspective," *Journal of Criminal Law and Criminology*, 1981.
4. Mrs. Brady: *Tampa Tribune*, 10/21/93; Mr. Brady: "In Step With: James Brady," by James Brady, *Parade Magazine*, June 26, 1994, p. 18.
5. Pete Shields, then-Chair of Handgun Control, Inc., *Guns Don't Die - People Do*, N.Y.: Arbor House, 1981; Dennis Henigan, director of Handgun Control, Inc.'s Center to Prevent Handgun Violence Legal Action Project, *USA Today*, Nov. 20, 1991, p. 11A.
6. Note 3, p. 1737.
7. *Targeting Guns: Firearms and Their Control*, N.Y.: Aldine de Gruyter, 1997, p. 132.
8. *Point Blank: Guns and Violence in America*, N.Y.: Aldine de Gruyter, 1991, p. 124.
9. Kleck and Marc Gertz, "Armed Resistance to Crime: The Prevalence and Nature of Self-Defense With a Gun," *Journal of Criminal Law and Criminology*, 86:150-187, Fall 1995.

10. James D. Wright and Peter H. Rossi, *Armed and Considered Dangerous: A Survey of Felons and Their Firearms*, N.Y.: Aldine de Gruyter, 1986, p. 155.
11. Also during 1995-1996, seven states adopted range protection measures (total, 18), five preempted local firearm ordinances (total, 42), three adopted "Instant Check" (total, 16), and two adopted hunter protection laws (total, 50).
12. Clayton Cramer, "The Racist Roots of Gun Control," *Kansas Journal of Law & Public Policy*, Winter 1995, pp. 17- 18.
13. Don B. Kates, Jr., "Toward a History of Handgun Prohibition in the United States," *Restricting Handguns: The Liberal Skeptics Speak Out*, Don B. Kates, Jr., Ed., North River Press, Inc, 1979, p. 12.
14. "Bearing Arms in State Bills of Rights, Judicial Interpretation, and Public Housing," *St. Thomas Law Review*, Vol. 5, Fall 1992, p. 212.
15. Note 1, pp. 197-198.
16. James D. Wright, Peter H. Rossi, and Kathleen Daly, *Under the Gun*, N.Y.: Aldine de Gruyter, 1983, p. 247.
17. *The Saturday Night Special*, N.Y.: Charterhouse, 1973, p. 98.
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