

A RESEARCH  
IN SOCIAL  
PROBLEMS  
STUDY

# FIREARMS, VIOLENCE, AND CIVIL DISORDERS

Prepared for:

THE NATIONAL ADVISORY COMMISSION  
ON CIVIL DISORDERS  
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MENLO PARK  
CALIFORNIA

Prepared by:

Arnold Kotz, Project Director  
Harold Hair  
John K. Scales

ERRATUM

Firearms, Violence, and Civil Disorders

Project No. MU-7105

Stanford Research Institute

Menlo Park, California

p. 58, Table 9,  
col. 1 (1963),  
item 3 (Pistols/  
Revolvers)

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"496,139"

CONTENTS

TRANSMITTAL LETTER TO THE EXECUTIVE DIRECTOR, NATIONAL ADVISORY COMMISSION ON CIVIL DISORDERS . . . . .	1
ACKNOWLEDGMENTS . . . . .	7
I MAJOR CONCLUSIONS . . . . .	9
Introduction . . . . .	9
The Riots in Detroit and Newark . . . . .	10
Registration or Licensing . . . . .	10
Increase in Sales and Inventory . . . . .	11
The Necessity for Effective Firearms Control . . . . .	11
Firearms and the Propensity to Individual Violence . . . . .	15
Police-Community Relations . . . . .	17
Paramilitary Forces . . . . .	17
Screening and Control: Policies and Procedures . . . . .	18
Inadequate Information System . . . . .	19
Actions to Attenuate Violence . . . . .	20
II FIREARMS AND CIVIL DISORDERS IN THE CITIES . . . . .	23
Introduction . . . . .	23
Newark, New Jersey . . . . .	24
Detroit, Michigan . . . . .	31
Assessment of Disorders in Newark and Detroit . . . . .	40
III FIREARMS AND FUTURE DISORDERS . . . . .	43
Introduction . . . . .	43
Police Response to Riots . . . . .	43
Increased Purchases of Firearms by Individuals as a Result of the Riots . . . . .	44
Proliferation of Paramilitary Organizations . . . . .	50
Policies, Criteria, and Screening and Control Procedures . . . . .	52
IV FIREARMS AND THE PROPENSITY TO VIOLENCE . . . . .	57
Introduction . . . . .	57
Sales of Firearms . . . . .	57
Imports . . . . .	59
Detroit and Newark . . . . .	60
Firearms Owned by Individuals . . . . .	36
Firearms and the Propensity to Individual Violence . . . . .	67
Comparison of Deaths by Country . . . . .	69

CONTENTS

V	COMPARATIVE PERSPECTIVES ON LEGISLATION . . . . .	73
	Introduction . . . . .	73
	Existing Federal Laws . . . . .	73
	Current Proposals for Federal Licensing and Registration . .	74
	State Laws . . . . .	78
	City Laws and Ordinances . . . . .	81
VI	MAJOR PROBLEMS FOR FURTHER RESEARCH . . . . .	83
	Policy Issues . . . . .	83
	Systems and Procedures . . . . .	88
	FOOTNOTES . . . . .	91
	APPENDIX . . . . .	99

ILLUSTRATIONS

1	Pistols and Revolvers Registered: Detroit . . . . .	12
2	Registration of Handguns--State of Michigan . . . . .	13
3	Firearms and the Propensity to Individual Violence . . . . .	16
4	MUST Advertisement . . . . .	55
5	MUST Advertisement . . . . .	56
6	Licenses To Purchase Pistols and Revolvers--Detroit . . . . .	61
7	Pistols and Revolvers Registered: Detroit . . . . .	62
8	Pistols and Revolvers Reported Stolen--Detroit . . . . .	63
9	Applications for Permits To Purchase Pistols and Revolvers--Newark . . . . .	65
10	Firearms and the Propensity to Individual Violence . . . . .	68

TABLES

1	Deaths During Newark Disorder . . . . .	30
2	Injuries Not Resulting in Death During Newark Disorder . . .	32
3	Deaths During Detroit Disorder . . . . .	39
4	Injuries Not Resulting in Death During Detroit Disorder . . .	41
5	Licenses to Purchase, Guns Registered, Gun Permits Denied in Detroit, Michigan . . . . .	46
6	Guns Stolen and Recovered in Detroit, Michigan . . . . .	47
7	Total Applications for Permits To Purchase a Pistol or Re- volver in Newark, New Jersey . . . . .	48
8	Total Applications for Firearms Purchaser Identification Card in Newark, New Jersey . . . . .	49
9	Number of Firearms Sold in the United States for Personal Use	58
10	U.S. Imports of Small Arms . . . . .	59
11	Annual Registration of Handguns in the State of Michigan . .	64
12	Deaths by Firearms and Explosives . . . . .	66
13	Deaths from Firearms and Explosives in the United States, by Category . . . . .	70
14	Comparative Deaths Due to Firearms and Explosives in Selected Countries . . . . .	71

July 31, 1968

Mr. David Ginsburg, Executive Director  
National Advisory Commission on Civil Disorders  
The White House  
Washington, D.C.

Dear Mr. Ginsburg:

Submitted herewith is a report entitled, Firearms, Violence, and Civil Disorders. It is the result of a five-month exploratory study of the role of firearms in urban civil disorders supported by a grant of funds from two of the nation's leading manufacturers of sporting arms and ammunition. These manufacturers approached the National Advisory Commission on Civil Disorders and offered their support for an independent and objective appraisal as to the significance of firearms in the overall disorders situation. They were concerned with what measures the industry could take in the public interest in the event of future disorders.

The joint statement released in January 1968 by you; Mr. R. H. Coleman, President of Remington Arms Company; Mr. William L. Wallace, Vice President and General Manager of Winchester-Western Division of Olin-Mathieson Chemical Corporation; and Dr. Weldon B. Gibson, Executive Vice President of Stanford Research Institute, that announced this study appears in the Appendix.

The research found Winchester and Remington quite earnest in their desire to identify and follow through on measures to protect the public in future civil disorders. Working with the International Association of Chiefs of Police, they have instituted provisions, through Project Secure, for public security measures in anticipation of the possibility of riots or during riots that would place guns in security storage on the premises so that they could not be stolen; to identify caches of guns in armories, schools, stores, and so forth so that police forces could properly secure them; to provide for the withdrawal of guns and ammunition to secure areas outside the perimeter of trouble; and to stop the sale of guns and ammunition. Stanford Research Institute believes such steps to be quite significant and helpful.

There are some measures to control and reduce the amount of violence related to the use of firearms that the sporting arms and

ammunition manufacturers could consider for support, but such measures should more properly be initiated by society at large through federal, state, and local legislative and executive actions. Some of these measures and their relation to violence and civil disorders are considered in this report. However, the findings and conclusions set forth are those of Stanford Research Institute and do not necessarily represent the views of the sponsors.

The study undertaken by Stanford Research Institute and reported herein primarily focused on the use of firearms in the riots in Newark and Detroit of 1967 to illuminate the role that firearms may have played in these riots or might play in future disorders. SRI found early in the study that the large quantity of firearms available for use in civil disorders, for committing individual acts of violence, for perpetration of crime, and for the proliferation of numerous annual accidental deaths and injuries are all inextricably interwoven. Therefore, a comprehensive approach considering all of them was found to be appropriate.

SRI started its study of firearms and violence in January of this year. In the five months since the start of this project, two outstanding leaders important to political life in the United States have been assassinated--one by a rifle and one by a handgun. The assassination of Dr. Martin Luther King on April 4, apparently an individual act of violence, triggered a series of civil disorders of immense proportion that hit many major cities throughout the country, including the nation's capital. The handgun that murdered Robert Kennedy was procured by an elderly white man during the Watts riots and, through a series of transfers, ended up in the hands of an assassin. On the day of the Kennedy assassination, three Negroes who had come to Washington from California to participate in the Poor Peoples' March are alleged to have shot to death two Marines and wounded two other persons in a hamburger establishment in a mindless sort of violence. The three Negroes were arrested. Two guns were found.

The research confirmed that Detroit and Newark did not experience the wide scale sniping and other use of firearms reported in the media and by public officials during and shortly after the disorders. However, this should not lead to a sanguine view of the use of firearms in future disorders. The research documented a dramatic increase in registrations of handguns in Detroit and Newark and of applications for purchase of rifles and shotguns of serious proportions. Although the number of handguns registered doubled in Detroit in 1967 compared with 1965, almost as many guns were registered in the first five months of 1968 as in all of 1967. Registration may have prevented some criminals from getting guns, but the sharp rise in registrations demonstrates that it does not prevent law-abiding citizens from purchasing firearms. The large increase in the number of handguns reported stolen in Detroit from 1965 to 1967, and again in the first half of 1968, adds still another dimension to a picture of a city caught up in a domestic arms

race. The tables in Chapter III show sharp acceleration in approvals of permits to purchase and in registrations shortly after the riots of July and shortly after the King assassination in both Detroit and Newark. The national firearms sales data suggest that many of our cities are rapidly becoming well-stocked arsenals similar to the pattern in Detroit and Newark.

It would be comforting to believe that even a fair portion of this increase could be accounted for by hunters, target shooters, and others with legitimate recreational pursuits. However, the Bureau of Outdoor Recreation reports no significant increase in the number of hunters in the United States or in hunting activity; the explanation for the great increase lies elsewhere--clearly it is in direct relationship to the riots and their aftermath.

In addition to magnitude of current sales, the number of firearms in possession of private individuals represents the potential arsenal that can be drawn on for use in civil disorders and in acts of individual violence. Firearms in individual possession may become part of a collective arsenal if used by groups forming private paramilitary forces. Individuals reacting spontaneously and coming into the streets with their guns in the event of future disorders could form mobs collectively using their firearms--similar to the groups that burned and looted in past disorders. It is estimated that the number of guns already in individual possession amounts to about 115 million firearms.

If all free industrial societies had similar disastrous death rates from firearms, some might react and say "so what?"--that is the way life is and has to be. However, the most recent data from foreign countries, supplied by the World Health Organization and appearing in Chapter IV, show that the U.S. rate is intolerably high and need not be so. The United States is far and away the leader among the free industrial countries of the world in both the absolute number and the rate of homicides, suicides, and accidental deaths by firearms. The United States led all the free industrial countries in 1966 with a rate of 3.5 homicides by firearms per 100,000 population--35 times the rate of England, Denmark, and Germany. Many of our citizens are descendants of England, from which we derive much of our common law and culture. However, these countries have strong and effective firearms control laws, and that is precisely where one may find the difference.

The research found that private paramilitary forces are organizing in several cities to prepare for future civil disorders. These private paramilitary groups are urging their followers to buy arms and join shooting clubs to defend family, home, and community. Many decent citizens are caught up in the fear of further civil strife and join in the domestic arms race. A legitimate concern arises as to the relationship of such private groups to public security forces. Under First Amendment guarantees of liberty, does

the right "peaceably to assemble" include forming and arming paramilitary forces whose primary stated purpose is to intervene in future civil disorders, rather than merely participate in sport shooting? Delicate questions of Constitutional law relating to civil liberties of individuals as counterposed to domestic peace and tranquility in our cities are raised in this report, and these problems should be considered directly.

The environment is further complicated by large scale procurement of weapons by police in some cities for riot control, including heavy equipment. The escalation in arms procurement matches the polarization in race relations and is sharp at three levels: private citizens are buying guns at a frantic pace; paramilitary forces are forming and arming to intervene in the event of future disorders; and police departments are buying new equipment to control future riots better.

There are many social tensions and forces contributing to divisiveness in American society today--the problems of the ghetto, of unemployment and underemployment, of inadequate education and preparation for life for many, of increasing crime rates, of discrimination, and of safety in the streets. Problems of police-community relationship in ghetto areas further complicate existing tensions. The purchase by some police forces of heavy equipment for riot control adds to the fears of many Negroes of hostile police using it against them. These problems will prove difficult of solution and are likely to provide the troubled environment for most metropolitan areas into the seventies. In the tension-packed disorders of 1966 and 1967, trivial incidents and rumors sparked full scale riots. The introduction into so supercharged an environment of a great many guns in private hands requires that all institutions, both public and private, have a heightened awareness of their potential use for violence in further disorders, crime, impulse killings, suicides, and other undesirable behavior. It is these various tensions rooted in socioeconomic, ethnic, and related problems that provide the catalysts for the violent behavior. The millions of guns already in private possession provide the most efficient man-made means to carry out the violent acts. Whereas other methods may allow a reprieve or a second thought before an impulse murder is carried out, or may do the job less efficiently so that the victim survives, the gun is most effective--as homicide data conclusively demonstrate.

The overwhelming evidence of this study supports the conclusion that the United States can no longer afford to have firearms easily available to the criminal, the insane, the violent types, the extremists, the leaders and members of paramilitary forces, the narcotics addicts, and the very young. Effective firearms registration and licensing laws are essential to preclude or make it more

difficult for such persons to obtain or possess arms. Controls over sales of ammunition are also essential. Such laws will also facilitate the arrest of criminals for illegal possession of arms not registered. This has already proved very helpful in Detroit, where many of the arrestees were found to have unregistered guns in possession.

The substantial increase in approved licenses and registrations for handguns in Detroit demonstrates that even with firearms registration and licensing laws, the arms race in the cities will continue. Registration and licensing laws appear to be essential as the minimum type of action society should take to protect domestic peace and tranquility; however, such laws can be expected only to attenuate violence by firearms and not to eliminate it. Other alternatives exist for consideration by society if a national objective is established to reduce deaths and other violence by firearms drastically so that per capita rates are brought more nearly into line with those of other industrial countries of the world.

The dangers of living in a society where violence by firearms has reached unacceptable levels clearly outweigh the inconvenience for those who would be required to register under an effective law. Alternatives should be considered to find ways to ease the burden on those required to register, as well as the least cost for operating an effective system.

Stanford Research Institute's findings set forth herein are related to the first phase of a longer and broader study of the role of firearms in modern society. The problems to be examined in the larger study include police-community relations, current and future environment for hunting and other shooting sports, the problems of public security forces for protecting home and community as counterposed to paramilitary forces, and a comparative evaluation in depth of foreign systems of firearms control. Some major problems for further research are set forth in Chapter VI.

This report is respectfully submitted in the hope that it will contribute to the lessening of violence by firearms in the United States.

Sincerely yours,

Arnold Kotz  
Project Director

## ACKNOWLEDGMENTS

The research team interviewed and was assisted by many people at federal, state, and local levels of government who were most cooperative in providing data used in this report. At the local level, Commissioner Ray Girardin and members of the Detroit Police Department were particularly helpful. Kalliope K. Resh of the Detroit Records Court provided much information with respect to the riots in that city. Director Dominick A. Spina and members of the Newark Police Department provided information on several aspects of the civil disorders in Newark, New Jersey. Prosecutor Joseph Lordi and members of his staff in Essex County also gave excellent cooperation to members of the team.

Colonel David B. Kelly, Superintendent of the New Jersey State Police, and members of his staff were very helpful. Colonel Frederick Davids, Director of the Michigan State Police, and members of his department provided valuable cooperation and insights to the field investigating team.

At the federal level, personnel of the Bureau of the Census of the Department of Commerce, the Bureau of Vital Statistics of the U.S. Department of Health, and the Office of the Secretary of the Army were of great assistance throughout the course of the project. Valuable data and insights were provided by Commissioner Sheldon A. Cohen of the Internal Revenue Service, U.S. Treasury Department, and members of his staff. Inspector Jerome Daunt, Chief, Uniform Crime Reports, Federal Bureau of Investigation, and other staff members of the Department of Justice were very helpful.

John Golden, Director of SRI-Washington; Dennis M. Finnigan and William L. White, Director and Associate Director of Management Sciences, respectively; and Weldon B. Gibson, Executive Vice President of SRI all provided valuable insights and support during the study.

Questions raised during the SRI statement on the findings of this research, which was given on June 27, 1968, before the Senate Subcommittee to Investigate Juvenile Delinquency, helped to sharpen several of the issues discussed in this report. The Institute is particularly grateful to Senators Thomas J. Dodd, Joseph D. Tydings, and Strom Thurmond for such questions and to Congressman Jonathan B. Bingham for requesting that SRI report its findings on Firearms, Violence, and Civil Disorders to the Committee. SRI is pleased that this basic research work has been considered by legislators who are engaged in drafting measures on one of America's most crucial issues.

## Chapter I

### MAJOR CONCLUSIONS

#### Introduction

The scope of the research was designed not merely to describe past events, but to suggest preventive measures to help alleviate violence by firearms in the event of future disorders. The findings show that violence by firearms on the part of participants in the disorders of 1967 was substantially exaggerated by the communications media and by public officials. The impact of this exaggeration has already changed the environment with respect to attitudes of many black and white citizens as to the role that firearms may play in future riots and has contributed to the development of a domestic arms race that has not yet fully run its course.

The research described in this report has established that there was a tremendous increase in the licensing or registration of firearms in Detroit and Newark subsequent to the civil disorders of July 1967. The substantial increase in sales of firearms was directly related to the fear of future riots. The trends in purchases of firearms in these two cities are consistent with reports in the media of substantial runs on dealers in firearms that were reported in many cities throughout the country.

The trends found in total national sales data confirm the substantial increase in purchase of firearms by individuals in Michigan and in Newark and Detroit and other states and cities throughout the country. Current sales of firearms represent only a small addition to the substantial existing stockpile that forms an arsenal for use in all kinds of violence. Although the role of firearms used by civilians in the riots of 1967 was not extensive, one should not adopt a sanguine view as to the role of firearms in any future disorders. Black and white paramilitary forces are equipping for possible intervention in the event of future civil disorders.

The tremendous recent increase in firearms purchases suggests that many decent citizens are purchasing firearms in fear of future riots to protect family, home, and property. The escalation of purchases of firearms and equipment proceeds at three levels: private citizens, both black and white; private paramilitary forces, both black and white; and police forces. The domestic arms race raises many serious problems. The research was, therefore, conducted with an awareness of the additional difficulties raised for law enforcement officials if so tremendous a quantity of firearms should pass into the hands of white or black extremists for use in civil disorders or by criminals, the insane, and others who should be precluded from possession of firearms by law.

## The Riots in Detroit and Newark

The 1967 riots in Detroit and Newark were examined in depth to illuminate the role played by firearms in both current and prospective disorders. SRI studied the use of firearms by public security forces and by civilians. Particularly, the project team determined the actual extent and nature of sniping, measured by arrests and by deaths and injuries resulting from the use of firearms. Many police and prosecuting attorney records were examined in both cities and many interviews were conducted.

Neither Detroit nor Newark experienced the widespread sniping activity described by the media and public officials. In Newark, where there were more than 1,500 persons apprehended on various charges, seven individuals were arrested under circumstances that led police to consider them snipers. All but one were Negroes. As of June 13, 1968, three of the individuals had been found guilty on misdemeanors related to the possession and use of firearms. One individual was acquitted. Another was convicted of unlawful use of a dangerous weapon. In two cases, the arrestees were convicted on the downgraded charge of disorderly conduct. In Detroit, more than 7,000 individuals were arrested. Of that number 26 were apprehended under circumstances that led police to suspect them of sniping activity. All were charged with assault with intent to murder. As of June 13, 1968, only one of the 26 had been convicted on a charge of failure to register a pistol, a misdemeanor. All the other cases were dismissed.

An analysis of the deaths and injuries in these two cities indicates that the number of casualties that could be attributed to snipers was minimal. Five out of 43 deaths during the Detroit disorder could be attributed to sniper fire. In Newark, two of the 26 deaths could be attributed to sniper fire. In the other cases where the assailant was unknown, testimony before a Grand Jury indicated that public security officers could well have been the source of gunfire.

In Detroit and Newark, a significant number of people were found to possess firearms during the disorders and a substantial number of arrests were made in each city. In Detroit, law officials confiscated 178 rifles and shotguns and 195 pistols and revolvers from arrestees. In Newark, police confiscated 31 rifles and shotguns and 34 pistols and revolvers from persons placed under arrest. Thirteen of the pistols and revolvers were taken in Detroit from the hands of individuals 19 years of age and younger.

### Registration or Licensing

Michigan law requires licensing for purchase of a handgun and registration of all handguns in individual possession. The total number of licenses issued in Detroit more than doubled in 1967 compared with 1965. Pistols and revolvers registered showed exactly the same pattern as

licenses issued, with a very sharp increase in registrations after the July 1967 civil disorders, as indicated on Figure 1. Another dramatic increase in registration of firearms occurred in the first five months of 1968. The number of handguns reported stolen more than doubled in 1967 compared with 1965, further demonstrating the direct relationship to the July 1967 civil disorders and the rush on the part of many citizens to purchase firearms.

Similar trends related to the disorders were found in Newark. Total applications for permits to purchase a pistol or revolver in Newark increased by 300 percent in 1967 over 1965. The surge in applications continued into the first part of 1968 and was matched by the registration figures for handguns and rifles and shotguns in that city.

Registration of handguns in the state of Michigan increased from 33,400 in 1963 to 76,241 in 1967, a 128 percent increase. The rise since the start of the riots in 1963 is depicted in Figure 2, with the sharpest surge in 1967. In the first quarter of 1968, 34,389 handguns were registered, more than the total for the full year of 1963.

#### Increase in Sales and Inventory

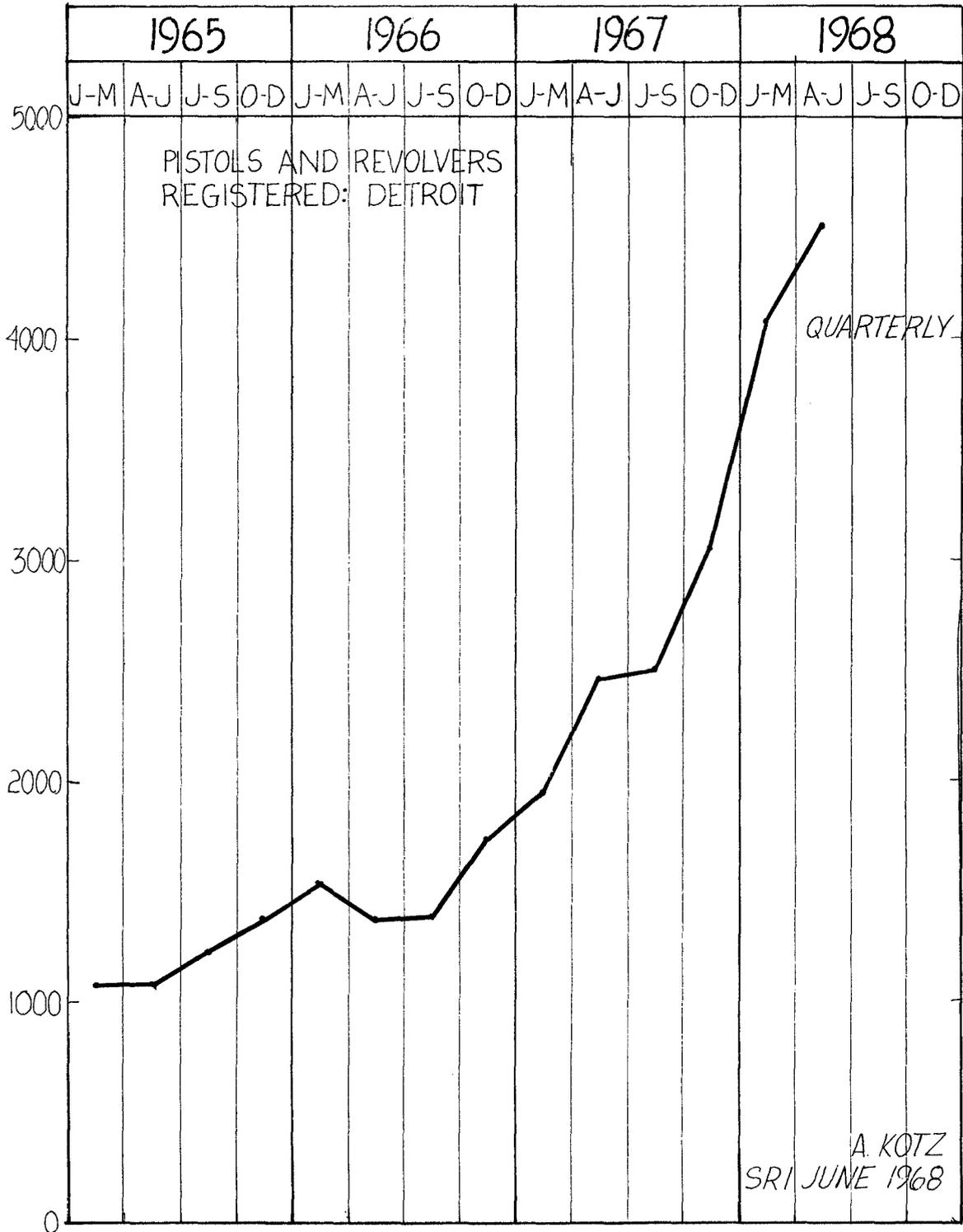
Firearms in individual possession may form part of a collective arsenal if used by groups forming private paramilitary forces. Individuals may react spontaneously and go into the streets with their guns in the event of future disorders, forming mobs and using their firearms--similar to the group burning and looting in past disorders. Estimates of the number of individually owned handguns, rifles, and shotguns in the United States range from 100 million to 200 million. It is surprising that the order of magnitude is not known with any precision, but for this study, it was conservatively estimated that the number of guns possessed by private individuals in the United States amounted to 100 million in 1962.

In 1963, according to the Bureau of the Census, there were almost 2 million firearms sold. SRI estimated that the magnitude of annual sales had increased to 4.58 million by 1967, an increase of 132 percent over 1963. By the end of 1967, it was estimated that there were 115 million guns outstanding in the United States. The number of firearms sold annually represents less than 5 percent of the number of firearms outstanding.

#### The Necessity for Effective Firearms Control

The sharp and substantial increase in sales of firearms in U.S. cities and nationwide is directly related to the actuality and prospect of civil disorders, with their attendant violence, that have aroused fear and panic among many citizens. Current deaths per year by firearms are at an unacceptably high level when compared with per capita rates in

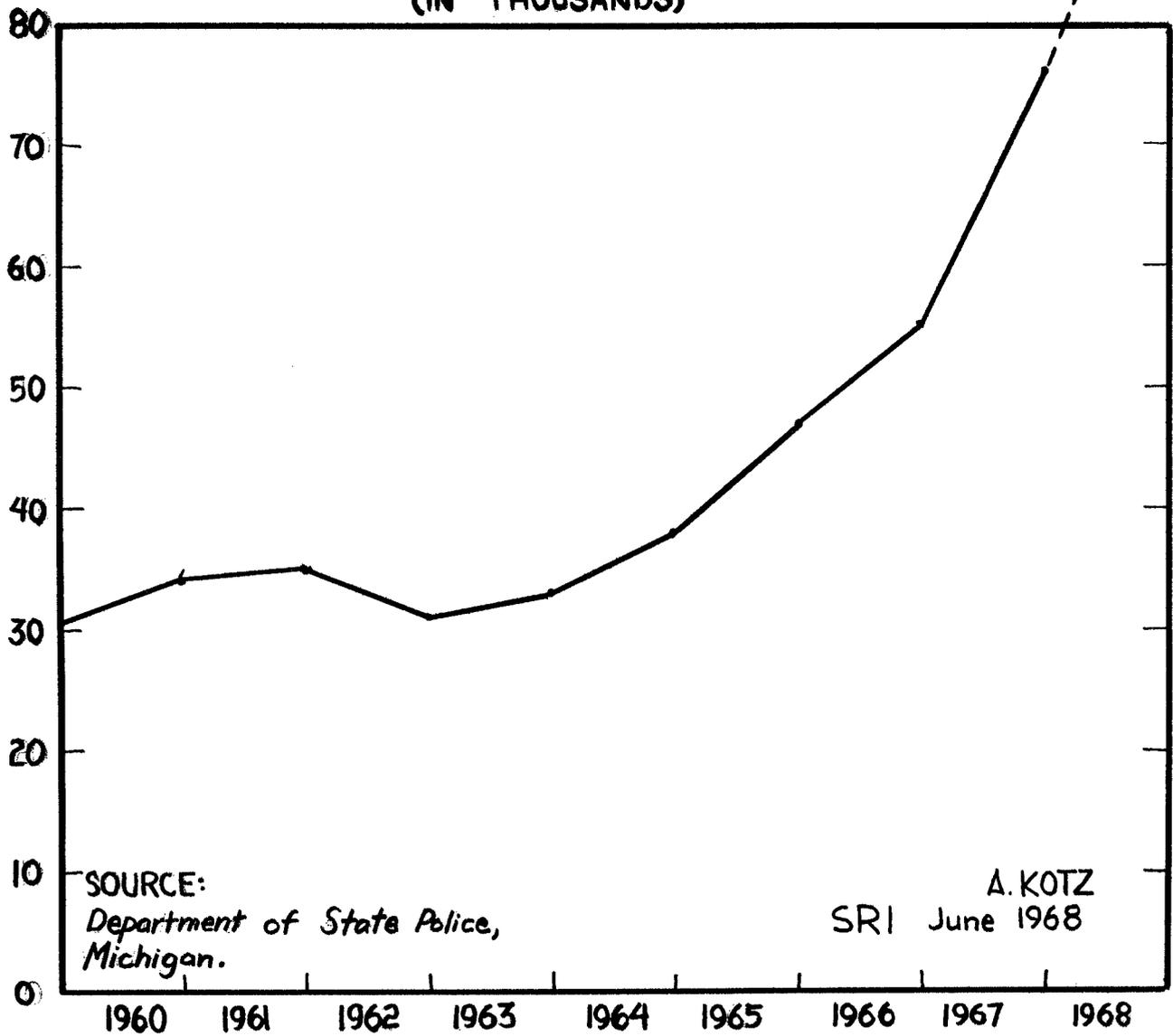
FIGURE 1



SOURCE: Record Bureau,  
Detroit Police Department.

FIGURE 2

REGISTRATION OF HANDGUNS-STATE OF MICHIGAN  
(IN THOUSANDS)



other free industrial nations. The direct relationship between the number of firearms outstanding and the magnitude of deaths by firearms clearly indicates that firearms provide a too efficient means of carrying out homicides and other crimes and encourages a propensity to individual violence in U.S. society. Further, the impressive stock of weapons in individual hands, plus annual sales increments, provides a ready arsenal that could be drawn on in the event of future civil disorders. The findings of this research study lead to the firm conclusion that effective firearms controls are an essential contribution to domestic peace and tranquility.

As a minimum, such controls should be applied to interstate traffic in handguns, shotguns, rifles, and ammunition. Shipments should be limited to authorized dealers and retailers. Sales of firearms in a state should be limited to residents of that state, pursuant to an approved license to purchase firearms or ammunition. Criteria should be established to deny purchase of firearms to criminals, the insane, narcotics addicts, the very young, mental incompetents, and members of extremist or paramilitary organizations.

Since annual sales represent less than 5 percent of the number of guns outstanding in private possession, an effective firearms control system would of necessity have to encompass--through policy, criteria, and procedures--guns already owned by private individuals. Failure to register should be accompanied by sanctions to induce compliance. At the time set for registration, it would be desirable to provide for voluntary return of firearms by individuals not desiring to retain them.

A "patchwork" arrangement of strong laws in some states and weak ones in others will not serve the national interest. Michigan's program for effective control of handguns is undermined by the fact that hundreds of guns seized in Detroit are found to be unregistered, with most of them coming across the border from states without adequate firearms control laws. New York, New Jersey and Massachusetts, with comparatively strong gun laws, have had experiences similar to that of Michigan. Federal standards and criteria should establish the necessary minimum uniformity to ensure that effective laws and programs in some states are not vitiated by weak ones in others. Sufficient flexibility should be allowed in the system to provide for variations in special conditions among the states, such as the differences between a frontier state such as Alaska and a highly industrialized state such as New York. If such measures do not prove effective after a suitable length of time, other alternatives should be considered by a concerned society to bring deaths by firearms down from current unacceptable levels.

The Director of the Federal Bureau of Investigation has testified that for a recent four-year period, more than 70 percent of all murders by firearms were committed by handguns. Nevertheless, the number of homicides by long guns is significant, and this study concludes that registration should include all firearms--handguns, rifles, and shotguns. The data from Detroit and Newark show that registration and licensing

provisions did not inhibit purchase of weapons by law-abiding citizens. Society should take the necessary step to deny weapons to criminals, extremists, and other undesirable types. Legislative and implementation action will be necessary on federal, state, and local levels. Chapter V sets forth some comparative perspectives on current and proposed legislation.

Stanford Research Institute finds that enough research has been performed to demonstrate the urgent requirement for an effective firearms control law. The President's Commission on Law Enforcement and Administration of Justice has recommended such action. The National Advisory Commission on Civil Disorders has recommended such action. The International Association of Chiefs of Police, whose members are on the firing line in the leading cities of the nation, has recommended such action. The Director of the Federal Bureau of Investigation has recommended such action on repeated occasions. The President of the United States has sought and fought for such action. Effective firearms control is equally in the interest of the hunter and the golfer, the white citizen and the black, the wealthy and the poor, the sporting arms manufacturer and the television producer, and the politician and the bus driver. Death by firearms could suddenly visit the families of any of these.

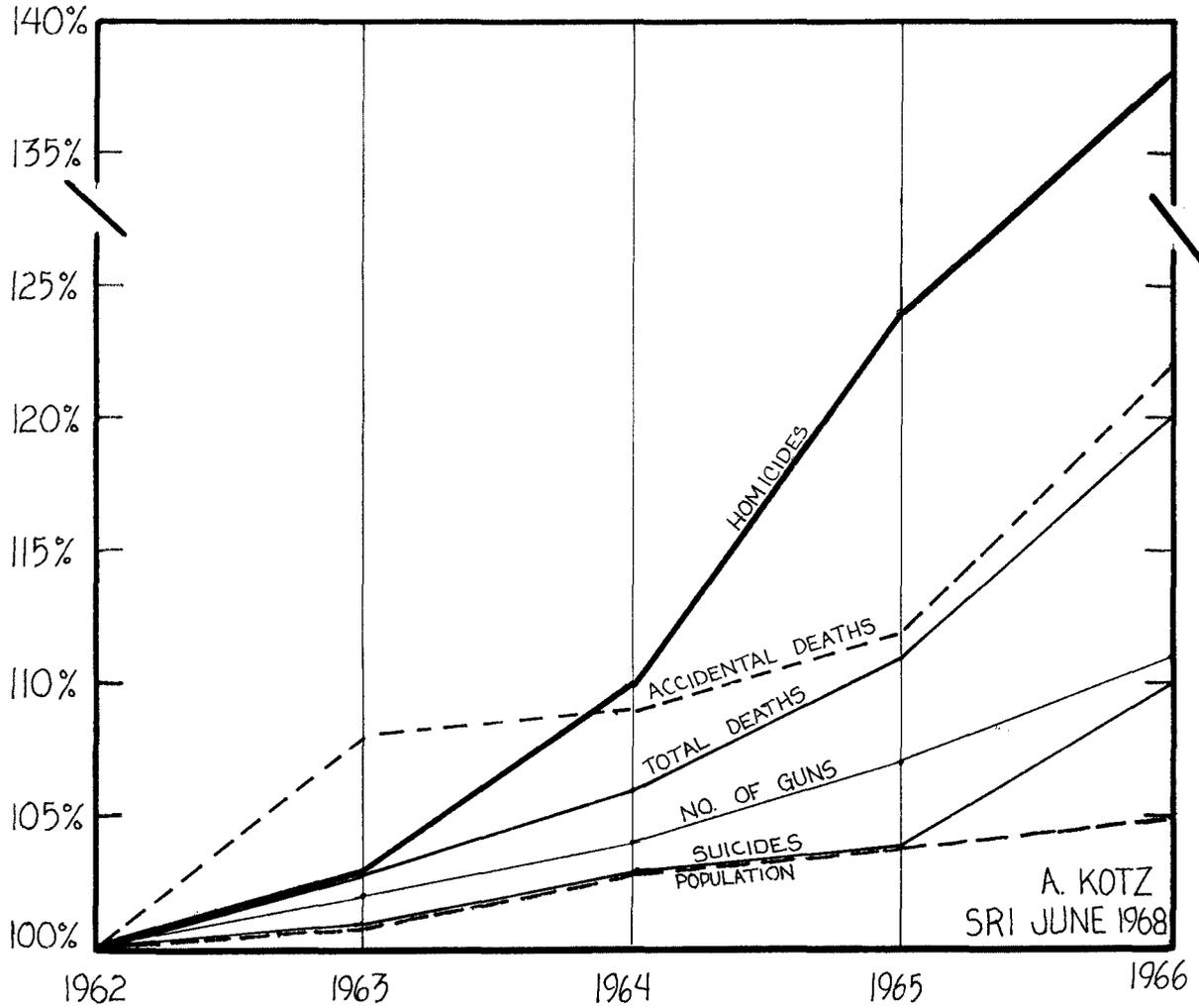
#### Firearms and the Propensity to Individual Violence

Figure 3 shows that the number of guns in private possession in the United States increased by 11 percent from 1962 to 1966. In the same period, the number of homicides increased by 38 percent, accidental deaths by 22 percent, and suicides by 10 percent. Total deaths by firearms increased over this time period by 20 percent. These increases were at a much greater rate than the 5 percent increase in the total population in the same period.

The United States is far and away the leader of the free industrial countries of the world in both the absolute number and rate per capita in homicides, suicides, and accidents by firearms. In the latest years for which data are available, the U.S. had seven times as many murders by firearms as Canada and Italy on a "per capita" basis and 35 times as many as Denmark, Germany, and England. Japan, which has a population of about one-half that of the United States, had 16 homicides by firearms compared with 6,855 in the United States. If the U.S. rate per capita were the same as that of Japan, this country would have had 32 deaths by firearms instead of 6,855. All of these countries with low rates of homicides and deaths by firearms have extensive firearms control laws.

On an aggregate basis, it is clear from the evidence that adequate firearms control in foreign countries reduces the rates of death by firearms to levels vastly below that of the United States. Some of the countries may achieve their results through registration and licensing; some may go beyond this and include denial of firearms to private persons unless exceptions are thoroughly justified. Differences in rate per capita

**FIGURE 3**  
**FIREARMS AND THE PROPENSITY TO INDIVIDUAL VIOLENCE**



may also be due to variations in the socioeconomic, ethnic, and cultural patterns, which may affect the motivation to commit violence by the people of other countries. Further study is necessary in depth of the components of the firearms control laws of the foreign industrial countries and what makes them so effective.

### Police-Community Relations

The National Advisory Commission On Civil Disorders has cited police-community relations as the number one grievance of participants in the civil disorders of the many cities that it investigated. The use of firearms by police against Negroes is one of the areas of complaint. Another serious complaint is the lack of adequate police protection given ghetto areas, where crime rates are high and population is dense. Other complaints relate to the attitudes of white policemen toward black citizens and the inadequate staffing of ghetto area police forces with black citizens in senior positions. Some black citizens believe that citizens' review committees should be established with heavy community involvement.

A further complicating factor is that in some cities police are procuring heavy equipment with the announced purpose of using it in the event of future riots. Allegations by some militant black leaders and the radical black press that some white police forces are planning drastic repressive action, no matter how unfounded in fact, adds to the polarization of the races and the fears of some black citizens. The formation of white and black paramilitary groups adds to the alarm.

As this report was written, the Black Panthers in Oakland, California, and the Black United Front in the District of Columbia, are both alleging racism and repressive acts on the part of the police in the two cities. Many other examples of sharpened conflict between the residents of the ghetto and the police force can be adduced. Black militant leaders speak the language of violence and urge followers to get guns.

Sharp differences exist among public officials as to whether the response to riots should be the application of deadly force or the use of restraint in attempting to confine the civil disorder.

Modern technology appears capable of providing public security forces with a range of options through the use of nonlethal weaponry that will immobilize a mob or a fleeing suspect. Insufficient effort and resources are being allocated to provide the police with tested and safe equipment and training in its use.

### Paramilitary Forces

All parts of the country report sharply increased purchases of firearms as the aftermath of the riots. In the area of the nation's capital, applications for handguns increased substantially over prior periods, with

long lines forming to buy guns in Alexandria, Virginia, and Montgomery County, Maryland. The research found many instances of black and white paramilitary groups organizing throughout the country with exhortation by the leaders for followers to form gun clubs; to join gun clubs and the National Rifle Association as individuals or groups; and to learn how to use their guns accurately to defend home, family, and community. These groups make it clear that their primary purpose in organizing is for intervention in future civil disorders. Presumably, they would seek to evade screening and controls to use the facilities of gun clubs that would otherwise be denied to them. Although both black and white groups generally wrap themselves in the cloak of self-defense forces, the fine line between defensive and aggressive action may be erased in the actual dynamics of a riot situation.

Chapter III describes "Breakthrough," a paramilitary organization in Detroit that states it is preparing for the next civil disorder. Minutemen and the Black Panthers make their intentions to use firearms in future disorder situations quite explicit. One such group in New Jersey has been labeled by Governor Richard Hughes as a "potential threat to peace and law and order in New Jersey." Governor Hughes has proposed a law banning such vigilante groups.

Should members of private paramilitary groups whose primary purpose is to intervene with firearms in future civil disorders, rather than engage in sport shooting, be permitted to join gun clubs either as groups or individuals and receive the benefits of the Department of the Army marksmanship program? If they should not, explicit criteria do not exist to assist organizations and individuals applying screening and control procedures in denying such benefits to them. Should members of extremist groups be denied the right to purchase firearms if local, state, or federal registration and licensing laws are enacted? Should administrative regulations and issuances set forth explicit criteria and would their enforcement be upheld on judicial review? The SRI study could find no satisfactory approaches being made to these questions at the federal, state, or the local level. Delicate questions of Constitutional law are raised as individual rights are counterposed to those of the protection of society and of domestic peace and tranquility.

#### Screening and Control: Policies and Procedures

Time constraints did not permit SRI to evaluate the effectiveness of procedures and criteria used by national organizations, state associations of gun clubs, and local gun clubs in keeping out undesirables from membership or use of facilities of the gun clubs. However, concern is warranted by review of the findings of a study performed for the Department of the Army in 1966 by a respected research organization of the screening and control procedures. The research organization found significant deficiencies at both the state and local levels, where the primary responsibility for operating the controls is placed. The organization thought the requirements for improvement so essential that it recommended

direct involvement of the Department of the Army in the screening process. A check with the Department of the Army showed that it is also concerned and has started to follow through on some of the organization's findings and recommendations. The problem of establishing effective criteria and screening and control procedures must be addressed by society generally if agreed-on objectives and goals are to be achieved. If adequate firearms control laws are passed, their effective application will require the cooperation and support of many institutions, both public and private. Incentives and penalties should be devised to encourage active aid from wholesale and retail establishments and the firearms associations and gun clubs in every state of the nation. Both transients and members of gun clubs should be screened to ensure that they meet all criteria necessary for licensing or registration and that the guns brought to the gun clubs are registered. Ammunition should be sold or issued only to owners of registered firearms and only for the specific firearm registered.

It is not clear that public agencies or private associations have either definitive concepts or procedures to deny to private paramilitary groups or individual members thereof the use of gun club facilities or even of benefits of the Department of Defense program of support to gun clubs. SRI made no study of the extent to which private paramilitary forces now receive such benefits; however, findings show that such paramilitary groups advise their members to buy arms and to join and use the facilities of the shooting clubs. It is quite natural that most gun enthusiasts, including dangerous types among them, are attracted to the nation's gun clubs. When so many guns are being purchased to add to an impressive existing stockpile, public concern is warranted to ensure that effective screening and control procedures bar the use of gun club facilities by members of private paramilitary groups, extremist groups, criminals, and other undesirable types. The establishment of effective screening and control procedures to prevent misuse of the nation's gun clubs will not be a simple task.

#### Inadequate Information System

The Bureau of the Census reported sales of firearms by category for 1963, but no comprehensive count of firearms sales has been conducted for subsequent years. Furthermore, there is no information as to who is buying firearms by age group, sex, or race, or the declared motivation for purchase, whether for hunting or other sports shooting; home, personal, or business protection; or for other purposes.

The Wall Street Journal reports data at least quarterly on the number of automobiles produced, aircraft passengers and air-passenger miles flown, steel tonnage produced, and indices for a variety of other industries. It is surprising that for firearms, a product potentially dangerous in use, a like series of data was found to be almost completely absent. SRI had to use estimating techniques to establish current sales. No hard data exist as to the number of guns outstanding, with estimates ranging from 100 million to 200 million firearms. If the latter estimate is

correct, there would be one firearm for every man, woman, and child in the country--and one wonders at what level the saturation point for the market in guns would be reached.

Adequate information is also not available as to the number of guns stolen or transferred annually, the number of guns in the inventory of individual possession in each state or city, or the number of guns currently being sold to residents of each state or city.

The Center for Health Statistics collects and reports annually, according to uniform international requirements, data on deaths by firearms and explosives. Although in the United States, source documents (the death certificates completed by coroners) distinguish means between firearms and explosives, the international reporting system requires that they be lumped together. The Department of Health, Education, and Welfare advises that deaths by explosives are insignificant in number. The data are so important for planning and measuring progress and effectiveness in firearms control that HEW should use small sample techniques or other methods to obtain a series of data for deaths by firearms in the United States.

Other serious data gaps exist. The use of modern automatic data processing systems is required to facilitate the collection and display of essential information for use in decision-making and effective firearms control. Identification of the necessary data inputs is crucial, otherwise the only improvement made would be the more rapid transmission of inadequate information.

#### Actions to Attenuate Violence

Programs such as Project Secure, initiated by the firearms' manufacturers with the International Association of Chiefs of Police, to secure firearms in anticipation of or during riots so that sales of guns and ammunition could be stopped are making progress and should be encouraged and extended. Effective firearms control laws and programs are required, including registration and licensing, at federal, state, and local levels. Action is urgently necessary at national, state, and local levels if we are to preclude violence before it transpires, rather than continuously responding after the fact to tragedy and destruction of lives and property and damage to the very fabric of our society.

The approaches being used by MUST (Men United for Sane Thought) in Detroit suggest a model to be developed further and extended to all cities and states throughout the country. Businessmen, professionals, academicians and students, union leaders, government leaders, workers in both private and public sectors, housewives, organizations and institutions, and the great majority of American citizens should work together in a common program to defuse the tension in their cities by taking all actions necessary. The MUST approach uses all the communications media to spread the message of "cool it" and encourages all citizens, black and white, to

work together to solve common problems. The communications media have an important role to play, since by their actions they can exacerbate potential or actual riot situations or help to prevent or to reduce the violence of civil disorders.

All of the actions described above are important to alleviate the violence by firearms, both in civil disorders and in individual acts of violence. However society must also find ways to solve the fundamental problems that underlie violent emotions and passions. These were identified in the Report of the National Advisory Commission on Civil Disorders of March 1968 and reflect the basic divisiveness of American society today--the socioeconomic and ethnic nature of problems of crime, unemployment, undereducation, discrimination, poverty, ghetto conditions, and other irritants that frustrate the achievement of aspirations of American citizens. Although not the direct concern of this particular research effort, it is here that the root cause for much of the violent behavior should be found and attacked.

## Chapter II

### FIREARMS AND CIVIL DISORDERS IN THE CITIES

#### Introduction

In August 1965, seven days of riots resulted in more than \$40 million in damage to the Watts district of Los Angeles and left 34 dead and more than 1,000 injured, 118 by gunfire. Eight hundred and fifty-one weapons were seized by police.<sup>1\*</sup> One hundred and fifteen persons were arrested with firearms; 78 had previous criminal records.<sup>2</sup> More than 700 guns were stolen during the riot.<sup>3</sup> As a result of the disorder, gunshops experienced a heavy run on supplies by citizens who lived in suburbs miles from the riot areas. The situation aroused deep concern on the part of public officials with respect to the acquisition of weapons by rioters and by the general public alike.<sup>4</sup>

Since 1965, there have been more than 100 disturbances in U.S. cities. The disorders of 1965-67 and the wave of violence following the assassination of Dr. Martin Luther King in April 1968 left more than 168 dead and 4,000 injured.<sup>5</sup> Of the 39 persons killed in the nation during the April 1968 violence, 25 died of gunshot wounds: 11 by police gunfire and 14 by gunfire of private citizens or unknown persons.<sup>6</sup> In the disorder that occurred in Washington, D.C., after Dr. King's death, 88 persons were arrested for carrying a dangerous weapon, and 32 people were treated for gunshot wounds.<sup>7</sup> More than 200 firearms were confiscated by police in Detroit, and more than 70 arrests were made in that city for carrying a concealed weapon during the period of tension in early April 1968.

The disorders of 1967 were particularly characterized by accounts of the widespread use of firearms by civilians. Sniping incidents were reported in 15 of the 23 cities studied by the National Advisory Commission on Civil Disorders (the Kerner Commission) and 32 of 76 disturbances surveyed by the Permanent Subcommittee on Investigations of the Senate Committee on Government Operations (the McClellan Committee).<sup>9</sup> In many cases, these reports were accompanied by rumors and stories of organized conspiracies. The Kerner Commission investigated these and other stories and concluded that the urban disorders of the summer of 1967 were not caused by, or the consequence of, any organized plan or "conspiracy."<sup>10</sup>

Nowhere were reports of the use of firearms more numerous than in Newark and Detroit during the last two weeks of July 1967, when death came

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\* Superscript numbers refer to footnotes at the end of the report.

to more than half of all the persons killed in riots in American cities in the years of 1965 through 1967.<sup>11</sup>

The riots in Detroit and Newark were examined in depth to determine the role played by firearms in disorders, both current and prospective. SRI studied the use of firearms by public security forces and by civilians. Particularly, the Institute attempted to determine the actual incidence of sniping and the extent to which deaths and injuries resulted from the use of firearms by law officers, civilians, and unknown persons.

### Newark, New Jersey

The disorders in Newark began on July 12, 1967, with the arrest of a Negro taxicab driver. During the five days of rioting that followed, the city suffered more than \$10 million in damage. More than 1,000 business establishments, affecting some 4,492 employers and employees, incurred property damage of more than \$1.7 million and stock losses of \$8 million. Firemen battled more than 250 fires. In one night there were 122 fires, 22 false alarms, and 22 nonfire emergencies.<sup>12</sup>

### Use of Firearms by Law Enforcement Personnel

In 1965, New Jersey state and local public officials met to discuss the general problems of possible civil disturbances and to work out a procedure for the use of state facilities and resources in the event that disorders exceeded the capability of control by local forces. According to Newark Mayor Hugh Addonizio, nothing worthwhile came out of the meetings except that it was determined that local officials could call on the state for help.<sup>13</sup> By the summer of 1967, the New Jersey State Police had created and trained three special crowd control units and had established a special communications facility in Newark, but Newark and State Police radio communications operated on different frequencies and neither system had the ability to send to or receive from the other.<sup>14</sup> Before the disorder, the New Jersey National Guard had received eight hours of riot training. However, after the disorder, Major General James F. Cantwell, Chief of Staff of New Jersey for the Adjutant General, concluded that the training was inadequate to meet the activity in Newark, which he described as: "sniper fire, guerrilla-type activities within the cities and on the city streets mixed into the civilian population, most of which are innocent bystanders."<sup>15</sup> A month before the riot, a Newark Police Department patrolman warned the Mayor of the existence of an "armed camp" of potential rioters and complained that shotguns, riot guns, helmets, and tear gas for policemen were either unavailable or in short supply. The Mayor's office ordered a survey of available police equipment. Except for the delivery of 25 shotguns one week before the riot, no steps were taken by the Newark Police Department to order special equipment or to train a tactical force.<sup>16</sup>

During the disorder, Newark policemen were equipped with the 25 shotguns and with 38-caliber service pistols. They were also given tacit

approval for the use of their own personal weapons, and some Newark policemen carried their own rifles, carbines, or automatic weapons. Up to Thursday, July 13, the day after the riot began, no orders had been issued on the use of weapons, and policemen interpreted the absence of specific orders as an instruction not to fire. Realizing that there was confusion, Newark Director of Police Dominick A. Spina announced over the police radio, "If you have a gun, whether it is a shoulder weapon or whether it is a handgun, use it." He later told the Governor's Select Commission on Civil Disorder, State of New Jersey, that the directive was issued in accordance with departmental regulations that ordered police not to use a firearm unless absolutely sure that a felony or high misdemeanor had been committed. Late on Thursday, July 13, Newark Deputy Chief of Police Redden told police: "Firearms may be used when your own or another's life is in danger and no other means are available to defend yourself or apprehend an offender."<sup>17</sup> The Newark Police Department was unable to determine the amount of ammunition that it fired during the disorder. Little, if any, use was made of tear gas and fire hoses by the Department.<sup>18</sup>

The New Jersey State Police were committed to the city on July 14, 1967, and reached a strength of approximately 575 by Saturday, July 15, 1967. Weapons available to state troopers included 75 Reising 45-caliber semiautomatic rifles and 66 M-1 rifles, as well as shotguns, carbines, pistols, and three Thompson submachine guns. The machine guns were not used. The state police were ordered "to fire if fired upon," but there were no orders for massive retaliatory fire. During the disorders, troopers expended 350 rounds of 38-caliber, 1,168 rounds of 45-caliber, 198 rounds of "00" buckshot, 1,187 rounds of 30-caliber, and 2 rounds of No. 9 birdshot. Tear gas was not used.<sup>19</sup>

The New Jersey National Guard was ordered into action at 2:45 a.m. on Friday, July 14. Most of the 5,000 troops remained until Tuesday, July 18. The Guard was equipped with M-1 and 30-caliber rifles. Depending on rank, officers also had carbines, rifles, pistols, or revolvers. According to Major General Cantwell, the Guardsmen's weapons were carried loaded during the riot. Local commanders of the Guard were responsible for any firing by men under their command; the officers had no specific instructions except to "control the fire." The Guard used armed personnel carriers as a "psychological weapon" against snipers, but none of the machine guns or automatic weapons mounted on the vehicles were loaded or used at any time. General Cantwell reported that a total of 10,414 rounds was the "best estimate" of ammunition expended in Newark and in Plainfield, New Jersey, where the Guard was also called on to help soon after the Newark riot had subsided. No breakdown was available.<sup>20</sup>

Law enforcement officers have recognized that deficiencies in equipment, confusion in orders, and general inexperience created problems in the use of firearms by police and military personnel in Newark. Testifying on August 25, 1967, before the Special Subcommittee to Inquire into the Capability of the National Guard to Cope with Civil Disturbances, Committee on Armed Services, Major General Cantwell denied that Guardsmen were "trigger-happy" but acknowledged that there was "a tendency to return too

much fire against an area where sniper fire was coming from."<sup>21</sup> Newark Director of Police Dominick A. Spina stated to the Governor's Select Commission on Civil Disorder, State of New Jersey: ". . . a lot of the reports of snipers was due to the--I hate to use the word--trigger-happy Guardsmen, who were firing at noises and firing indiscriminately sometimes . . ."<sup>22</sup> Appearing before the Kerner Commission, the Director said: ". . . down in the Springfield Avenue area it was so bad that, in my opinion, Guardsmen were firing upon police and police were firing back at them . . ."<sup>23</sup>

An Essex County (New Jersey) Grand Jury investigated 25 riot deaths and determined that there were examples of excessive use of firearms by local and state police and National Guardsmen.<sup>24</sup> The Governor's Select Commission found that: "The amount of ammunition expended by police forces was out of all proportion to the mission assigned to them."<sup>25</sup>

#### Possession and Use of Firearms by Civilians

Soon after the disorder commenced, public officials moved to limit the availability and use of firearms by civilians. On July 14, 1967, New Jersey Governor Richard Hughes issued an emergency proclamation imposing a curfew and prohibiting the sale and possession of firearms, as well as explosives.<sup>26</sup> Despite police efforts to safeguard weapons,<sup>27</sup> a number of guns were stolen from local department stores.<sup>28</sup>

Almost a year before the disorder, New Jersey law was amended to require purchasers of rifles and shotguns to obtain a "Firearms Purchaser's Identification Card" from local police. Avoiding this provision and the previously enacted requirement for permits to purchase handguns, New Jersey residents made some 690 purchases of firearms in nearby states immediately before the riot.<sup>29</sup>

In the five days of disorders in Newark, more than 1,500 individuals were arrested on charges that ranged from murder to disorderly conduct. Of these arrests, 108 related to the possession or use of various types of weapons. Approximately 60 percent of the charges connected with weapons were related to firearms; 15 percent to knives, razors, and other sharp instruments, and the remainder to bottles, blunt objects, explosives, and miscellaneous weapons.

Sixty-six of the 108 arrests concerned firearms. Sixty-five males and one female were arrested. Fifty-six of the arrestees were Negro. Only one of the arrestees resided outside of New Jersey; all but three of the remainder resided in Newark or other cities in Essex County. Among the arrestees were 20 persons under the age of 25, and ten of the 20 individuals had not reached their 20th birthday. An additional five persons were between the ages of 25 and 29. Arrestees included a 55-year-old Negro found with a 12-gauge shotgun and a 22-caliber revolver in his automobile and four white youths, all under 18 years of age, caught with a single-barrel 12-gauge shotgun and a 20-caliber rifle in the trunk of

their car. Forty of those arrested in connection with the possession or use of firearms had prior police records; in seven cases related to a previous weapon charge. Of 58 arrestees on whom information was available, 51 were either employed or students.

Cases against the 66 arrestees were disposed of as follows. One individual charged with first degree murder was subsequently convicted of manslaughter. A case against one person arrested on atrocious assault was dismissed by the Grand Jury. Another case, on a charge of assault and battery, was still pending as of April 26, 1968. The case against another person on that charge was dismissed. The remaining 62 individuals arrested with firearms were finally charged with offenses relating to the possession of firearms, primarily carrying or possession of a dangerous weapon without a permit or identification card or unlawful use of a dangerous weapon, both misdemeanors with possible sentences of three and ten years, respectively. As of April 26, 1968, the records of the Essex County Prosecutor's Office showed the following:

Convicted as charged	19
Acquitted, dismissed, or down-graded to a lesser offense	25
Pending or unknown	<u>18</u>
Total	62

In connection with arrests, law officers seized 28 rifles and shotguns, 36 pistols and revolvers, one zip gun, and one submachine gun.

SRI has reviewed police reports with respect to the circumstances under which these firearms were seized. Although records did not contain an adequate description in every case, it is clear more firearms were found in automobiles than anywhere else. The second highest category consisted of firearms found on individuals arrested on the street. A very small number were found with persons in or on top of buildings. According to police reports, four of the 28 rifles and shotguns and 25 of the 36 pistols and revolvers were either loaded or gave evidence of having recently been fired.

None of the arrestees were on record with the Newark Police Department as having obtained a permit or identification card in that city.<sup>30</sup>

### Sniping

The Newark Police Department received approximately 250 calls reporting sniping incidents in the period July 13 to July 18, 1967. According to law officers, sniping incidents were greatest on the Friday and Saturday evenings of the riot.<sup>31</sup> One hundred and fifty-two incidents of gunfire by rioters were documented by state police. Thirty-nine shots were fired

either at firemen or fire stations.<sup>32</sup> As used by law officers in Newark, the term "sniping" refers to firing at law officials and civilians, usually (but not necessarily) from a concealed position or one not easily determined.

The New Jersey Commission determined that there ". . . may have been some organized sniping activity, once the riot had reached its Friday peak," but found no evidence of a conspiracy. According to Newark Police Director Dominick A. Spina: "There was no pattern, really. The sniping that went on made no sense at all."<sup>33</sup> However, Colonel David B. Kelly, Director of the New Jersey State Police, was of the opinion that sniping was planned.<sup>34</sup> Appearing before the Subcommittee to Investigate Juvenile Delinquency of the Senate Committee on the Judiciary on August 1, 1967, New Jersey Governor Richard Hughes was asked about a Life magazine article that had indicated that there were organized groups of snipers in Newark. The Governor told Committee members that he had "seen no evidence" of such an organization.<sup>35</sup>

It is apparent from SRI's study and from the findings of federal, state, and local commissions, committees, and the agency that investigated the riot that there was some sniping in Newark, but that it was not as extensive as accounts during and shortly after the riot suggested. Police and military personnel who were on the scene have advised that sniping reports were exaggerated or inflated by reason of multiple reporting.<sup>36</sup> According to Newark Police Department Director Spina, false reports came from people who were purposely trying to divert the police, and in many cases "sniper fire" was really firing by "trigger-happy" Guardsmen and other law officers.<sup>37</sup> The Newark Police Department has been able to "verify" 79 incidents of sniping during the period July 14 through July 17, 1967, based on a compilation of reports of firing at all police and military personnel.<sup>38</sup> Colonel Kelly, of the State Police, indicated that police sniper teams armed with sniper scopes were positioned on the rooftops during one day of the disorder, July 15. None of the teams reported seeing snipers, and no snipers were apprehended as a result of these procedures.<sup>39</sup>

There is no crime or offense entitled "sniping" under New Jersey law, but according to Police Director Spina, ". . . at least seven snipers . . ." were arrested during the disorder.<sup>40</sup>

SRI has reviewed police records provided by Director Spina's department relating to the seven snipers. All were employed males, and all but one were Negro. Five of the individuals had prior police records on file with the Newark Police Department; in one of those cases, the prior record was on a weapons charge.

Two of the individuals were charged on arrest with assault with intent to kill, a high misdemeanor punishable by up to 12 years in prison; the case against one was dismissed, and the other was found guilty of carrying a weapon without a permit, a misdemeanor, punishable by imprisonment for a maximum of three years. A third individual was convicted of

unlawful use of a dangerous weapon, a high misdemeanor punishable by imprisonment for not more than ten years.

The remaining four were charged on arrest with carrying a weapon without a permit. One was acquitted. Another was convicted as charged. The other two were found guilty of disorderly conduct.

Four of the arrestees had reportedly been seen firing at policemen or National Guardsmen. Three had merely been observed with firearms in their possession. Five of the seven were in buildings at the time of alleged illegal conduct, and two were on the street. No injuries or deaths were attributed to any defendant. None of the defendants was injured.

Eight firearms were seized from these seven arrestees; five rifles or shotguns and three pistols and revolvers. None of the individuals was on record with the Newark Police Department as having obtained a permit or identification card.<sup>41</sup>

#### Deaths by Gunfire

Twenty-six persons died during the Newark disorder. All but two of the fatalities were Negroes. Only three of the 26 deaths were not riot-related. The 23 riot-related deaths all resulted from the use of firearms. Table 1 sets forth the circumstances under which persons died in the Newark disorder, according to SRI's analysis of the Essex County (New Jersey) Grand Jury Report and the description of the one case in which an indictment was returned. It shows that 10 of the 23 riot-related deaths by gunfire were attributed to law officers. Two deaths could probably be attributed to snipers, and one death was inflicted by a known civilian. According to testimony noted by the Grand Jury, either law officers or snipers could have been responsible for nine of the remaining ten deaths inflicted by persons unknown. None of the deceased was found to have been involved in sniping.

Essex County Grand Juries investigated each of the 26 deaths. Findings with respect to all but one of the deaths were set forth in a report issued April 27, 1968. A previous Grand Jury had indicted an individual for murder in connection with the 26th death, that of a civilian bystander. The individual was found guilty of manslaughter on April 2, 1968, and sentenced to eight to ten years in prison.<sup>42</sup>

The Grand Jury made the following findings with respect to the 25 deaths which it considered: There were 22 riot-related deaths; two law officers and 20 civilians died. According to the Grand Jury, the two law officers probably died as a result of sniper fire. They found that eight of the civilian victims had actively participated in the commission of high misdemeanors (which includes looting) or were suspected of such acts and were fired on while fleeing. A review of the Grand Jury report suggests that in each of the eight cases, the victim had been engaged in or suspected of burglary or looting and that in six of those cases, the

Table 1

DEATHS DURING NEWARK DISORDER  
July 1967

	Deaths from Gunfire			Deaths from Other Causes <sup>†</sup>	<u>Total</u>
	<u>By Law Officers*</u>	<u>By Identified Civilians</u>	<u>By Persons Unknown</u>		
Public safety personnel					
Newark Police Department			1	1	1
Newark Fire Department			1	1	1
New Jersey State Police					
New Jersey National Guard					
Civilians allegedly engaged in illicit conduct					
Alleged snipers					
Suspected of burglary or looting	8			8	8
Alleged arsonists					
Civilian bystanders	<u>2</u>	<u>1<sup>‡</sup></u>	<u>10<sup>§</sup></u>	<u>3</u>	<u>16</u>
Total	10	1	12	3	26

\* Police and military personnel.

† None of these deaths was related to the riot.

‡ The individual, a sniper, was convicted of manslaughter and sentenced to eight to ten years in prison.

§ Testimony in nine of these cases indicated that either snipers or law officers could have been responsible.

Source: Information contained in Report of Eighth Grand Jury for Essex County, N.J., April 22, 1968. The chart generally describes the individuals who died and those persons who sources suggested were responsible in fact, if not in law. SRI made no independent investigation of the facts in any case.

victims were shot while fleeing. According to Grand Jury accounts, five of the six who fled were shot in the back or in the back of the head.

The Grand Jury found that nine of the civilian deaths resulted from gunfire by persons unknown against persons not participating in the riots, who were either in or near their homes or were innocent bystanders, and that two resulted from the accidental shooting of persons in incidents related to the riots. One man died in circumstances unknown.

### Injuries by Gunfire

Table 2 gives SRI's findings with respect to injuries not resulting in death during the Newark Disorder. Of 129 injuries to public safety personnel, nine were attributable to gunfire. Of an estimated 587 civilian injuries, 65 could be attributed to gunfire.

Records were not readily available on which to base determinations as to the number of civilian injuries attributable to gunfire by law officers or by civilians.

### Detroit, Michigan

On July 22, 1967, the Detroit disorder was triggered by a police raid on an after-hours drinking establishment. In the nine days of rioting that followed, Detroit suffered approximately \$45 million in damage and 552 reported fires.<sup>42</sup>

### Use of Firearms by Law Enforcement Personnel

Late in 1965, the Michigan National Guard, in conjunction with the Governor's Office, the Michigan State Police, and the Commissioner of Police in Detroit, developed general plans for the handling of possible disturbances. The plan, given the name "Sundown," was continuously reviewed and revised.<sup>44</sup>

The Detroit Police Department was fully mobilized soon after the riot began.<sup>45</sup> During the disorder, most Detroit policemen were equipped with revolvers, and rifles and 12-gauge shotguns were issued to policemen who were on patrol.<sup>46</sup> The normal regulation regarding firearms applied during the disorder, that is, police officers were permitted to use their weapons to protect themselves or others from death or serious bodily harm. The regulation provides:

Firing the revolver to prevent the escape of persons known to have committed the crime of murder, rape, robbery, burglary, and arson is justified when in the sound discretion of the officer it appears to be the only means of preventing the felon's escape. However, under such circumstances, just as the law

Table 2

INJURIES NOT RESULTING IN DEATH DURING NEWARK DISORDER  
July 1967

	Injuries from Gunfire			Injuries from Other Causes	
	By Law Officers*	By Persons Unknown†	Records Unavailable	Total from Gunfire	Total
Public safety personnel‡					
Newark Police Department		4		4	73
Newark Fire Department					35
New Jersey State Police		1		1	6
New Jersey National Guard	1	3		4	15
Civilian bystanders	§	§	65**	65	522**
Total	1	8	65	74	716

\* Records indicated police or military personnel were the source of gunfire.

† Records did not indicate that gunfire came from police or military personnel. Accordingly, these injuries may be attributed to acts of "snipers" or other civilians.

‡ Based upon information received from the agency involved.

§ Records were not readily available.

\*\* Estimate based on surveys of hospitals conducted by New Jersey Department of State Police.

Source: Information contained in Report of Eighth Grand Jury for Essex County, N.J., April 22, 1968. The chart generally describes the individuals who died and those persons who sources suggested were responsible in fact, if not in law. SRI made no independent investigation of the facts in any case.

categorizes degrees of severity in crimes by providing a minimum and maximum sentence for a particular crime, the officer about to fire his revolver should carefully plan this action and recognize its severity and possible consequences, particularly in those cases where the crime committed did not result in personal injury.

Firing the revolver cannot be justified when used as a warning device nor can it be justified when used for apprehending persons suspected of committing a crime or persons fleeing from the scene of crimes other than murder, rape, robbery, burglary, arson or the like. When, in his opinion, firing of the revolver is justified, the officer shall bear in mind that a misdirected or ricocheted projectile could cause injury to an innocent person.<sup>47</sup>

The Michigan State Police were placed on alert on Sunday, July 23, 1967, and initiated assistance to the Detroit Police Department later that day.<sup>48</sup> At one time during the disorder, 800 troopers were committed to Detroit.<sup>49</sup> Each trooper was equipped with his regular issue, a 38-caliber revolver. Those riding in patrol cars were also armed with either a sawed-off shotgun or a carbine. A few were issued Army-type rifles with telescopic scopes. Troopers were under orders to fire only if fired on or if necessary to protect the lives of others. Briefing his men before their commitment to Detroit, Col. Frederick Davids, State Police Director, cautioned that: "It is no open season on anyone." The state police were unable to estimate the exact amount of ammunition expended by troopers, but the Director considered it "minimal."<sup>50</sup>

The Michigan National Guard was also alerted on Sunday, July 23, 1967. Eventually, approximately 8,000 troops were committed.<sup>51</sup> Most of the troops were issued M-1 rifles or carbines. A few automatic weapons were also issued, and a number of officers carried pistols.<sup>52</sup> Until federalization of the Guard, on July 23, the orders from Governor Romney were: "You will use what force you have to enforce all the laws of the State of Michigan. If this includes firing of weapons, you will fire weapons."<sup>53</sup> Because of the rapid deployment of troops, most of whom had been on summer training, no accurate account of ammunition issued or expended could be made. Tear gas was not used.<sup>54</sup>

On Monday, July 24, at 11:20 p.m., President Johnson federalized the Michigan National Guard and authorized the use of federal troops.<sup>55</sup> More than 4,800 federal paratroopers were committed. At 1:40 a.m., Tuesday, July 25, Lt. General John L. Throckmorton, Commanding General, ordered all military personnel, including the Michigan National Guard, to unload their weapons.<sup>56</sup> Major General Cecil L. Simmons, Commander of the 46th Infantry Division, Michigan National Guard, testified before the House Armed Services Committee that special instructions were printed and distributed pursuant to the order, but that it took "a while" for word to get down to the men. He noted that some had not received word because of locations they were in and that it was difficult for some men to accept the restrictions.<sup>57</sup>

The instructions read:

Do not display ammunitions items on the person or vehicle.

Do not load ammunition in any weapon without special instruction of an officer to do so.

Do not fire any weapon without specific instructions of an officer to do so.

Street lights will not be extinguished.

Take cover if fired upon and await arrival and instructions of an officer.

Do not disclose these instructions or other instructions on the application of force except to military or police personnel.<sup>58</sup>

Testifying before the House Armed Services Committee on August 23-24, 1967, General Throckmorton said that he knew of some instances where National Guardsmen were "trigger-happy" after he had ordered them to unload their weapons. He told the committee that he knew of no such instances before his directive was given and testified that the order was made on the basis of his general experience that: ". . . regardless of how well-trained they are, troops going into combat for the first time where they are shot at, will be nervous and inclined to be trigger-happy . . . that it takes two or three days for them to calm down and react more quietly and properly."<sup>59</sup> General Throckmorton added that paratroopers reacted differently to the riots because most had fought in Vietnam before their Detroit duty. Referring to his order, the General later testified before the Permanent Subcommittee on Investigations of the Senate Committee on Government Operations:

This was necessary to prevent accidental killing and wounding of civilians and damage to property. It had been reported to me that in many instances soldiers were returning the shots of a single sniper with unaimed, uncontrolled fire into a large area rather than firing at a single known or probable location of the sniper.<sup>60</sup>

In his report, Cyrus R. Vance, Special Assistant to Secretary of Defense MacNamara during the Detroit riots, criticized what ". . . became normal practice for both police and some national guardsmen to conduct patrols with weapons always at the ready, and in the case of mounted patrols, with weapons protruding from every window of the patrol vehicle, often with sirens going."<sup>61</sup> Noting that tear gas was not employed by the Detroit police or by the Michigan National Guard and was used by others only after the third day, Mr. Vance concluded that: "In the case of snipers, tear gas would have been more effective and less dangerous to use than regular ammunition."<sup>62</sup>

#### Possession and Use of Firearms by Civilians

On July 23, 1967, Michigan Governor George Romney declared a state of emergency that provided:

No persons except duly authorized law enforcement officers. . . or members of the National Guard, shall possess or carry any firearms, ammunition, explosives, inflammable materials or liquids, or other dangerous weapons within the boundaries of the city of Detroit... . . .<sup>63</sup>

The Detroit Police Department encouraged firearms dealers to put their weapons into vaults, and where adequate storage places were unavailable, the police took the firearms to precinct stations for safekeeping.<sup>64</sup> According to Detroit Police Department records, 261 rifles and shotguns and 67 handguns were found or taken for safekeeping without arrests being made during the period of disorder.<sup>65</sup> There were no accurate statistics readily available with respect to the number of firearms stolen during the riot.

Police arrested 7,231 individuals during the Detroit disorder and later prosecuted 4,881 of that total on charges ranging from murder to curfew violations. Of the total, 703 arrestees were 16 years of age or younger. During the same period, citizens reported to police the occurrence of 3,839 criminal offenses relating to attacks made on establishments and individuals. Of that number, 413 reportedly involved weapons. Firearms were allegedly connected with 200, or almost half, of the complaints filed relating to weapons.<sup>66</sup>

Charges against individuals arrested with firearms included murder and assault with intent to commit murder. A number of these charges are discussed in subsequent sections. Other individuals were arrested with firearms on charges of assault, armed robbery, violation of curfew, and disorderly conduct.

The largest category of arrests related to firearms was made on the felony charges of carrying a concealed weapon or carrying a weapon with the intent to use it unlawfully. The former offense applies to carrying a concealed weapon on the person or in an automobile (whether or not concealed) without a license to carry it. The latter applies to any person "who, with intent to use it unlawfully against the person of another, goes armed with a pistol or other firearms. . . ."<sup>67</sup>

Two hundred and thirty-eight arrests were made on these carrying charges. Of that number, 185 were prosecuted.<sup>68</sup> On the basis of information readily available from the Detroit Police Department and the Detroit Records Court, SRI was able to determine the type of weapon connected with 143 of these prosecution cases. Of the 143 cases prosecuted, 118 involved firearms.

A study of police and court records with respect to the 118 individuals arrested on charges concerning firearms disclosed that 31 whites and 83 Negroes were arrested and in four cases, race was not designated. Those arrested included 110 males and 8 females. One hundred and five of the arrestees indicated Detroit as their residence. Nine were from outside Detroit, and residence was unstated in four cases. Thirty-three of

the arrestees were 25 years old or younger. Seventy-two of the arrestees were employed and 34 unemployed. Information was not available on 12 cases.

There was no information with respect to the prior records of these individuals, but a preliminary study of 245 firearms arrests, made by the Subcommittee to Investigate Juvenile Delinquency of the Senate Committee of the Judiciary in 1967, revealed that <sup>69</sup>52 percent of the individuals that carried guns had prior records.

As of June 13, 1968, the 118 cases had been disposed of in the Detroit Recorders Court as follows:

Convicted on the felony charge of either carrying a concealed weapon or carrying a weapon with intent to use it	4
Convicted on the misdemeanor charge of failure to report pistol for safety inspection	31
Dismissed, acquitted, or reduced to curfew violations, disturbing the peace, and so forth	48
Bond forfeited	15
Pending	<u>48</u>
	118

In connection with arrests on all charges related to firearms, Detroit policemen and other law officers seized 178 rifles and shotguns and 195 pistols and revolvers.

With respect to 267 handguns taken for safekeeping or in connection with arrests, a study has indicated that 207 of the handguns were taken from individuals who had the weapons in their possession without the knowledge or consent of the owners, but only nine were reported stolen.<sup>70</sup> There is no requirement as to registration of rifles and shotguns under Michigan law.

### Sniping

Detroit was no exception to the statement made in the report of the Kerner Commission that there was a widely held belief that riot cities were paralyzed by sniper fire. According to some accounts, Detroit was subjected to highly organized teams of snipers. As used by law officers in Detroit, the term "sniping" refers to firing at law officials and civilians, usually (but not necessarily) from a concealed position or one not easily determined.

Subsequently, however, it has been recognized that there was little sniping of an organized nature. As Major General Charles P. Stone, Deputy Commander, Task Force Detroit, reported:

Sniping can definitely be neutralized and controlled in riot disturbances such as Detroit. The term "sniper" is used advisedly for it is not considered that there were snipers used in Detroit. A sniper is an individual who is armed with a weapon, often with a telescopic mount, who is highly trained in marksmanship and who hits what he aims at or accomplishes a definite purpose. In Detroit there was little evidence of real organization of a sniper force. What we had were individuals armed with rifles, sometimes under the influence of liquor, firing often without purpose. Had there, in fact, been organized sniping, a considerable number of military and law enforcement officers could have been killed because of the manner in which they were exposed at critical locations. The only organized sniping that existed was the several instances in which fire stations and police stations were taken under fire for short periods of time.<sup>71</sup>

State and local police, military, and other officials in Michigan advised that sniping reports were overstated or inflated by multiple reporting.<sup>72</sup> General John L. Throckmorton, who commanded federal and state troops in Detroit, testified that the number of snipers involved was "exaggerated in actuality."<sup>73</sup>

As in the case of Newark, there is no way to determine accurately the number of sniping incidents that actually transpired. Enforcement people in the field estimated that there were more than 100 snipers.<sup>74</sup>

There is no offense entitled "sniping" under Michigan law, but 26 persons were arrested under circumstances that suggested to the Detroit Police Department that they had been engaged in sniping activity. The 26 arrests were all made during the last three days of the disorder, July 24-26.

Twenty-three of the arrestees were male; 10 whites and 16 nonwhites were among the arrestees; and all but one were Michigan residents.

The majority of arrestees allegedly fired at police or National Guardsmen. In two instances, policemen were hit. One of the arrestees was injured by return fire. In the largest number of cases, defendants allegedly fired from moving automobiles.

Each was charged with assault with intent to commit murder, a felony punishable by imprisonment in the state prison "for life or any number of years." As of June 13, 1968, 25 of the 26 cases had been disposed of in the Detroit Recorders Court. In one case there was a conviction and suspended sentence on the reduced charge of failure to report a pistol for safety inspection, a misdemeanor. All of the remaining cases were

dismissed "without prejudice" and may be reinstated if sufficient evidence is found.

Seven rifles or shotguns and three pistols or revolvers were taken in connection with the arrests. According to Detroit Police Department records, in nine cases the firearms were found loaded or there were indications that they had just been fired.<sup>75</sup>

### Deaths by Gunfire

Table 3 summarizes data on the 43 deaths that occurred during the Detroit disorder. Thirty-three Negroes and 10 whites died, and all of the deaths were related to the riots. Only five of the fatalities did not result from the use of firearms.

Each case was investigated by the Homicide Bureau of the Detroit Police Department, which prepared a preliminary report and submitted it to the Wayne County Prosecutor, who is authorized under law to rule whether criminal action should be initiated. The Prosecutor may determine that no warrant will be issued in cases where the necessary criminal intent is lacking. In such cases, he may rule that the homicide was "accidental," "excusable," or "justifiable."

Thirty-eight individuals died as a result of firearms; three public safety personnel died after being hit by gunfire. As of June 13, 1968, two individuals were awaiting trial on charges of first-degree murder in connection with the death of a Detroit policeman. The source of gunfire was still unknown as of that date in the other two cases, which related to the deaths of a Michigan National Guardsman and a Detroit fireman.

Thirty-five civilians died of gunshot wounds. On the basis of an analysis of Detroit Police Department Homicide Bureau reports, it appears that ten of the civilians who were killed by gunfire were innocent bystanders. They included a 55-year-old Negro private guard who was caught in a crossfire between police and National Guardsmen he had called on to assist him in apprehending Negro looters. Among the dead were four individuals who were found under circumstances that suggested that they could have been engaged in sniping activity. Twenty were suspected of burglary, breaking and entering, or looting, and one person was an alleged arsonist.

According to Detroit Homicide Bureau records, the source of gunfire was law officers in 28 cases, and civilians were the source in five cases. In five cases, the assailants were unknown.

In 18 of the 28 cases where gunfire from law officers was the cause of death, Detroit policemen only were involved; in seven cases, National Guardsmen were the source. In one case, Army personnel were responsible. It could not be determined in two cases whether police or military fired the fatal shots. Prosecutions have resulted in only two of the 28 cases, both relating to the "Algiers Motel Incident," in which three Negro youths

Table 3

DEATHS DURING DETROIT DISORDER  
July 1967

	Deaths from Gunfire			Deaths from Other Causes‡	Total
	By Law Officers*	By Identified Civilians†	By Persons Unknown		
Public safety personnel					
Detroit Police Department		1		1	1
Detroit Fire Department			1	1	2
Michigan State Police					
Michigan National Guard			1	1	1
U.S. Army					
Civilians allegedly engaged in illegal conduct					
Alleged snipers	4			4	4
Alleged looters	12	2		14	14
Suspected of burglary or breaking and entering	4	2		6	6
Alleged arsonists	1			1	1
Civilian bystanders	<u>7</u>	—	<u>3</u>	<u>4</u>	<u>14</u>
Total	28	5	5	5	43

\* Police and military personnel.

† None of these individuals was characterized as a "sniper" in Homicide Bureau records. Prosecution against these individuals (two storeowners and one private guard) was dropped. As of June 13, 1968, trial had not been reached for the two individuals charged with the other two deaths.

‡ All of these deaths were related to the riot. One fireman died when he was electrocuted by a high tension wire. Two bystanders, possibly looting, were found dead in buildings destroyed by fire. Another bystander was electrocuted. A fifth individual was allegedly beaten to death with a baseball bat by individuals when he attempted to stop them from breaking into his store.

Source: Information contained in records of Homicide Bureau, Detroit Police Department. The chart generally describes the individuals who died and those persons who, according to sources, were responsible in fact, if not in law. SRI made no independent investigation.

were allegedly killed by policemen under questionable circumstances. The case against one officer was dismissed without prejudice; as of June 13, the other was awaiting trial on first-degree murder.

Included in the five cases where civilians were charged were two storeowners and one private guard who shot individuals, one white and two Negroes, suspected of looting or breaking and entering. In these three cases, prosecution has been dropped. As of June 13, 1968, trial had not been reached with respect to the two remaining deaths. In neither of the two cases did police records categorize the individuals charged with responsibility as "snipers."

In summary, as of June 13, 1968, four of the 43 deaths were still under investigation by the Homicide Bureau of the Detroit Police Department. In 33 cases, the Wayne County Prosecutor's Office ruled that the homicide was justifiable, excusable, or accidental. Two cases had been dismissed at preliminary examination by the courts, and four were awaiting trial.<sup>76</sup>

On the basis of information summarized above, it is clear that no more than five of the 43 deaths could be attributed to snipers and that four of the deceased could have been snipers.

#### Injuries by Gunfire

Table 4 gives SRI's findings with respect to injuries not resulting in death during the Detroit disorder. Of 290 public safety personnel injured, 24 were wounded by gunfire. Five of the 24 injuries resulted from the accidental discharge of firearms by law officers. The source of gunfire in the 19 remaining cases was not known.

Injuries were incurred by 109 persons allegedly involved in illegal conduct. Thirty-six of the injuries were attributable to firearms. Law officers were the source of gunfire in all but five of these cases. Among those injured were 19 purported snipers, 50 looters, 10 persons allegedly caught breaking and entering, one arsonist, and 26 persons charged with miscellaneous crimes.

On the basis of information received from the larger hospitals responsible for treating injuries during the disorder, it appears that more than 1,500 civilian bystanders were injured and that 90 of that number were wounded by gunfire. There was no information available with respect to the source of gunfire in the 90 cases.

#### Assessment of Disorders in Newark and Detroit

Neither Newark nor Detroit experienced widespread or organized sniping of the nature or extent depicted by the media and described by officials at the time the disorders took place. Recognizing that the circumstances of disorder made the arrest and successful prosecution of snipers

Table 4

INJURIES NOT RESULTING IN DEATH DURING DETROIT DISORDER  
July 1967

	Injuries from Gunfire			Total from Gunfire	Injuries from Other Causes	Records Un- available as to Cause	Total
	By Law Officers*	By Persons Unknown†	Records Un- available‡				
Public safety personnel							
Detroit Police Department§		11		11	156		167
Detroit Fire Department§	3			3	80**		83
Michigan State Police§		1		1	18		19
Michigan National Guard§	2	7		9	9		18
U.S. Army††					3		3
Civilians allegedly engaged in illegal conduct							
Alleged snipers	8			8	11		19
Alleged looters	18	5		23	27		50
Suspected of breaking and entering	4			4	6		10
Alleged arsonists	1			1			1
Alleged weapon law viola- tors					3		3
Other crime categories						26	26
Civilian bystanders	—	—	90‡‡	90	1,410‡‡	—	1,500
Total	36	24	90	150	1,723	26	1,899

\* Records indicated police or military personnel were the source of gunfire.

† Records did not indicate that gunfire was inflicted by police or military personnel. Accordingly, these injuries may be attributed to acts of snipers or other civilians.

‡ Records were not readily available.

§ Based on information received from the agency involved.

\*\* Firemen receiving medical attention. An additional 200 sustained minor bruises.

†† Detroit Police Department records.

‡‡ Estimate based on data received from major Detroit hospitals.

Source: Information contained in records of Homicide Bureau, Detroit Police Department. The chart generally describes the individuals who died and those persons who, according to sources, were responsible in fact, if not in law. SRI made no independent investigation.

difficult, it is nevertheless believed that the small number of persons apprehended and convicted in both cities indicates that sniping was not extensive. In that regard, the Institute found that the number of deaths and injuries by gunfire attributable to sources other than law officers and civilians not engaged in sniping was considerably less than one might expect had the extent of sniping been as reported. Confusion, inexperience, multiple reporting, and excessive firing by law officials explain most of the exaggeration of sniping. However, the media must bear some of the responsibility for the inflated stories of sniping that have prompted many Americans to purchase firearms. In the words of one newspaper editor who appeared at a conference sponsored by the Kerner Commission on the role of the media:

We used things in our leads and headlines during the riot I wish we could have back now, because they were wrong and they were bad mistakes. . .

We used the words "sniper kings" and "nests of snipers." We found out when we were able to get our people into those areas and get them out from under the cars that these sniper kings and these nests of snipers were the constituted authorities shooting at each other, most of them. There was just one confirmed sniper in the entire eight-day riot and he was. . .<sup>77</sup> drunk and he had a pistol and he was firing from a window.

While it is of major concern that any sniping could occur in these or other cities, what is most alarming is that firearms were popular weapons for those who chose to participate in the disorders and that the circumstances of arrest so often suggested that they were intended for use. What lies beneath the surface in major U.S. cities is suggested by the confiscation statistics in Watts, Detroit, Newark, and other cities during the April 1968 disturbances.

Rifles and shotguns are not exempted from this concern. In both cities, almost as many long guns as handguns were taken from arrestees. It can no longer be assumed that shoulder weapons are used solely for sporting purposes. Too many individuals were found with such weapons in their possession in modern conditions of urban unrest. Also, members of any race cannot be exempted. A significant number of whites were among those charged with sniping or otherwise arrested for the use or possession of firearms in Newark and Detroit.

The Institute's findings indicate that a substantial number of these firearms were not licensed or registered as required by local law and that many of their owners would have been precluded by previous police checks from obtaining them. Strong federal registration and licensing laws might have prevented many of these weapons from being obtained. As to those that were acquired without compliance with existing laws, it was noted that the failure to meet requirements supplied a basis for prosecution in Detroit and Newark where the evidence did not support a charge on more serious offenses.

## Chapter III

### FIREARMS AND FUTURE DISORDERS

#### Introduction

Although the role of firearms in civilian hands in the riots of 1967 was not extensive, one should not adopt a sanguine view as to the role of firearms in any future disorders. The large number of weapons seized by police in Newark, Detroit, and other cities is indicative of the private arsenals that may be drawn on in the event of future disorders. The potential has been increased by frightened Americans who have purchased firearms as a result of the growing crime rate, the urgings of militants, exaggerated media accounts of disorders, and in some cases personal exposure to the climate of violence. Moreover, an increasing number of paramilitary organizations have been playing on these fears and translating them into actual preparation for participation in any future disorders.

#### Police Response to Riots

Despite the experience of more than 100 civil disturbances during the last three years, there remain sharp differences of opinion among public officials on how to cope with rioters engaged in looting and arson. Mayor Richard J. Daley of Chicago gave orders to the Chicago police to "shoot to kill" arsonists caught in the act and "shoot to maim" escaping looters.<sup>78</sup> Senator Russell B. Long of Louisiana also is quoted as advocating that police shoot looters trying to escape arrest during riots: "It might cost a few lives to be strong and enforce the law," he said, "but I don't see that we are too badly off if a few professional robbers, thieves, and arsonists do lose their lives plying that kind of trade."<sup>79</sup> The same reaction was felt by many citizens, especially merchants who saw their property destroyed or stolen during the riots.

Use of or proposals for use of deadly force by police was denounced in strong terms by many officials, including the Attorney General of the United States and the Mayor of New York.<sup>80</sup> The Attorney General said that the nation's racial crisis would be escalated dangerously by the use of deadly force against rioters; he commended the restraint and balance shown by police in handling the riots and disturbances following Dr. King's assassination.<sup>81</sup>

In considering these opposing positions, one may well raise the question of how good a shot a policeman must be if he is expected to shoot to kill some and shoot to maim others. A second question arises as to whether the policeman should be the prosecutor, judge, jury, and executioner.

Philadelphia's Police Commissioner Frank Rizzo uses a tough approach in preparing his police for possible riots. There was no riot in Philadelphia in 1967, but Philadelphia police found and confiscated more than 1,400 firebombs and Molotov cocktails in the summer of 1967. A large portion of the Department's revenues was allocated by Rizzo for special training and immediate availability of sufficient forces to move in on the first signs of riot activity and prevent it from getting out of hand. Rizzo does not agree with the argument that arrests should be avoided when tension is present to keep from triggering a fatal spark. He said, "There will be no backing-off of police here. Force will be used. The real troublemakers cannot be satisfied. They just take attempts to meet their demands as a form of weakness. You have to meet them with absolute force. . . . We may have a riot here, but it will be the shortest riot in history."

Other police agree with the tough approach, arguing that the recruitment of qualified personnel cannot be accomplished unless the department head is given sufficient resources and authority to develop adequate plans for coping with disorders.<sup>82</sup>

The FBI Manual on Prevention and Control of Mobs and Riots warns against premature or overuse of firearms, and states:

The most extreme action which a law enforcement officer can take in any situation is the use of firearms. Under no circumstances should firearms be used until all other measures for controlling the violence have been exhausted. Above all, officers should never fire indiscriminately into a crowd or mob. Such extreme action may result in injury or death to innocent citizens and may erupt into a prolonged and fatal clash between the officers and the mob. The decision to resort to the use of firearms is indeed a grave one. Such a decision must be based upon a realistic evaluation of the existing circumstances. Among the important considerations, of course, are the protection of the officer's own life, as well as the lives of fellow officers, and the protection of innocent citizens. A basic rule in police firearms training is that a firearm is used only in self-defense or to protect the lives of others. . . .<sup>83</sup>

#### Increased Purchases of Firearms by Individuals as a Result of the Riots

A significant portion of the tremendous increase in the sales of firearms both in the cities and in the nation must be attributed to the disorders, which have hit many major U.S. cities since 1965. As Commissioner of Internal Revenue Sheldon S. Cohen noted some time before the riots in Newark and Detroit:<sup>84</sup>

. . . as we all know the use of firearms in civil disturbance is becoming more common. Law enforcement people in major cities tell our alcohol and tobacco tax investigators that there

is a directly related and significant increase in firearms sales by dealers in the vicinity whenever tension develops in these metropolitan areas. .

The relationship is evidenced by firearms licensing and registration figures in Newark and Detroit. For some time, Michigan statutes have controlled the purchase of handguns and certain other firearms, but rifles and shotguns have not been covered by the law. Under Michigan law, no person "shall come into possession" of a pistol or revolver without first having obtained a license to purchase and whenever a handgun is obtained in any manner, it must be immediately presented to the Police Department for safety inspection (registration).<sup>85</sup>

Table 5 shows the number of licenses to purchase and the number of guns registered in Detroit, Michigan, by month for the period January 1965 to May 1968. In the 11-month period since the riots, almost as many licenses to purchase have been issued by the Detroit Police Department as were issued in the 30 months preceding the disorder. Guns registered during the first five months of 1968 were more than twice the number for the same months in 1967.

The situation in Detroit prompted Mayor Jerome P. Cavanaugh on March 7, 1968, to warn that an "unprecedented arms race" by ordinary citizens, not extremists, constitutes the most "clear and present danger to our common future."<sup>86</sup>

In the meantime, the illegal acquisition of firearms followed similar trends. Table 6 shows handguns stolen and recovered in Detroit for the period January 1965 to May 1968. The number of guns stolen in the five months following the July 1967 riot was approximately 70 percent greater than the number of thefts reported in the five months preceding the riot. In the month of September 1967, more guns were reported stolen than in the previous two Septembers combined.

A similar trend on the acquisition of firearms is evident in Newark, New Jersey. Under state law, residents have been required for some time to obtain a permit before purchasing a handgun. Table 7 shows the total number of applications considered, approved, and denied or withdrawn for permits to purchase pistols and revolvers by month for the period January 1965 to May 1968. In the four months in 1967 following the disorders in Newark, twice as many applications were considered than in the same months of 1966. Applications considered during the first five months of 1968 equaled the number of applications acted on for all of 1967.

Since August 1966, New Jersey has required that the purchasers of rifles and shotguns obtain a firearms purchaser's identification card.<sup>87</sup> Table 8 shows the number of applications considered, approved, and denied or withdrawn by month for the period September 1966 (when the first applications were acted on) through May 1968. Although there is not a long history of experience with respect to the law, in the first five months of 1968, more applications for cards were processed than were considered in all of 1967.

Table 5

LICENSES TO PURCHASE GUNS, GUNS REGISTERED, AND GUN PERMITS DENIED  
IN DETROIT, MICHIGAN\*  
January 1965-May 1968

Month	1965			1966			1967			1968		
	Licenses to Purchase	Guns Regis- tered	Gun Permits Denied									
January	348	381	0	518	560	1	607	642	2	1,322	1,090	3
February	298	354	1	425	494	0	652	662	2	1,845	1,441	15
March	372	353	0	543	462	7	807	669	3	1,711	1,538	18
April	367	326	0	392	444	0	960	953	4	3,354	2,181	71
May	337	402	0	515	473	3	757	906	2	1,622	2,319	15
June	361	365	1	524	460	5	773	616	2			
July	418	380	2	322	340	3	581	647	1			
August	448	423	1	592	489	1	1,156	882	1			
September	449	425	1	629	564	3	1,094	971	4			
October	472	479	1	656	607	1	1,220	1,108	6			
November	436	451	6	581	511	2	1,166	1,048	3			
December	570	468	4	719	625	0	1,009	902	5			
Total	4,876	4,807	17	6,416	6,029	26	10,782	9,988	35			

\* Pistols and revolvers only.

Source: Record Bureau, Detroit Police Department.

Table 6

GUNS STOLEN AND RECOVERED  
 IN DETROIT, MICHIGAN\*  
 January 1965-May 1968

Month	1965		1966		1967		1968	
	Guns Stolen	Guns Re-covered						
January	45	12	62	9	86	12	79	50
February	34	12	55	14	89	18	155	80
March	31	10	58	12	103	26	116	29
April	35	9	52	12	78	17	68	13
May	37	12	44	20	101	26	150	32
June	71	15	57	11	69	15		
July	57	10	48	9	121	16		
August	39	7	79	16	121	10		
September	92	11	84	10	248	20		
October	39	14	78	25	97	20		
November	69	13	93	13	149	20		
December	54	18	102	23	112	24		
Total	603	143	812	174	1,374	224		

\* Pistols and revolvers only.

Source: Record Bureau, Detroit Police Department.

Table 7

TOTAL APPLICATIONS FOR PERMITS TO PURCHASE A PISTOL OR REVOLVER  
IN NEWARK, NEW JERSEY  
January 1965-May 1968

Month	1965			1966			1967			1968		
	Consid- ered	Ap- proved	Denied or With- drawn									
January	5	3	2	5	2	3	33	25	8	105	99	6
February	7	5	2	4	2	2	24	21	3	44	39	5
March	10	2	8	11	1	10	19	15	4	45	34	11
April	8	3	5	13	8	5	18	17	1	93	84	9
May	7	4	3	9	4	5	36	32	4	107	98	9
June	9	6	3	5	4	1	11	8	3			
July	17	9	8	11	8	3	4	1	3			
August	2	0	2	3	2	1	6	6	0			
September	9	5	4	26	18	8	79	70	9			
October	13	1	12	18	14	4	48	45	3			
November	7	1	6	15	14	1	85	79	6			
December	4	2	2	10	9	1	29	26	3			
Total	98	41	57	130	86	44	392	345	47			

Source: Record Bureau, Newark Police Department.

Table 8

TOTAL APPLICATIONS FOR FIREARMS PURCHASER IDENTIFICATION CARD  
 IN NEWARK, NEW JERSEY\*  
 September 1966-May 1968

Month	1966			1967			1968		
	Consid- ered	Ap- proved	Denied or With- drawn	Consid- ered	Ap- proved	Denied or With- drawn	Consid- ered	Ap- proved	Denied or With- drawn
January				56	48	8	198	192	6
February				25	24	1	121	111	10
March				26	23	3	79	70	9
April				25	24	1	116	113	3
May				21	18	3	111	107	4
June				9	9	0			
July				6	5	1			
August				2	2	0			
September	69	65	4	57	52	5			
October	40	38	2	64	63	1			
November	36	33	3	131	124	7			
December	<u>26</u>	<u>23</u>	<u>3</u>	<u>53</u>	<u>50</u>	<u>3</u>			
Total	171	159	12	475	442	33			

\* Rifles and shotguns.

Source: Record Bureau, Newark Police Department.

The relationship between disorders and the purchase of firearms was in evidence again in the aftermath of riots that followed the death of Dr. Martin Luther King. After disturbances in Baltimore and Washington in April 1968, applications for handgun purchases nearly doubled in counties surrounding the two cities. In Alexandria, Virginia, suburbanites stood in line to buy guns during the height of the rioting in the District of Columbia, and more applications were received in the first half of April than in the entire month of March.<sup>88</sup>

### Proliferation of Paramilitary Organizations

The United States has always had extremist organizations of the right and the left, but the disorders have increased the audience for existing groups and inspired the creation of others. Significantly, it has become increasingly difficult to distinguish between groups formed for sporting, self-defense, or revolution. The proliferation of these groups and their increasing influence has prompted a renewed concern with respect to the benefits available to gun clubs through the Civilian Marksmanship Program administered by the Secretary of the Army, in conjunction with the National Rifle Association. Under the Program, the Army has for some time provided support (e.g., issue of weapons and ammunition and sponsorship of firearms competition) to gun clubs and has sold excess military firearms to members of the National Rifle Association at reduced prices.<sup>89</sup>

There are groups whose past statements and illegal activities leave little doubt as to their basically clandestine nature. Such organizations include the all-white Minutemen and the all-black Revolutionary Action Movement.<sup>90</sup> Members of both groups have been arrested in connection with planned violence, and arms caches attributed to these groups have been uncovered by law enforcement authorities. In November 1966, New York police officials arrested 19 members of the Minutemen and charged them with plotting the destruction of the gathering places of several groups they oppose. Police advised that at least eight of the arrestees had been identified as members of the National Rifle Association and some had used the NRA to obtain arms and ammunition through the Department of Defense. On investigation, it was found that one of the clubs with which the Minutemen were associated had been participating in the Civilian Marksmanship Program; the club was dropped. In 1967, it was discovered that members of the Revolutionary Action Movement were associated with the Jamaica Rifle and Pistol Club and had received firearms through the Army program.<sup>91</sup>

A number of other groups combine revolutionary objectives with general statements calling on citizens to purchase firearms for self-protection. The Black Panther Party for Self-Defense, with headquarters in Oakland, California, has adopted the guerrilla warfare principles of Mao Tse-tung. The May 19, 1968, issue of the organization's biweekly, The Black Panther, quotes the group's chairman as saying:<sup>92</sup> "Every black man should have a shotgun, a 357 magnum or a .38 in his pad to defend it. . . every woman should understand that weapon. . . ."

On the other hand, the Christian Youth Corps preaches guerrilla warfare and hatred of Negroes and calls on citizens to arm to defend the nation against: "Red hordes that will soon attack the United States." In New Orleans, the Paul Revere Associated Yeomen, Inc., has urged citizens to "prepare yourself and your sons to fight in the streets. . . ." and has recommended that individuals join the Minutemen and the National Rifle Association.<sup>93</sup>

To the white groups, the enemy is usually the Communists, in combination with the Negroes and other minority groups, but to the Negro groups, white public security forces, as well as white citizens and paramilitary organizations, constitute the threat. The relationship between self-defense for the black community and the larger question of police-community relations is seen in the July 1968 trial of Panther leader Huey P. Newton, charged with fatally shooting an Oakland policeman, where protestors charged that the police were "out to get Huey" and "harassed" Newton into shooting.<sup>94</sup>

The relationship between disorders and the formation of paramilitary groups is evident in the aftermath of the Newark and Detroit riots. In Detroit, an organization called "Breakthrough" has increased its membership and audience tenfold since the July 1967 disorders. One of its circulars states:<sup>95</sup>

They said, "It can't happen here." But now it HAS HAPPENED HERE! What is more--THEY plan to do it again, only NEXT TIME, THEY will do it on a far wider and much more terrifying scale. Are YOU NOW READY TO PREPARE YOURSELF FOR THE NEXT ONE? Or will you be forced to stand helplessly by because you were unprepared to defend your home and neighborhood against bands of armed terrorists. . . .

The group distributes suggestions for survival during "periods of prolonged civil disorders," advocates the purchase of weapons, and recommends that civilians join the General Douglas MacArthur Shooting Club, which a newsletter indicates will be sanctioned by the National Rifle Association. Some of the materials distributed by Breakthrough are included in the Appendix.

The Negro response to organizations such as Breakthrough is illustrated in the following statement appearing in the Detroit Inner City Voice, a newspaper published predominately for Negroes:<sup>96</sup>

Already the atmosphere is being created by the white news media that the arming of the white people is an absolute necessity for them to protect their lives and property. Protect lives and property from whom and what? . . . the same forces that invaded, killed, and maimed the black community? It seems more reasonable that the paramilitary forces will be joined in their invasion of our community by the hysterical, racist whites from suburbia.

Recently the local TV news programs showed white housewives in Dearborn taking target practice with the aid of Dearborn Police-men who were serving as instructors in the Dearborn Gun School. Also it is reported that a supermarket in Farmington, Michigan is offering a rifle with the purchase of groceries. . . .

The question raises an issue larger than the cops or the whites may wish to confront: the issue of massive self-defense for the Black Community.

In Newark, New Jersey, the postriot period has seen the circulation of stories of arming and arms caches in that city's "ghettos" and the formation of the all-white North Ward Citizens Committee. The organization's estimated 1,550 members have been encouraged to own guns and are being trained in the use of firearms. The group, which patrols the streets in cars called "jungle cruisers," has been labeled by Governor Richard Hughes as "a potential threat to peace and law and order in New Jersey."<sup>97</sup> In Morristown, New Jersey, a Home Defense and Firearms Course, originally sponsored by the Morris County Sheriff's Office after the 1967 string of New Jersey disorders, is now conducted as a public service by the Phoenix Shooting Club, a member of the NRA.<sup>98</sup> The situation in New Jersey has reached such proportions that Governor Richard Hughes has proposed a law banning vigilante groups.<sup>99</sup>

The increasing effect of these and other similar paramilitary groups on Americans already frightened by disorders and violence generally raises serious questions of public policy. Should U.S. society permit a substantial number of its citizens to prepare collectively for the use of firearms in future disorders? What is the effect of such development on the effectiveness of law enforcement? Should organizations be permitted to use gun club facilities if their announced primary purpose is to prepare for action in the event of disorders, rather than for sporting purposes? If such organizations, formed for self-protection, continue to proliferate, is it not possible that the fine line may be crossed between defensive and anticipatory (if not aggressive) action against others? Is it inconceivable that Army troops called on to quell a future disorder might be subjected to interference from paramilitary organizations originally trained and armed under the programs of the Department of Defense?

#### Policies, Criteria, and Screening and Control Procedures

The Institute is aware of the efforts of the NRA to keep criminals, Communists, or individuals associated with extremist groups from its membership. However, there is sometimes a gap between the most strongly held policies and effectiveness in carrying them out. Time constraints did not permit SRI to evaluate fully the effectiveness of procedures governing the formation of and membership in gun clubs. However, it is clear from a study undertaken for the Department of the Army in 1966 by a respected research organization<sup>100</sup> and from subsequent events that gun clubs, associations, and public institutions have not developed effective screening and

control procedures adequate to ensure that extremists and paramilitary organizations generally are precluded from the use of the facilities of gun clubs and from the benefits of the Civilian Marksmanship Program.

The research organization's report found significant deficiencies in the screening and control procedures at all levels where the primary responsibility for operating the controls was placed. The organization studied only 100 of approximately 5,700 gun clubs then affiliated with the program. Of the 100 clubs, 47 had no policy on or had never discussed the matter of accepting applicants who are members of extremist groups. An equal number responded that they would reject such applicants. The research organization found that 10 percent of the clubs studied had "casual or no screening procedures." With respect to some of these clubs, the report concluded that "screening procedures were sufficiently lax that we were not convinced that the clubs were making conscientious efforts to try to keep out members of extremist or militant groups."

The research organization also interviewed state NRA officials responsible for conducting investigations of the membership of clubs in each of the 20 states in which club interviews were conducted. In two of these states, no attempt was being made to perform club investigations requested by the NRA. Of 21 association officers contacted, nine thought the system was too lax or that the state associations were not equipped to perform the investigations. Two had no opinions and the remainder considered the system adequate. Also, the organization's report considered the implementation of control procedures by the Adjutant General in each of 20 states in which clubs were interviewed. Four of the 20 said that the investigative system was too lax. Only three of the 20 said that they made any attempt to keep abreast of NRA affiliated clubs in their states. In reply to questions about knowledge of extremist activity in the shooting community, the National Guard officers' general response was that there was no reason for that type of information to reach them and the sentiment was one of no interest in commencing that type of civilian investigation.

The report also found that the NRA relies heavily on affirmative reports received from its state associations and state adjutant generals, as well as endorsements from public officials, and that on a number of occasions the NRA has stressed the need for more thorough investigations by the adjutant generals.<sup>100</sup>

Since the report, the Secretary of the Army has cut back on the Civilian Marksmanship Program and has instituted direct police checks of all purchasers of firearms and ammunition under the sales programs and of officers of newly formed junior clubs under the membership program. However, the control procedures have not yet been applied to the approximately 6,000 clubs that were associated with the Department of the Army program and benefits before these reforms. Some 6,000 other gun clubs associated with the NRA do not participate in the Program. Moreover, the direct police check on purchasers and officers of new clubs is directed primarily at disclosing criminal records and is not now administered in such a way that will ensure that members of paramilitary groups, other than

well-established extremist groups (such as the KKK), will not be precluded from obtaining the benefits of the program.<sup>101</sup>

The establishment of effective control procedures in this area is the responsibility of public officials as well as gun clubs and their associations. To be sure, the situation raises serious Constitutional and practical questions, as well as justifiable concern. It is recognized that effective screening and control procedures may be costly and difficult to install and operate. However, all institutions of our society should participate in the formulation and implementation of these and other steps designed to lower the potential use of firearms by civilians, individually or collectively, in future disorders.

The National Advisory Commission on Civil Disorders has documented the drift of America into two societies. In a study released on July 17, 1968, the National Commission on Urban Problems predicted that if current trends continue: "America by 1985 would be well on the road towards a society characterized by race stratification along racial and economic lines, as well as geographic separation."<sup>102</sup>

If the developments outlined in this and other chapters continue along with racial and geographic trends, the words used by the Detroit Free Press to describe the riot deaths occurring in that city in 1967 may apply in greater magnitude:<sup>103</sup>

Numbers alone made it inevitable that confrontations would occur, that incidents would result, that mistakes would be made, and that ultimately, someone would die. There were too many guns and too many people for it to be otherwise.

It is up to the great majority of U.S. citizens to take actions necessary to alleviate the racial tensions that have triggered civil disorders. Businessmen, professional men, union leaders, government officials at all levels, and other individual citizens need to involve themselves in this action. One approach to the gun problem is MUST, a group of concerned citizens. MUST (Men United for Sane Thought) started an advertising drive on television and in the newspapers, pointing out that the greatest danger of firearms in the hands of citizens will be to themselves, their families, and their neighbors.<sup>104</sup> Figures 4 and 5 on the following pages indicate MUST's approach to advising citizens to "cool it."



**Sleep easy tonight. Your next door neighbor is awake.**

Old Marv Finley—what a guy.

Always up in arms about something or other.

“You watch. Someday there’ll be a luxury tax on baby food.”

“Those dogs are going to kill my shrubs!”

“Better get a gun! There’s bound to be trouble here this summer.”

Now everybody knows he keeps an arsenal in his bedroom.

Ready for anything, he says.

Ah, well. He’s got a right.

Come on.

Nobody—not even Marv—knows what’s going to happen in the city this summer.

But what if, some night, he *thinks* something is happening?

Some time in June, maybe.

While you’re asleep.

Rattle-clatter. Rattle-clatter.

Coming from your side door.

Could be a prowler!

But Marv’s awake, gun loaded.

Rattle-clatter again.

Marv takes aim.

At your daughter.

Coming home from a date.

Ah, well—sleep easy.

He’s got a right.

**MUST**

men united for sane thought

Figure 5



**Your wife will probably kill you if you come home too late this summer.**

Last summer, if you came home late, you probably got nagged.  
This summer could be different.  
This summer there's a gun in the house.  
And, one hot night it could be in the nervous hands of your well-intending wife.  
She's had lots of experience handling

kids and cuts and baby bottles.  
But that's a little different from a .38.  
Or a double-barrelled shotgun.  
Maybe you'll work late a few times.  
Or stop off with the guys after work one night.  
And maybe somehow forget to call home.

With all the talk going around, it won't take much to set a nervous imagination in motion.  
That night, your footsteps on the porch might not sound so familiar. Your shadow on the side door might look bigger than a hundred nights before.

In one split second you could be face to face with the end of your world.  
And her's.  
No, guns don't kill.  
People do.  
Keep the two apart  
in *your* home this summer.

**MUST**  
men united for sane thought

## Chapter IV

### FIREARMS AND THE PROPENSITY TO VIOLENCE

#### Introduction

The number of firearms in possession of individuals and the current magnitude of sales represents the potential arsenal that can be drawn on for use in civil disorders and acts of individual violence. It is, therefore, appropriate that their magnitude be examined in terms of the national availability and related to the more detailed analysis as to what is happening in the two cities of Detroit and Newark and in the states in which they are located. Firearms in individual possession may become part of a collective arsenal if used by groups forming private armies, as discussed in Chapter III. In future disorders, individuals reacting spontaneously and coming into the streets with their guns could form mobs collectively using their firearms.

Firearms are the means and not the motivating force in acts of violence. The motivation to use firearms in acts of violence arises from many sources. In a small country with a homogenous population, without sharp ethnic, racial, economic, religious or social divisions, it is quite probable that the amount of violence by firearms would be much less than in a country with the same size population, with the same number of guns outstanding, but with severe racial, economic, social, and other conflicts continuously stirring up unrest. Given the many social tensions and divisiveness in U.S. society today, the problems of the ghetto, tense racial relations, safety in the streets, increasing crime in both absolute numbers and in rate per capita, and the availability of firearms in large numbers encourages a propensity to violence. Firearms happen to be the most efficient man-made means to carry out violence.

#### Sales of Firearms

The Bureau of the Census of the Department of Commerce reported that there were about 1.9 million guns sold in the United States in 1963 to private individuals. The number of firearms sold in the United States amounted to more than 4.5 million in 1967, an increase of 132 percent. Table 9 shows that the number of rifles sold increased from 875,000 in 1963 to 1.88 million in 1967, an increase of 115 percent. The number of shotguns sold increased from 603,000 in 1963 to 1.5 million in 1967, an increase of 151 percent. The number of pistols and revolvers sold increased from 496,000 in 1963 to 1.19 million in 1967, an increase of 139 percent.

Table 9

NUMBER OF FIREARMS SOLD IN THE UNITED STATES  
FOR PERSONAL USE

	<u>Rifles</u>	<u>Shotguns</u>	<u>Pistols/ Revolvers</u>	<u>Total</u>
1963*	875,440	603,039	469,139	1,974,618
1964†	1,019,000	936,000	500,000	2,455,000
1965†	1,286,000	1,190,000	587,000	3,063,000
1966†	1,376,000	1,422,000	846,000	3,644,000
1967†	1,882,000	1,515,000	1,188,000	4,585,000‡
Percent increase (1967-1963)	115%	151%	139%	132%

\* Census data.

† Derived from excise tax receipts, industry data, and census data.

‡ The total quantity of firearms is derived from the total wholesale value of firearms sold in the United States for personal use and the average wholesale cost of domestically manufactured guns. Had the lower average price of foreign-made firearms been included in the average price, the estimate of total firearms would have been about 10 percent higher.

The last actual count of the total firearms sold was made by the Bureau of the Census for the year 1963. It is the source for the 2 million annual sales figure that has appeared in the literature to date. It is quite surprising that no actual count of the total firearms sold in the United States is kept by any government agency or industry group on an annual basis. The Wall Street Journal reports with precision the number of automobiles manufactured by brands, such as Chevrolet, Ford, or Chrysler, and how many are sold quarterly. The same is reported in terms of steel tonnage produced, airplane passenger miles and the like, but when it comes to firearms, a product lethal in nature and potentially dangerous, no such data collection and display exist.

The development of an estimate of firearms sold for the years since 1963 was derived from excise tax receipts and other source material and double-checked by Stanford Research Institute against known control points. The available wholesale cost for domestically manufactured guns by category was applied in developing these data.

The run on firearms during and subsequent to the civil disorders has been widely reported in the press for many cities. The data in Table 9

may provide one kind of measurement of the underlying divisiveness and social tensions in our society. There is no doubt that some of this increase in rifles and shotguns purchased reflects the legitimate pursuits of about 20 million hunters, target shooters, and others with legitimate recreational use in mind; however, a substantial amount of the increase is directly related to the actuality and prospect of civil disorders with their attendant violence that have aroused fear and panic among many citizens and to a sharp increase in crime in the United States.

### Imports

U.S. imports of small arms doubled between 1963 and 1967 and reached more than 1.2 million in 1967 as shown on Table 10. Many of these firearms represent military surplus that are dumped into the United States and sold at low prices. They add to the problems of law enforcement, and all military surplus weapons should be banned from entry into the United States as inimical to the domestic peace and security.

Table 10

#### U.S. IMPORTS OF SMALL ARMS

	<u>Rifles</u>	<u>Shotguns</u>	<u>Pistols/ Revolvers</u>	<u>Total</u>
1967	239,141 (111,587)*	220,695	747,013	1,206,849
1966	291,148 (193,963)*	191,773	513,019	995,940
1965	245,243 (157,480)†	174,076	346,906	766,225
1964	181,532 (93,859)†	138,594	253,200	573,326
1963	218,550 (112,236)‡ (156,064)†	119,448	223,068	561,066

\* New and used rifles valued not over \$5 each.

† Used rifles valued not over \$5 each.

‡ Used military rifles valued not over \$5 each.

Data not separately available after 1963 on surplus military rifles.

Source: U.S. Dept. of Commerce, Business and Defense Services Administration.

## Detroit and Newark

The marketing arrangements for sales of firearms, particularly wholesale distribution, are conducted along regional lines and often are not restricted to a single state and the cities therein. In addition, information by company is held closely on a proprietary basis. Therefore, although it is not too difficult to estimate national data, sales data by city or by state are exceedingly difficult to obtain. However, from police records in Detroit and Newark we were able to obtain data on registration of firearms or approved licenses to purchase to both add to the profiles of unrest in these two cities and to confirm that these data were consistent with and reinforced by the findings of sales data on a national scale.

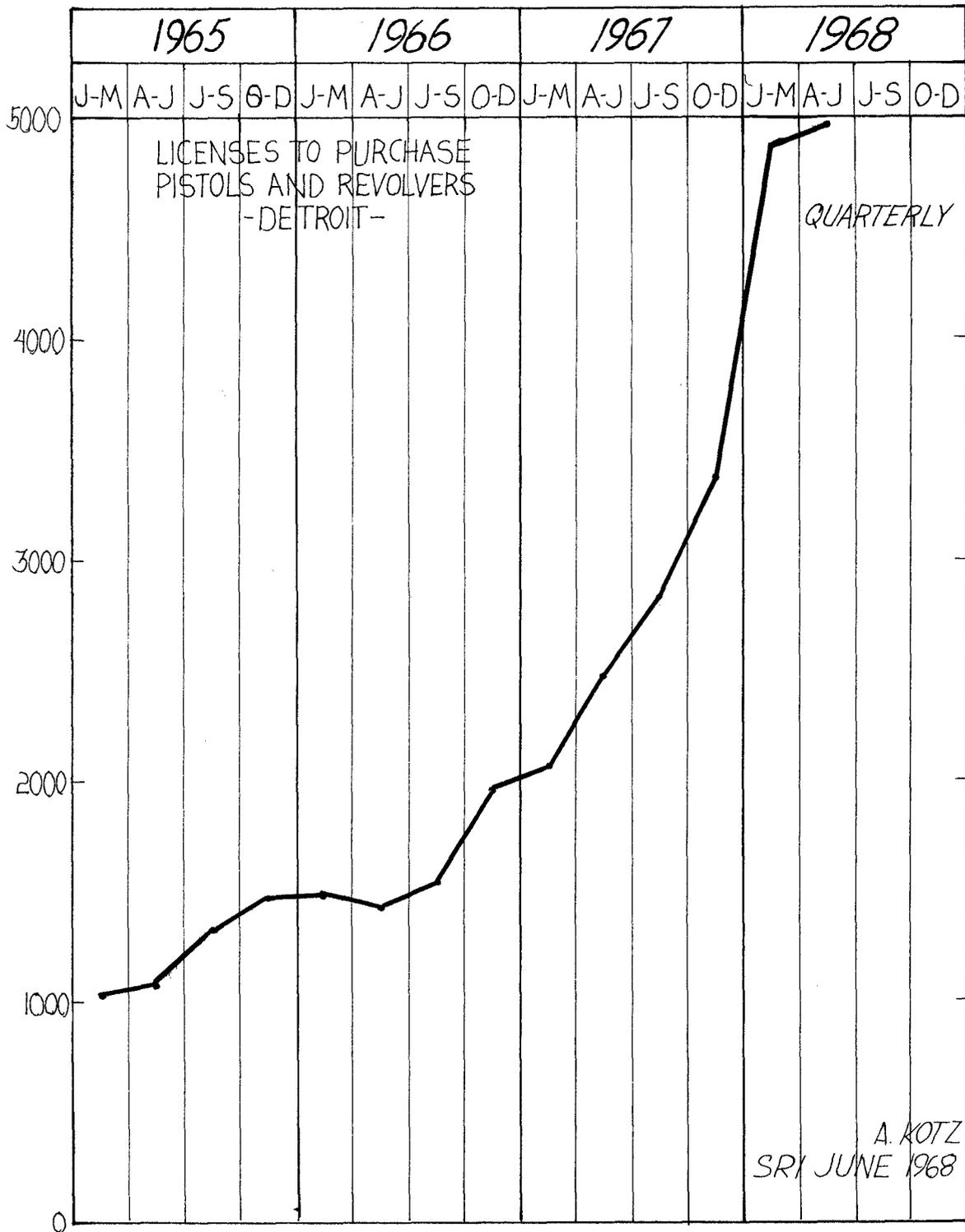
Figure 6 depicts the licenses issued to purchase pistols and revolvers in Detroit between January 1965 and the end of May 1968. The total number of licenses issued more than doubled in 1967 compared with 1965. The curve on Figure 6 depicts the very sharp increase in approvals of licenses subsequent to the civil disorders of July 1967. The total number of licenses issued in 1967 amounted to 10,782. The substantial increase reflected in this trend continued into the first five months of 1968, when 9,854 licenses were issued--almost equaling the total number of licenses issued in all of 1967.

Pistols and revolvers registered in Detroit show exactly the same pattern of a very sharp increase in registrations after the August 1966 "Kercheval Incident" and the July 1967 civil disorders. Figure 7 shows that total registration increased sharply in 1966 and more than doubled in 1967 compared with 1965. If the rate of registration continues as depicted in Figure 7 for the first five months, the total number of pistols and revolvers registered in Detroit for 1967 will be exceeded in the first six months of 1968. The profile of the potential for future civil disorders in Detroit cannot be completed without taking into account the panic and fear of violence on the part of citizens of Detroit as expressed in these data.

Figure 8 shows the trend in pistols and revolvers reported stolen in Detroit. Here, again, the curve reflects that the number of handguns stolen more than doubled in 1967 compared with 1965, with a sharp increase after the July 1967 civil disorders and again after the assassination of Dr. King in April 1968.

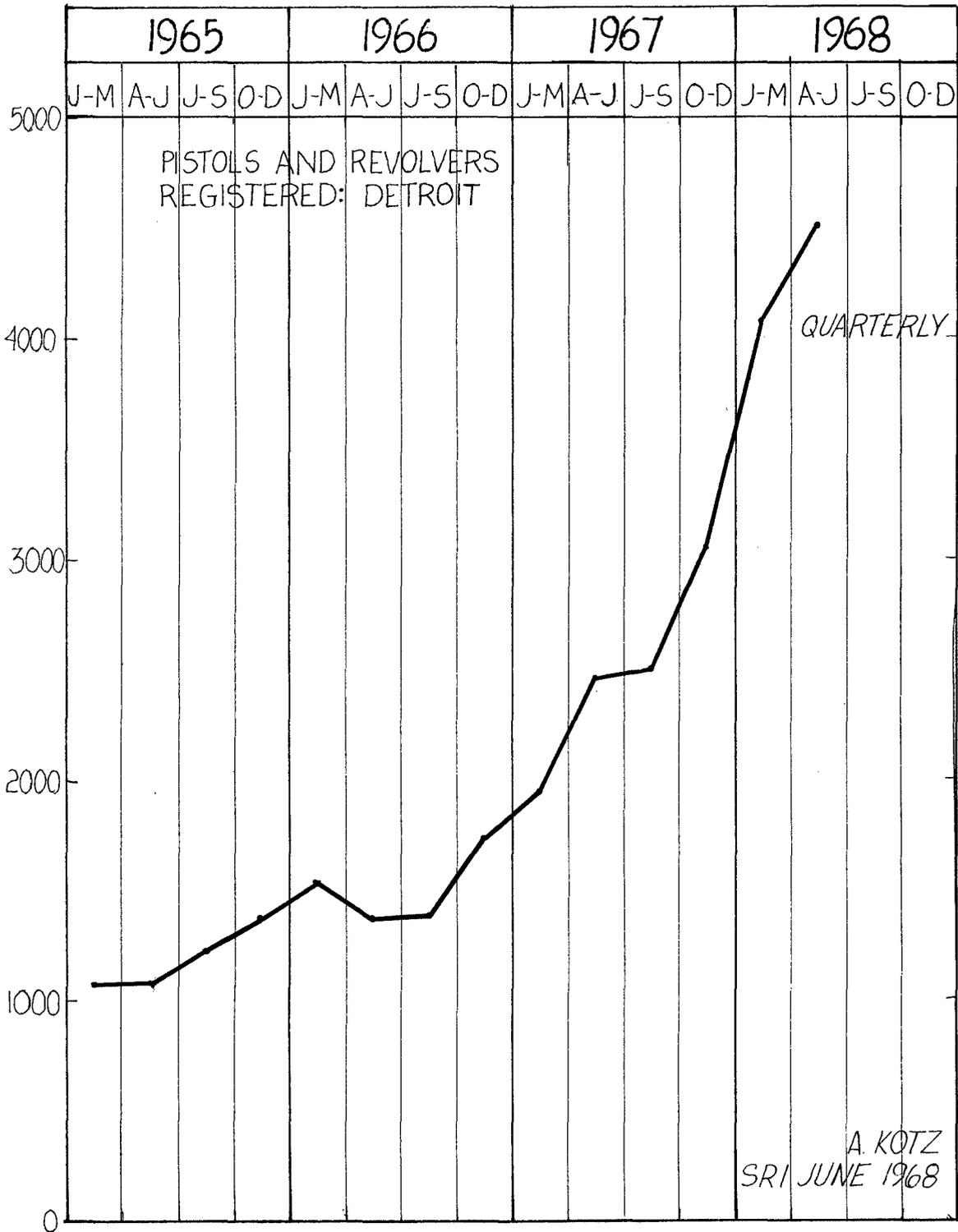
It should be understood that the Michigan registration law applies only to pistols and revolvers and not to long guns. The New Jersey law, however, requires applications to purchase rifles and shotguns. Purchaser Identification Cards were not required for them until August 2, 1966. The first applications were acted on in September 1966. Although there is not a long history of experience, in the first five months of 1968, there were more applications approved for purchase of rifles and shotguns than in all of 1967.

FIGURE 6



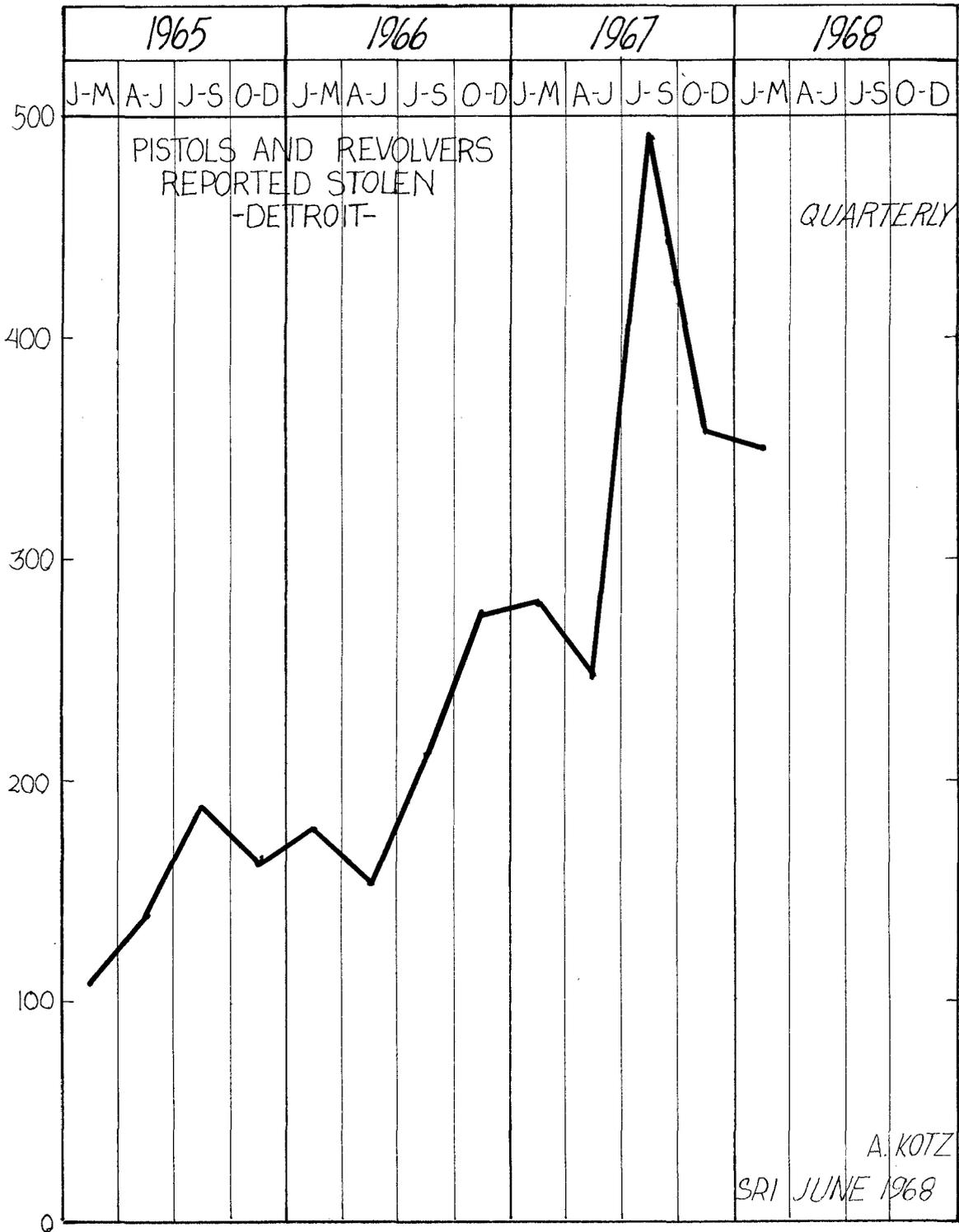
SOURCE: Record Bureau,  
Detroit Police Department.

FIGURE 7



SOURCE: Record Bureau,  
Detroit Police Department.

FIGURE 8



SOURCE: Record Bureau  
Detroit Police Department.

Figure 9 depicts the total applications for permits to purchase a pistol or revolver in Newark, New Jersey. The total number of applications increased by 300 percent in 1967 over 1965. The total number processed in the first five months of 1968 equaled the total number of applications acted on for all of 1967 and amounted to a 200 percent increase over the number for the first five months of 1967. The rocketing curve depicted on the chart again shows a sharp increase in applications after the civil disorders of July 1967, with a new high being reached in the beginning months of 1968.

Table 11 depicts registration for handguns in the state of Michigan for the years from 1950 through 1967. Comparative quarterly figures were 17,435 registrations for January through March 1967 and 34,389 registrations for January through March 1968. Total registrations as of April 30, 1968, were 1,090,938. The state data show the same large increase in registrations in the years of the civil disorders as that found in the cities and in the nation as a whole. Registrations of handguns more than doubled in 1967 compared with 1963.

Table 11

ANNUAL REGISTRATION OF HANDGUNS IN THE  
STATE OF MICHIGAN  
1950-1967

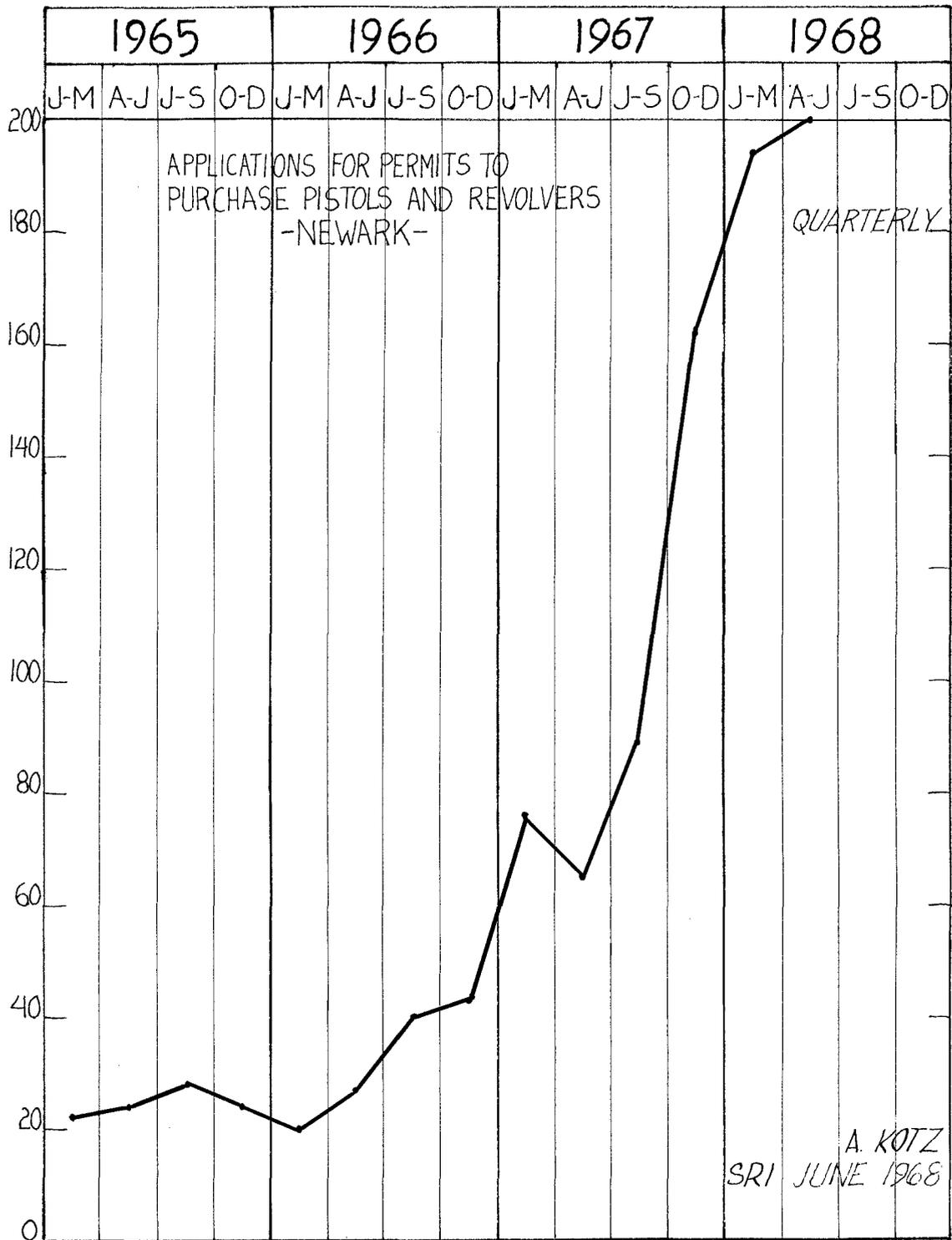
<u>Year</u>	<u>Number</u>	<u>Year</u>	<u>Number</u>
1950	20,578	1959	30,367
1951	21,424	1960	33,916
1952	27,200	1961	35,015
1953	26,723	1962	31,595
1954	24,945	1963	33,399
1955	27,121	1964	38,013
1956	28,938	1965	47,252
1957	28,856	1966	55,070
1958	28,986	1967	76,241

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Source: Department of State Police,  
state of Michigan.

There can be no question that the tremendous increase in registration or licensing in Detroit and in Newark and the state of Michigan is directly related to the civil disorders that took place in these two

FIGURE 9



SOURCE: Record and Identification Bureau, Newark Police Department.

cities. These data also underline the fact that registration and licensing do not appear to inhibit the purchase of firearms by most law-abiding citizens.

### Firearms Owned by Individuals

As mentioned earlier, estimates of the number of individually owned handguns, rifles and shotguns in the United States range from 100 million to 200 million. It is surprising that here, too, as in the case of sales of firearms, the order of magnitude is not known with any precision. That these estimates may be conservative is suggested by the fact that Michigan has 1,090,000 handguns registered, and one state official estimates that there may be four long guns in possession of citizens of the state for every handgun registered. Chicago Mayor Richard J. Daley, when the new city gun registration ordinance was going into effect, cautioned that "more than 200,000 guns" were loose in Chicago. Shortly after their new registration law went into effect, 357,598 firearms had been registered.

For purposes of this analysis, it is estimated that there were 100 million firearms individually owned in 1962 in the United States. Table 12 shows that the total estimated number of guns in the United States had increased to 111 million by the end of 1966.

Table 12

#### DEATHS BY FIREARMS AND EXPLOSIVES\*

<u>Year</u>	<u>Estimated Number of Guns</u> †	<u>Homicides</u> ‡	<u>Suicides</u> ‡	<u>Accidents</u> ‡	<u>Total Deaths</u>	<u>Index Total</u>
1962	100,000,000 †	4,954	9,487	2,092	16,533	100%
1963	101,974,618	5,126	9,595	2,263	16,984	103
1964	104,429,618	5,474	9,806	2,275	17,555	106
1965	107,492,618	6,158	9,898	2,344	18,400	111
1966	111,136,618	6,855	10,407	2,558	19,820	120

\* HEW advises that deaths by explosives are insignificant.

† Estimates show that the number of individually owned handguns, rifles, and shotguns in the United States range from 1 million to 2 million. It is surprising that we do not know the order of magnitude. This assumption is based on there being 100 million firearms individually owned in 1962.

‡ Source is data provided by Center for Health Statistics, HEW.

## Firearms and the Propensity to Individual Violence

As depicted in Figure 10, the number of guns outstanding in the United States increased by 11 percent from 1962 to 1966. In the same period, the number of homicides increased by 38 percent. The number of accidental deaths increased by 22 percent, and the number of suicides increased by 10 percent. These increases were at a much greater rate than the 5 percent increase in the total population in the same period.

Table 12 shows that homicides by firearms increased from 4,954 in 1962 to 6,855 in 1966, as reported by the Center for Health Statistics of the Department of Health, Education, and Welfare. Accidents increased from 2,092 in 1962 to 2,558 in 1966, and suicides increased from 9,487 to 10,407 in the same period. Total deaths by firearms increased from 16,500 in 1962 to almost 20,000 in 1966. Figure 10 depicts the direct relationship between the increase in the number of guns and the total deaths by firearms. The many social tensions and the divisiveness in American society today--the problems of the ghetto, of unemployment and poverty, and of safety in the streets--contribute to the violence that is aggravated by the lack of effective gun controls, which makes it relatively easy for anyone to obtain a firearm.

Firearms are a too efficient means of committing homicide and other types of violence. The increase in accidental deaths suggests that their easy availability is placing them in the hands of some individuals who do not know how to use them safely. Most other means of inflicting violence may permit a reprieve, or a second thought, and do not have the finality of gun shots.

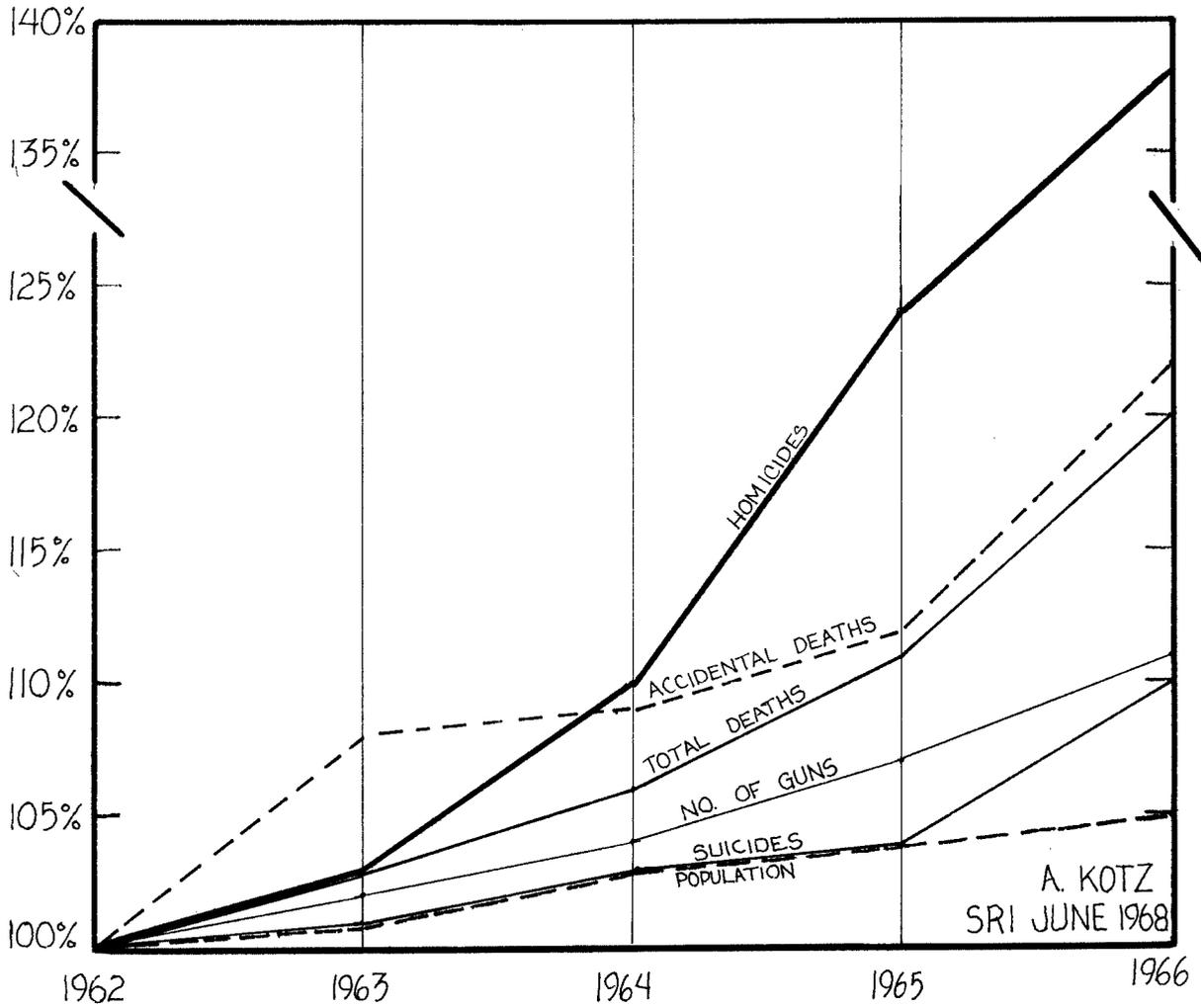
FBI Director J. Edgar Hoover testified before a House Appropriations Subcommittee that for murders committed in 1962-65 by firearms, ". . . the basic problem is the handgun, which was used in 70% of these murders." He, also, said: "When considering the 178 law enforcement officers who were murdered in the 1960-1965 period, 96% were slain with firearms and 78% of these killings were with handguns."

Other assumptions would not change the conclusion. If we assume that 75 million firearms were in individual possession in 1962, the curve of the line on Figure 10 showing total number of guns would shift to show a 15 percent increase to 1966, rather than the 11 percent shown. The increase in homicides, accidental deaths, and suicides would remain exactly the same, and the direct relationship between the number of guns outstanding and violence by firearms would still be clearly evident. The conclusion from these data would remain the same.

Would the reasoning change if there had been 200 million guns outstanding in 1962 rather than 100 million? The conclusion with respect to the direct relationship between the number of firearms outstanding and the amount of violence by firearms would remain the same. However, the problems raised for law enforcement officials would be significantly greater. Two hundred million firearms in the hands of private individuals

FIGURE 10

FIREARMS AND THE PROPENSITY TO INDIVIDUAL VIOLENCE



means an average of four for every household in the United States, or one for every person including babies. One wonders at what magnitude the saturation point would be reached.

Table 13 shows the series for deaths by category from firearms and explosives for the United States from the period 1936 through 1966. The depression years, from 1936 to 1939, are the only years that exceeded the rate for 1966 in deaths by firearms. Severe unemployment and economic deprivation, organization of labor unions, business failures, organized crime, and other socioeconomic problems motivated violent behavior in that period. This suggests that the means for carrying out the violence, the number of firearms, and the amount of violent behavior move together in the same direction and are causally related to deep motivations imbedded in severe problems of a socioeconomic nature. These data further support the proposition that firearms encourages a propensity to violence by providing efficient means to carry out violent purposes. The means or tools of violence are more frequently used in times of great social crises and divisiveness compared with periods of calm and serenity.

The severe crises in racial relations, as reflected in civil disorders, started in 1963 with disorders in Birmingham, Chicago, Savannah, Cambridge, Maryland, and Philadelphia. Civil disorders followed in 1964 with riots in New York City, Rochester, Philadelphia, Jersey City, Elizabeth, and Paterson. The time horizon for the civil disorders determined the time span over which SRI examined the related problems of collective violence as reflected in the riots and individual violence as reflected in deaths by firearms. To examine this universe precluded study of any year earlier than 1962, since the modern racial disorders in the urban areas had not yet occurred, with the growing black consciousness striving toward multiple objectives of political, economic, social, and cultural power. The mob looting, burning, destruction, and relative violence are manifestations of this drive toward black power.

#### Comparative Deaths by Country

What happens in other free industrial countries of the world where there are effective control of firearms? Table 14 shows comparative deaths due to firearms and explosives for selected industrial countries. The World Health Organization provided the homicide, suicide, and accident deaths and rates for the latest years as indicated. Population is shown for the latest year for which data are available. The U.S. homicide, suicide, and accident deaths and rate per 100,000 were provided by the Bureau of Vital Statistics, HEW.

It is not a comforting fact to know that the United States is the leader among the free industrial countries in the world in both the absolute number and the rate of homicides, suicides, and accidents by firearms. The United States in 1966 had 6,855 homicides by gun, at a rate of approximately 3.5 per 100,000 persons, compared with rates of 0.5 per 100,000 in Canada, Australia, and Italy; 0.3 in France; 0.2 in

Table 13

DEATHS FROM FIREARMS AND EXPLOSIVES IN THE  
UNITED STATES, BY CATEGORY  
1936-1966

<u>Year</u>	<u>Homicide (E981)</u>	<u>Rate per 100,000</u>	<u>Suicide (E976)</u>	<u>Rate per 100,000</u>	<u>Accident (E919)</u>	<u>Rate per 100,000</u>
1936	6,016	4.7	6,771	5.3	2,882	2.3
1937	5,701	4.4	7,073	5.5	2,629	2.0
1938	5,055	3.9	7,357	5.7	2,696	2.1
1939	4,799	3.7	6,944	5.3	2,582	2.0
1940	4,655	3.5	7,073	5.4	2,390	1.8
1941	4,525	3.4	6,385	4.8	2,414	1.8
1942	4,204	3.1	6,117	4.6	2,741	2.0
1943	3,444	2.6	5,076	3.8	2,318	1.7
1944	3,449	2.6	4,808	3.6	2,412	1.8
1945	4,029	3.0	5,321	4.0	2,454	1.9
1946	4,966	3.5	6,276	4.5	2,816	2.0
1947	4,922	3.4	6,691	4.7	2,386	1.7
1948	4,894	3.3	6,660	4.6	2,270	1.6
1949	4,235	2.8	7,215	4.9	2,326	1.6
1950	4,179	2.8	7,377	4.9	2,174	1.4
1951	3,898	2.5	6,873	4.5	2,247	1.5
1952	4,244	2.7	7,013	4.5	2,210	1.4
1953	4,013	2.5	7,293	4.6	2,277	1.4
1954	4,115	2.6	7,539	4.7	2,281	1.4
1955	3,807	2.3	7,763	4.7	2,120	1.3
1956	4,039	2.4	7,817	4.7	2,202	1.3
1957	4,010	2.4	7,841	4.6	2,369	1.4
1958	4,230	2.4	8,871	5.1	2,172	1.3
1959	4,457	2.5	8,788	5.0	2,258	1.3
1960	4,627	2.6	9,017	5.0	2,334	1.3
1961	4,753	2.6	9,037	4.9	2,204	1.2
1962	4,954	2.7	9,487	5.1	2,092	1.1
1963	5,126	2.7	9,595	5.1	2,263	1.2
1964	5,474	2.9	9,806	5.1	2,275	1.2
1965	6,158	3.2	9,898	5.1	2,344	1.2
1966	6,855	3.5	10,407	5.3	2,558	1.3

Source: Provided June 17, 1968, by the Bureau of Vital Statistics, Center for Health Statistics, HEW. HEW advises that deaths by explosives are insignificant.

Table 14

COMPARATIVE DEATHS DUE TO FIREARMS AND EXPLOSIVES  
IN SELECTED COUNTRIES\*  
(Number and Rate Per 100,000 Population)

Country	Popu- lation (000)	Homicide		Suicide		Accident	
		Number	Rate	Number	Rate	Number	Rate
United States (1966)	195,936	6,855 <sup>‡</sup>	3.5 <sup>‡</sup>	10,407	5.3 <sup>‡</sup>	2,558	1.3 <sup>‡</sup>
Australia (1965)	11,360	57	0.5	331	2.9	94	0.8
Belgium (1965)	9,464	20	0.2	82	0.9	11	0.1
Canada (1966)	19,604	98	0.5	609	3.1	197	1.0
Denmark (1965)	4,758	6	0.1	48	1.0	4	0.1
England and Wales (1966)	54,595	27	0.1	173	0.4	53	0.1
France (1965)	48,922	132	0.3	879	1.8	252	0.5
German Federal Republic (1965)	59,041	78	0.1	484	0.9	89	0.2
Italy (1964)	51,576	243	0.5	370	0.7	175	0.3
Japan (1965)	97,960	16	0.0 <sup>§</sup>	68	0.1	78	0.1 <sup>§</sup>
Netherlands (1965)	12,292	5	0.0 <sup>§</sup>	11	0.1	4	0.0 <sup>§</sup>
Sweden (1966)	7,734	14	0.2	192	2.5	20	0.3

\* Data for other than United States provided by World Health Organization.

† Population figures are for latest year for which data are available.

‡ Source is Bureau of Vital Statistics, HEW. However, Table 20, FBI Uniform Crime Reports, 1966, shows 5,660 homicides, or a rate of 2.9 per 100,000. The HEW homicides are based on death certificates. Deaths by explosives are insignificant according to HEW.

§ Insignificant in number.

Sweden; and 0.1 in Denmark, England, and Germany. Japan and the Netherlands had so few that their rate is close to zero. The United States had seven times as many murders by firearms as Canada and Italy on a per capita basis and 35 times as many as Denmark, Germany, and England. The findings of a direct relationship between the number of guns outstanding, inadequate control of firearms, and violence in the United States that is depicted on Figure 10 are reinforced by the data from free industrial countries abroad.

All of the countries with these lower rates of homicide have effective firearms control laws. Japan does not allow personal possession of handguns except under very rigid criteria set forth in the statutes and enforced by the police. Rigid controls on registration and possession also apply to shotguns and rifles. Import of firearms is rigorously controlled. In the Netherlands, the law provides that the manufacture, repair, and keeping of guns and ammunition is prohibited unless licensed by competent authorities. The United Kingdom requires that a certificate be obtained for the purchase, acquisition, or possession of firearms and ammunition. The law covers rifles as well as pistols and revolvers.

On an aggregate basis, the data make clear the fact that effective firearms control laws serve to reduce the amount of violence by firearms in a very effective and significant manner. In some of these countries, such as Japan, this effect is achieved by substantial reduction and control over the number of firearms in individual possession. In other countries, multifaceted, socioeconomic and political factors may contribute to the lower per capita violence by firearms in comparison with the United States. Analyses in depth are required of these various country programs on a comparative basis so that differences that may exist among them may be fully understood and valuable lessons drawn. Such studies may even suggest approaches to the solution of ethnic, economic, and social problems that could contribute to a diminution of violence in the United States. There is enough evidence already in on the direct relationship between the number of firearms in individual hands in the United States and the various forms of violence to bring out clearly the message that domestic peace and tranquility require effective firearms control. The sharp rise in registration and licensing in Detroit and Newark highlights the potential for increased violence by firearms in the event of future civil disorders. The need for further research as to some aspects of this problem should not be used as an excuse to defer action that is urgently required in the public interest.

## Chapter V

### COMPARATIVE PERSPECTIVES ON LEGISLATION

#### Introduction

In a message delivered to the Congress of the United States on June 24, 1968, the President proposed that all firearms be "registered" and that "every individual . . . be required to obtain a license before he is entrusted with a gun."

The President made it clear that by "registration" he meant the recording of serial numbers and other particulars with respect to every firearm in the country including those acquired before enactment of the law. By "licensing" the President was referring to the establishment of a system and standards under which certain persons would be precluded from purchasing or owning such weapons. The President also made it clear that the registration and licensing provisions should apply to rifles and shotguns, as well as pistols and revolvers.<sup>105</sup>

In the context of existing federal, state, and local laws, the terms "registration" and "licensing" have not always had clear and distinct meanings. For example, state "registration" provisions do not necessarily cover firearms acquired before enactment of the law and "licensing" provisions have sometimes entailed the recording of identifying information, such as a serial number, in state records.

As of the end of 1967, four states had some form of registration law for concealable firearms. Although 32 states require "licenses" or permits to carry pistols and revolvers, authorization to purchase or otherwise acquire such firearms were required in only eight states. Only three states had comparable requirements relating to the acquisition of rifles and shotguns of the length used for sporting purposes.<sup>106</sup> In some cases, state firearms control laws are supplemented by the laws and ordinances of major cities.

In the sections that follow, existing federal, state, and local laws and some of the registration and licensing laws before the Congress are discussed.

#### Existing Federal Laws

In the early 1930s, public indignation and fear arising out of organized gang wars in the cities prompted Congress to enact the National Firearms Act, imposing a tax and registration on the making, sale, or

transfer of certain types of firearms such as machine guns and other similar fully automatic firearms, sawed-off shotguns, cut-down rifles, and mufflers and silencers.<sup>107</sup> In January 1968, a portion of the registration system was found unconstitutional by the Supreme Court.<sup>108</sup>

The Federal Firearms Act of 1938 requires licensing of manufacturers and importers of and dealers in all types of firearms components and certain types of ammunition. The law prohibits shipments or receipts of firearms or ammunition by convicted felons and certain other persons in interstate or foreign commerce and shipment, transportation, or receipt of stolen firearms or ammunition or firearms from which the serial number has been removed. Under the Federal Firearms Act, the annual manufacturer's license fee is \$25; the dealer's license fee is \$1 a year. Both of the federal laws are administered by the Alcohol and Tobacco Tax Division of The Internal Revenue Service.<sup>109</sup>

The import, export, transport, carrying, and use of firearms are also governed by laws and regulations administered by the Departments of State, Post Office, and Interior; the Federal Aviation Agency; and the Interstate Commerce Commission. Regulations administered by the Office of Munitions Control of the Department of State govern the international traffic in arms by requiring the registration and licensing of persons engaged in importing and exporting certain firearms.<sup>110</sup>

#### Current Proposals for Federal Licensing and Registration

As the attempted assassination of President Roosevelt in 1933 contributed to the public indignation that made possible the passage of the National Firearms Act, the assassinations of Senator Robert F. Kennedy and President John F. Kennedy are factors in the consideration of additional federal legislation of the 1960s.

On June 10, 1968, Senator Thomas Dodd of Connecticut, Chairman of the Subcommittee to Investigate Juvenile Delinquency of the Senate Committee on the Judiciary, introduced S.3604 under which any person (except police and certain other individuals) who "owns," "possesses," "transfers," or "receives" a firearm of any type would be required to register it with the Secretary of the Treasury, paying a fee of \$1 and providing information including the manufacturer, the caliber or gauge, the model or type, and the serial number.\* The registration provision would go into effect 270

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\* In August 1963, several months before the assassination of President Kennedy, Senator Dodd filed legislation aimed at limiting the mail-order sales of handguns. Almost five years later, on June 19, 1968, the President signed into law the anticrime bill, which prohibits interstate mail-order sales and shipments of handguns except by licensed manufacturers and dealers. As this report is being written, both Houses of Congress are considering bills with respect to interstate shipments of rifles and shotguns, as well as other gun legislation.

days after enactment. The legislation would also make it unlawful for any person to sell, deliver, or otherwise dispose of any ammunition to any person who does not provide proof of registration. Violators would be subject to imprisonment for not more than two years or a fine of not more than \$2,000 or both. The bill provides for a 180-day amnesty period from enactment in which any person not desiring to register a firearm could surrender it. Under the legislation, a federal registry would be maintained by the Secretary of the Treasury. On June 13, 1968, identical versions of the bill were introduced in the House by Congressmen Jacob H. Gilbert and Benjamin C. Diggs of Michigan.<sup>111</sup>

A more comprehensive bill including federal licensing standards as well as registration was introduced to the Senate Committee on the Judiciary, on June 12, 1968, by Senator Joseph Tydings of Maryland. The Tydings Bill provides for the recording of serial numbers and other identifying information with respect to firearms of all types existing on the effective date of the law and firearms imported after the effective date. Under the law, every transfer would have to be registered within five days of transfer. The law would also require that the loss or theft of any firearm be reported within 30 days.

The Tydings Bill also requires that no one will "possess" any firearms or ammunition within one year from the effective date of the Act without a firearms license and that no person will be the transferor or the transferee of firearms or ammunitions unless the transferee displays the license. The license would be issued on receipt of an application stating that the applicant: (1) is at least 18 years of age; (2) has not been convicted of or is not under indictment for a felony; (3) has not been convicted of any misdemeanor entailing actual or attempted harm to himself or to another; (4) has never been committed to an institution on the ground that he was an alcoholic, narcotics addict, or a mental incompetent; and (5) is a citizen of the United States. The bill provides for the cancellation of the license if the holder is subsequently disqualified for any of these reasons. The applicant would be required to submit a photograph and fingerprints and such additional information as prescribed by the Secretary of the Treasury. The latter would be responsible for administration of the law, making information available to local law enforcement officers "under appropriate safeguards." Any person possessing, transferring, or receiving any firearms or ammunition in violation of the Act would be fined not more than \$10,000 or imprisoned for not more than ten years, or both. Other penalties are provided for making a false statement in the registration certificate or firearms license application and for altering or defacing the serial number identification of any firearm.

The Tydings Bill provides that the registration provisions will not apply to a resident of any state that enacts legislation with "at least" the same requirements, prerequisites, and penalties. A similar exemption is given with respect to residents of states that have enacted licensing provisions meeting federal standards. An identical House version of the Bill was sponsored by Congressman William F. Ryan of New York and referred to the House Committee on the Judiciary on June 13, 1968.<sup>112</sup>

On June 12, 1968, Senator Edward W. Brooke of Massachusetts introduced a bill providing for the establishment of a National Firearms Registry in the Department of the Treasury in cooperation with the Federal Bureau of Investigation, which administers the National Crime Information Center.

The Brooke proposal would place the responsibility for registration with persons at various levels of the distribution process. First, manufacturers, importers, dealers, and pawnbrokers would be required to register any sale or transfer made by them. Second, persons not covered by the previous provision would be required to file a registration statement before purchasing or otherwise receiving any firearm. Third, "any person owning or possessing any firearms purchased or otherwise obtained prior to enactment" of the law would have to file a registration statement within one year after enactment. In the first case, filing would be with the Secretary of the Treasury and with the "principal law enforcement officers" of the locality where the transaction occurs and of the locality where the transferee resides. In the last two cases, filing would be made with the law enforcement officer of the locality in which the purchaser or owner resides, and the local officer would forward copies to the Secretary of the Treasury. In all cases, the form of the registration statement would be prescribed by the Secretary and would include detailed information with respect to the owner and the firearm. The bill specifically provides that the information contained in the registry will be available "only upon the request of a law enforcement agency . . . and such information shall be furnished only to the requesting party." Violators of the law would be subjected to penalties of amounts not to exceed \$100 in the case of the first offense, \$1,000 for the second offense, and \$5,000 for the third offense. The bill does not provide for federal licensing or licensing standards.<sup>113</sup>

The Administration's national registration and licensing bills were introduced on June 26, 1968, by Representative Jonathan B. Bingham of New York in the House of Representatives and by Senator Thomas Dodd and others in the Senate. The bill provides that a licensed dealer will require from the purchaser a completed application for the registration of the firearm and that he must file the application with the Secretary and the Treasury at the time of sale. When a person other than a licensed dealer sells a firearm, the responsibility to file a registration application lies with the purchaser, who must do so before receipt of the firearm. A person who possesses a firearm as of the effective date of the act would be required to file an application for registration for the firearm within 180 days unless he sells it before that time. The fee for registration would be \$1.

The registrant of a firearm who sells it would be required to return his certification to the Secretary and note the name and address of the transferee and the date of delivery. The transferee is required to have the seller exhibit a certificate of registration and to note the number of the certificate. Other provisions govern transfers involving pawnbrokers and executors and administrators of estates. Notice would be given

to the Secretary in case of loss, theft, or destruction of the firearm. The registration of a firearm would expire on change of the registrant's name or residence unless the Secretary had been notified within 30 days.

The bill provides that a licensed dealer will not sell ammunition to a person for use in a firearm required to be registered without requiring the purchaser to exhibit a certificate of registration and making a record of the certificate number.

The bill authorizes the Secretary to declare periods of amnesty for the registration of firearms and authorizes him to pay reasonable value for firearms voluntarily relinquished to him or surrendered for the reason of the subsequent ineligibility of the owner. Violators of the registration and transfer provisions would be subject to imprisonment not to exceed two years or a fine not to exceed \$2,000, or both.

The bill provides for federal gun licenses and for the recognition of adequate state permit systems.

A federal gun license would be issued to a person by a licensed dealer on presentation of: (1) a valid official document issued by the person's state or political subdivision showing name, address, age, and signature; (2) a statement from the chief law enforcement officer of the locality to the effect that the person is not under indictment and has not been convicted of certain crimes; (3) a statement signed by a licensed physician to the effect that such person is mentally and physically capable of possessing and using a firearm safely and responsibly; and (4) a statement signed by the applicant to the effect that he may lawfully possess firearms and ammunition under federal, state, and local laws. The applicant would provide a complete set of fingerprints and a photograph. A fee of \$1 would be payable to the issuing dealer, who would be required to forward the application to the Secretary. A federal gun license would be valid for a period prescribed by the Secretary of the Treasury as "not to exceed three years."

The Secretary of the Treasury would be empowered to determine which states or localities have enacted or adopted adequate permit systems for the possession of firearms and to publish the names in the Federal Register. The bill states that an adequate permit system will include provision for: (1) identification of the permit holder, including photographs; (2) restrictions on the issuance of a permit for fugitives from justice and persons under indictment for or convicted of a crime punishable by imprisonment for a term exceeding one year; (3) restrictions on issuance to persons "who, by reason of age, mental condition, alcoholism, drug addiction, or previous violations of firearm laws cannot be relied upon to possess or use firearms safely and responsibly;" (4) means of investigating applicants, including the filing of fingerprints; and (5) prohibiting possession of firearms or ammunition by any person who has not been issued such a permit. The law provides that states that do not establish adequate permit systems by June 30, 1971, would be deprived of funds from the Wildlife and Conservation Trust Fund, which distributes to the states funds collected from excise taxes on gun and ammunition sales.

After September 1, 1970, it would be unlawful for any person to sell or otherwise transfer a firearm or ammunition unless the purchaser or transferee exhibits a valid permit or federal gun license. The bill provides that after September 1, 1971, no person may "possess" a firearm or ammunition without such a permit or license.<sup>114</sup>

### State Laws

In some respects, the bills before Congress resemble laws previously enacted by states and cities, but only a few of the existing state and local laws contain both registration and licensing provisions governing firearms of all types.

Recent information on state laws was provided by the Library of Congress. As of the end of the 1967 legislative sessions, four states had laws requiring the registration of all handguns in possession within the states, in most cases with provisions restricting certain persons from ownership. Only one of the four states had similar provisions relating to rifles and shotguns. Five other states had some form of licensing system, without "registration." In two of the five, some provision was made for rifles and shotguns as well as pistols and revolvers.<sup>115</sup> The four states providing for registration and licensing were New York, Michigan, Mississippi, and Hawaii.

Under New York's Sullivan Law, regarded as the most stringent state law in the country, a person must have a license to possess or to carry a concealable firearm. A license to possess the firearm permits a person to keep a pistol or a revolver in his home or place of business, but the weapon may not be removed from those premises. A license to carry gives a person the right to carry a handgun on or about the person. In either case, the license must specify the weapon's manufacturer, make, model, caliber, and serial number. Licenses are issued or renewed only for an applicant: (1) "of good moral character"; (2) who has not been convicted anywhere of a felony or certain misdemeanors; (3) who has stated whether he has suffered or been confined for mental illness; (4) "concerning whom no good cause exists for the denial of the license." Fingerprints and a photograph are required in connection with the application. No permit or license is required to possess, purchase, or carry a rifle or shotgun. However, the law makes possession of such firearms illegal for persons of certain ages, persons convicted of a felony or specified misdemeanors, or persons judicially adjudged incompetent or confined to a mental institution.

The Michigan law provides that no person will come into possession of a handgun without first obtaining a license to purchase and that any pistol or revolver obtained by purchase, gift, loan, or other manner must be immediately presented to the chief of police (or his authorized deputy) where the owner resides for safety inspection (registration). Licenses to purchase are not issued to nonresidents, persons who are under 21 years of age, persons who have been convicted of a felony (or confined for a

felony within a certain period in Michigan), or persons adjudged insane and not restored to sanity. During the safety inspection, a complete description of the gun is recorded, and a copy of the certificate is retained in the files of the local and state police. A person who fails to comply with either of these provisions is guilty of a misdemeanor.

The law of Hawaii requires a permit "to acquire in any fashion the ownership of a firearm of any type (other than a rifle or shotgun having a barrel length of 18 inches or over). . . ." It is further required that no person will keep in his possession any such firearm that is owned by another person without a permit to do so. Persons bringing into the state any firearm (including rifles and shotguns) are required to register the same with local authorities within 48 hours. No person under the age of 21 is permitted to possess a rifle or shotgun except under certain conditions relating to hunting or target shooting. The ownership and possession of firearms (including rifles and shotguns and ammunition) are prohibited to fugitives from justice and persons convicted of having committed or attempted a crime of violence or of the illegal use, possession, or sale of narcotics.

Under the law of Mississippi: ". . . every person in this state who owns or has in his possession, or who shall hereafter acquire any pistol or revolver. . . shall be required to register such weapon . . ." Exceptions are made in the case of military firearms, firearms manufactured before 1900, firearms not capable of discharge or kept by the owner as a relic, and firearms collections registered with the National Rifle Association or other licensed national collectors' associations. Registration must be made with the sheriff within ten days of acquisition. Failure or refusal to register is a misdemeanor.

Five states have permit or licensing systems with respect to the acquisition of handguns, but no provisions governing the registration of firearms acquired before the effective date of the law. These states are Massachusetts, Missouri, North Carolina, New Jersey, and Illinois. In the last two states, requirements also exist with respect to the purchase of rifles and shotguns.

In Massachusetts, no firearms (including pistols, revolvers, and rifles and shotguns with barrels under 18 inches) may be sold, rented, or leased to a person unless he has a permit. The permit is issued "if it appears that such purchase, rental, or lease is for a proper purpose." Minors cannot obtain a permit for a handgun, and it is unlawful to sell or provide a rifle to a minor, except one who is at least 18 years of age and has a valid hunting license and the written consent of his parent or guardian. Only aliens are required to obtain a permit with respect to rifles and shotguns over 18 inches in length. The law does not require fingerprints with respect to permits to acquire or indicate which information with respect to the weapon is to be recorded. The permit may be revoked at the will of the issuing authority.

Under Missouri law, no persons (other than those selling for resale) may sell, loan, give away, or receive any pistol, revolver, "or other

firearm of a size which may be concealed upon the person" unless the person acquiring the weapon delivers a permit authorizing him to acquire the weapon. A permit is issued: "If the sheriff is satisfied that the person applying for the same is of good moral character and of lawful age, and that the granting of the same will not endanger the public safety." The permit is valid for 30 days, and, if it is used, the person receiving it returns it to the sheriff.

In North Carolina, it is unlawful for any person to receive any "pistol or pump gun" unless a license or permit is first obtained by such purchaser or receiver. Before the sheriff issues any license "he shall satisfy himself of the good moral character of the applicant." Records are kept on the name, date, and place of residence of each person to whom a license or permit is issued. The law does not provide for records as to the firearm covered.

New Jersey law requires a permit to purchase a pistol or revolver and requires the purchaser of rifles and shotguns to obtain a firearms purchaser identification card. Permits and cards are denied to (1) persons under 18 years of age; (2) narcotics addicts and habitual drunkards; (3) persons previously confined for a mental disorder (unless a medical certificate is obtained indicating no handicap); (4) persons who have a physical handicap or sickness that makes it unsafe for them to handle firearms; and (5) persons "where the issuance would not be in the interest of the public health, safety or welfare." Fingerprints are required in the case of permits and cards. Records identifying the owner and the firearm are maintained by the state and local police with respect to permits to purchase. However, the holder of an identification card may purchase as many rifles and shotguns as he wishes, and no record is kept by the issuing or any other authority to identify the firearms purchased. Violators of these provisions are guilty of a misdemeanor. From August 2, 1966, to May 31, 1968, a total of 94,241 identification cards and pistol permit applications were approved by local and state police in New Jersey. Of that number, 1,659 applications were denied, approximately 75 percent because of criminal records.<sup>116</sup>

Effective July 1, 1968, in Illinois, no person may "acquire or possess any firearm or any firearm ammunition . . . within this state without having in his possession a Firearms Owner's Identification Card." The term "firearm" includes rifles and shotguns, as well as concealable guns. Specifically exempted from this provision are the military, peace officers, nonresident hunters during hunting season with valid nonresident hunting licenses, and minors in the custody and direct control of their parent or guardian. Applications for firearms owner's identification cards are made to the State Department of Public Safety. The applicant is required to submit evidence that he (1) is 21 years of age or over (or that he has written consent of parent or guardian and that he and the parents meet certain requirements), (2) has never been convicted of a felony or confined to a penitentiary within the prior five years, (3) is not addicted to narcotics, (4) has not been a patient in a mental institution within the past five years, and (5) is not mentally retarded. The law provides that any parent or legal guardian giving the consent will be liable for any damage resulting

from the minor's use of firearms or firearms ammunition. The firearms owner's identification card contains information identifying the person, including a recent photograph, but the firearm is not identified. However, any person who transfers any firearm must keep a record of the transfer, including a full description of the firearm transferred and (if the transfer was completed in Illinois) the transferee's card number. Other sections provide for the seizure and revocation of the card in circumstances where the individual is disqualified from possessing a firearm.

### City Laws and Ordinances

A number of cities have adopted firearms laws or ordinances and others are under current consideration. Since 1965, a Philadelphia ordinance has provided that no person will acquire or transfer any firearm in the city of Philadelphia and no person will acquire a firearm outside of the city and carry it in unless a license is obtained. Firearms include rifles, shotguns, pistols, and revolvers. Persons prohibited from acquiring or transferring firearms include (1) those under 19; (2) those convicted of certain crimes or of selling, using, or possessing narcotics; and (3) habitual drunkards.<sup>117</sup>

Under a bill signed by New York Mayor John Lindsay in November 1967, every person owning or buying a long gun in New York City is required to register it with the Firearms Control Board and obtain a license for it. The law established a six-month period, beginning February 13, 1968, for the registration of rifles and shotguns already in possession. Under the law, a permit must be exhibited whenever buying ammunition after August 3, 1969. The state Sullivan Law covers the sale and use of concealable firearms in the city.<sup>118</sup>

Chicago adopted an ordinance, effective April 15, 1968, that requires the registration of firearms (including rifles and shotguns) with the City Collector, who issues a "Registration Certificate." The Certificate includes a complete description of the owner and the firearm. Firearms in possession before enactment of the ordinance were required to be registered within 30 days. Within 10 days after purchase or acquisition, persons acquiring firearms from any person other than a licensed firearms dealer are required to apply for registration. Licensed dealers are responsible for registering firearms sold by them. Persons who are ineligible to register are (1) persons under 18 years of age, (2) narcotics addicts, (3) persons convicted of a felony within a prescribed period, (4) persons released from a mental institution or from the custody of the Illinois Youth Commission within a prescribed period, (5) mentally retarded persons, and (6) any person "who possesses any firearm, the possession of which is prohibited by any state or federal laws relating to weapons or firearms." Any person violating the ordinance is subject to a fine of \$500.<sup>119</sup>

Following the death of Senator Robert Kennedy, an ordinance proposed in San Francisco providing for the registration of every pistol and rifle is still being considered.<sup>120</sup>

In Washington, D.C., the District Government in July 1968 passed a gun control law under which the seller and the purchaser are required to register the weapon with the chief of police. Ammunition will be sold only to persons showing a gun registration and the ammunition must match the weapon described in the certificate of registration. The act applies to the sale, possession, and transfer of rifles and shotguns as well as pistols and revolvers. Sale of firearms are forbidden to persons under 21 years of age, drug addicts, convicted felons, and mental incompetents.<sup>121</sup>

On June 15, 1968, President Johnson urged that his newly appointed Commission on the Causes and Prevention of Violence work with the states on the drafting of a model gun control bill.<sup>122</sup> On June 26, 1968, the Sporting Arms and Ammunition Manufacturers' Institute proposed enactment by the states of a model firearm owner's license bill, establishing a licensing system designed to prevent the ownership and possession of firearms by unfit persons such as minors, criminals, mental incompetents, and narcotics addicts. The proposal did not include registration provisions.<sup>123</sup> A form of model legislation to achieve more effective control of firearms was suggested as early as 1930. In that year, the act, which was adopted by the conference, proposed that laws be enacted to keep pistols from the hands of criminals and other undesirables, that licenses to carry be required, and that sellers be licensed and be forbidden to sell to those known to be criminals. The conference rejected a provision recommending that licenses to purchase be required.<sup>124</sup>

## Chapter VI

### MAJOR PROBLEMS FOR FURTHER RESEARCH

During the study, several problems were identified that required further research. Many of these--such as police-community relations, the societal approach to private armed forces, the problem of identifying precisely the attitudes of subcultures of the society toward public security forces--are related to policy and substantive issues and require prompt attention. Others are concerned with methodology and systems to achieve approved objectives and to provide essential information to decision-makers. The discussion of problems requiring further research is, therefore, divided into two major sections, one comprising those of a policy nature and the other one concerned with systems and procedures.

#### Policy Issues

##### Police-Community Relations

The National Advisory Commission on Civil Disorders ranked the major grievances among the Negro communities under three levels of intensity, with the specific categories of complaints listed within each one. Police practices were listed as number one under the first level of intensity. The National Advisory Commission on Civil Disorders stated that:

Police practices were, in some form, a significant grievance in virtually all cities and were often one of the most serious complaints. Included in this category were complaints about physical or verbal abuse of Negro citizens by police officers, the lack of adequate channels for complaints against police, discriminatory police employment and promotion practices, a general lack of respect for Negroes by police officers, and the failure of police departments to provide adequate protection for Negroes.<sup>125</sup>

Chapter II of this report documented that there was a significant overreaction of public security forces in the civil disorders of 1967 in Newark and Detroit. In contrast, the civil disorders following Dr. King's assassination were better handled. Lessons have been learned from the experiences of earlier disorders. The inexperience and overreaction that characterized some police and National Guard responses in 1967 were greatly reduced in responses to the civil disorders of early 1968. This was particularly exemplified in Washington, D.C., where the disorders resulted in relatively minor shooting or violence by firearms on either side. It is suggested that the administration of justice to arrestees in Washington was much more expeditious and efficient than in other cities experiencing

disorders. This is not to contend that the handling of the Washington riot by public authorities was universally commended. There was considerable criticism, especially by property owners and businessmen, that the police, in their zeal not to overreact, failed to protect private property at the inception of the outbreak, and that much of the arson and looting could have been prevented by more prompt action. The problem is sharply drawn in terms of priority of concern for human lives rather than for property values. The manner in which law enforcement agencies should cope with these problems in future civil disorders, including more effective protection of property, is still to be determined.

Modern technology is sufficiently advanced so that a policeman confronted by a suspected looter guilty of a possible misdemeanor should be permitted additional options other than to cry with futility "halt" to an unheeding fugitive or to shoot him. The capabilities of nonlethal weaponry, including products already on the market and those in the process of development, to provide a range of options to the police should be determined, and guidelines for possible use by public security forces should be developed.

Further, the staffing of police forces; their training in community relations, including the containment of civil disorders; and the establishment of both collective and personal relations of the police with community residents are significant areas for further research. Evaluations should be made of approaches of several states and communities to identify current practices and contributions to the development of new and better concepts and practices. Such evaluations should also provide a useful benchmark to show the situation with respect to police-community relations as it is today so that measurements of progress, retrogression, or lack of adequate response can be measured in future years.

#### Paramilitary Forces

A long series of Supreme Court decisions have properly protected individual rights of free speech, of freedom of the press, of peaceful assembly, and of petitioning the government for a redress of grievances under the First Amendment. Such freedoms are the basis of U.S. democracy, and it is of great consequence to the continuous development of the democratic form of government that such are protected. It has been pointed out that individuals should have such rights protected up to the point of a clear and present danger, but it would be too tolerant of such liberty to permit a person to cry "fire" in a crowded theater when there was no fire. The question arises in the context of the proliferation of firearms in private hands as to whether our cities are now so potentially explosive that each is in effect reduced to the size of a crowded theater, with respect to civil disorders and the possibility of violence of all kinds, including the use of firearms.

In a tension-charged atmosphere where it is difficult to distinguish rumor from fact, there appears to be a danger that private paramilitary forces may frighten followers and private citizens, both black and white

and so inflame a situation as to cause confrontations that may pass the point of possible restraint and pass over into violence by firearms. Paramilitary groups of both black and white people are forming and urging their members to arm and to learn to use their weapons accurately, along with instruction in other forms of violence. Is this peaceful assembly?

How can such forces be coped with and restrained under present laws and concepts of civil liberties? It is known from the literature of several of these paramilitary groups that they seek access to firearms and to the use of the facilities of gun clubs throughout the nation. Should society permit the continuous formation of such paramilitary groups or should society act promptly in the public interest to eliminate or reduce the potential damage that these private armies inflict on cities and on the democratic form of government? If action is to be taken, what form should it take in legislation and in executive policies? Would legislative and executive action be upheld on judicial review as a proper exercise of authority under the Constitution? The research necessary to examine the role of private paramilitary forces in U.S. society today will require an interdisciplinary team, including Constitutional lawyers. The study should be conducted with a sharp awareness of the dangers posed by both the paramilitary armed forces and the fact that too enthusiastic a drive to contain them may result in intolerable infringement on civil liberties. Research in this area should be given a high priority to identify both current and prospective risks from such private armies so that some answer may be found before it becomes necessary to respond to disasters rather than preclude them.

#### Comparative Study of Deaths by Firearms

In Chapter IV, the comparative data in absolute and per capita terms of deaths from firearms by homicides, suicides, and accidents among the leading industrial free nations of the world were set forth. U.S. leadership in both absolute numbers and rate per capita in firearm deaths denigrates the prestige of the United States as a civilized nation. More significant is the violence, terror, and tragedy inflicted on U.S. people at home. It is clear that nations such as Japan, the Netherlands, England, France, and Germany, which have much lower per capita rates of deaths from firearms than the United States, achieve these results through effective firearms control laws.

However, most comparisons of aggregate relationships, if not examined carefully, may conceal significant factors that have an important effect on the results. This is particularly true of comparisons of different per capita death rates from firearms among the industrial countries of the world. The need for such studies should not delay the necessary steps of establishing adequate firearms controls through registration and licensing, but beyond this, the extent to which foreign countries' laws are permissive or restrictive should be examined. It should be ascertained whether they have as many guns in individual possession as the United States. Is there

a greater confidence in the quality of police and public security forces in foreign countries compared with the United States? What are the different intensities and varieties in motivation to violence stemming from ethnic, socioeconomic, political, cultural, or other factors among these nations? Are concepts and methods of implementation different? Are the legitimate activities of hunters and other recreational shooters treated differently among these countries? What role is played by gun clubs? Are different approaches used to prevent or penalize crimes by firearms? All of these and many related problems should be studied and findings should be set forth definitively for legislative, executive, and public bodies in the United States. This will enable decision-makers to take the appropriate action on a federal, state, and local basis in full knowledge of cause and effect relationships from the experience of the industrial countries of the world with firearms in individual possession.

### Public Security Forces

There is a very real problem in the United States as to the extent to which the individual should rely on private means for defense of family, home, and property rather than relying in whole or in part on public security forces. Several components of this overall problem require explicit attention.

It would be useful to select a few cities such as Detroit, Newark, and others that experienced riots and explore the attitudes of blacks, other minorities, and whites with respect to those who believe that they must rely on their own individual arsenal and those who do not. What changes in the present scenario in the cities would be required before all or most citizens could be induced to rely more fully or completely on public security forces? The leader of CORE recently opposed the idea of domestic disarmament through arms control laws and expressed concern that disarmed blacks would be disadvantaged by white police forces and whites who retained possession of their guns. What are the conditions and situations in which fuller reliance on public security forces by individuals can be achieved and how can attitudinal changes be introduced? What specifically are the attitudes toward this problem of both blacks and whites in relation to past, current, and prospective civil disorders? How are existing attitudes affected by the increase in crime?

What are the differences among major metropolitan areas as to the confidence placed in the public security forces by the citizens? Do some cities have a high degree of confidence in the competence of their police force to maintain law and order without the need for individual arming for the protection of home and property? Do the citizens of some cities have very little confidence in their police forces for these purposes? Are there differences that are significant in the quantity of staffing or in the number of policemen necessary to do an effective job? Are there differences in quality related to ethnic composition or qualifications such as education, intelligence, and other factors that are critical? Are some institutions for law enforcement and the administration of justice

poorly organized to do the job? Research in this area becomes important in relation to the growing propensity for individual violence by firearms and other means, as well as the potential of collective violence in the event of future civil disorders.

#### Comparative Study of State and Local Firearms Control Measures and Results

A comparative study of state and local firearms control laws and deaths by firearms should be undertaken from both qualitative and quantitative perspectives, using a multifactorial approach. A study of the effectiveness of Michigan or New Jersey firearms control laws would be flawed if it did not take into account the fact that their effectiveness is undermined by the large quantity of firearms coming from Ohio and other states without adequate firearms control laws. Further, some states such as Utah and Vermont, which are comparatively sparsely settled with few major population centers, have comparatively minor ethnic problems or problems of racial divisiveness or ghettos. They could not be validly compared with states such as Michigan, New Jersey, California, or Texas, where many socioeconomic, ethnic, and other divisive problems exist in major metropolitan areas. However, a multifactorial analysis comparing like metropolitan areas separately and like rural areas should be undertaken to determine the effectiveness of firearms control laws by state, by locality, and by region. Such a study would seek to answer such questions as why Detroit, with a population approximately four and one-half times that of Newark, had a volume of handgun licensing that was 50 times greater than Newark in 1964 and 25 times greater in 1967. In addition, the experience of a state or of a community should be measured along a time horizon to determine what changes have occurred after firearms controls were instituted.

#### Current and Future Environments for Sports Shooting

There are more than 20 million hunters in the United States in addition to numerous skeet and target shooters, collectors, varmint shooters, and others concerned with the use of firearms for recreational and conservation purposes. With the growing population increases and urbanization of the United States, fewer and fewer public lands will be available for hunting in the future. Already, according to the Bureau of Outdoor Recreation of the Department of the Interior, a great deal of hunting is performed on private lands. What will be the restraints and the opportunities associated with the use of firearms for recreational purposes in 1975 and 2000 compared with the current environment and situation? What actions should be taken at the federal, state, and local levels to preserve and expand opportunities for enjoyment of the shooting sports, while at the same time giving the necessary first priorities to the protection of the individual and society from violence by firearms? What alternative scenarios for following through on recreational pursuits by firearms can be provided both to the individual and society, and what would be the costs and benefits for alternative approaches?

## Attenuation of Violence

A project should be undertaken to identify and evaluate programs in the cities such as MUST, which is described in this report, and others that are attempting to stay and reverse the current polarization of society into two sharply hostile camps. The research would attempt to isolate and describe the best programs in several cities designed to attenuate violence by firearms and other means. These programs would be evaluated, and constructive suggestions would be developed for possible application and use elsewhere as to the most effective ways to defuse and reduce urban tensions. An interdisciplinary team, including sociologists, economists, community workers, political scientists, and psychologists, should be brought together to work on this problem in several cities as a high priority project.

## Systems and Procedures

### Screening and Control Procedures

On the assumption that policies and criteria are clearly set forth in legislation by the Congress, in regulations by executive agencies, and in policy statements by national associations concerned with safety and shooting of firearms, what systems can be set up to ensure that firearms and the use of gun club facilities are denied to criminals, the insane, subversives, and extremists? The research organization's report referred to earlier showed that there were significant deficiencies in existing screening and control procedures being operated by state associations and local gun clubs. Anyone familiar with these problems knows that even with the collective collaboration and cooperation of public agencies and private associations and organizations, an effective screening and control system will be both costly and difficult to install and operate. If an effective registration and licensing law is passed, one criterion could be that no member or transient visitor should be allowed to shoot at a club unless he has or first obtains a license indicating his ability to pass criteria required to purchase a firearm. Perhaps an individual should not be allowed to buy ammunition for a firearm or shoot a firearm in personal possession unless he could show a registration for that firearm.

What additional criteria could and should be imposed? What part in the screening process should be played by the Department of the Army; law enforcement agencies at the federal, state, and local levels; gun club management; officials at federal, state, and local levels; and manufacturers, wholesalers, and retailers of firearms and ammunition? The whole area of screening and control needs extensive investigation, both in the public and private sectors, with particular attention to federal, state, and local relations.

## Modern Information and Data Processing Systems

Earlier in this report, it was brought out that it is not known how many guns are in the hands of private individuals in the United States or precisely how many guns are sold annually in terms of national, state, or local data. Since such data are currently available for automobiles, aircraft passenger miles, steel tonnage, and a host of other economic series, it would appear essential that similar data be kept on an annual basis for products as dangerous and lethal as firearms. Alternative methods ought to be considered for obtaining such data on a quarterly or annual basis.

In addition, information should be required with respect to the registration of firearms in terms of initial registration, current sales, transfers, stolen firearms, firearms turned in, and the like. Fairly rapidly after initiation of registration, the registration data should provide an order of magnitude figure for the guns outstanding. It is recognized that many guns will not be declared through registration, but as evidenced both in New York and Michigan, criminals violating the law will be subject to arrest for carrying or possessing a firearm in violation of the law. As indicated by the Federal Bureau of Investigation and the International Association of Chiefs of Police, as well as police officers in Detroit and many other communities, registration could provide public security forces with a highly important tool in the solution of crimes of violence and their subsequent prosecution.

Many arms that come in for registration may not have serial numbers, and it may be too costly to return them to the manufacturer for registration. This will be particularly true of firearms made abroad. In such an event, stamping of the social security number of the owner on the firearm may be one solution. Other problems of identification are raised by the fact that many firearms may bear a common stock number rather than showing manufacturer and serial numbers in a distinguishing fashion. It would be much more efficient if these problems were solved before the initial registration began. Similar problems ought to be resolved as to the minimum amount of information to be collected in each locality and state and passed on to the next collection and data processing point. Provision should be made for flexibility in case of required adjustments for special regional or local conditions such as may be required for a frontier state like Alaska, where there may be many differences from the situation in an industrial state like New York. The minimum needs for compatibility and uniform software and hardware for the data processing system should be established very early in the process.

The current series of data maintained by HEW shows homicides, suicides, and accidental deaths by firearms and explosives. The series is maintained in accordance with an international agreement for uniform collection of statistics reported to the World Health Organization. HEW reports that deaths by explosives are an insignificant part of the total, but cannot be broken out except at great expense. Accident Facts 1967<sup>126</sup> states that these amount to less than 3 percent for accidental deaths.

Perhaps a small sample of the data each year or some other alternative should be considered by HEW to facilitate a more precise understanding of the role of firearms in deaths exclusive of the effects of explosives.

The kinds of information required should be determined to make the data processing and retrieval system most responsive to the needs of decision-makers and law enforcement officials at federal, state, and local levels.

#### Crime Reporting Systems

Although this report has been concerned with firearms, violence, and civil disorders it is important that the information processing system for this area be viewed as a subsystem of a much more comprehensive crime reporting system that is nationwide in scope, with fairly distinct federal, state, and local components. The research previously described should be established with the need for compatibility with the broader system clearly kept in mind.

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Appendix

PRESS RELEASE  
BREAKTHROUGH CIRCULARS

PRESS RELEASE

SRI to Conduct Study of  
Firearms' Role in Urban Civil Disorders

Stanford Research Institute will conduct an independent survey and objective study of the role firearms may have played in urban disorders. The study will be made available to the National Advisory Commission on Civil Disorders, headed by Illinois Governor Otto Kerner.

The Kerner Commission was established last year by President Johnson to investigate the causes of disorders and to make recommendations for the prevention and containment of future disorders.

The SRI findings with respect to the role firearms may have played or might play in future disorders will be made available also to individuals and groups as a public service. This represents the first phase of a research effort designed to provide policy and other decision-makers with improved understanding of the significance of firearms in the disorders of last summer.

The disorders form part of an active concern of SRI with the economics and sociology of unrest in urban areas and with the conduct of research designed to provide:

1. A better understanding of major problems and issues affecting urban areas, such as housing, employment, education, transportation, consumer protection, credit, and civil rights.
2. An improved data system which would support valid conclusions, based upon a solid foundation of factual information.
3. An increased opportunity to consider choices of policy and action program alternatives for the solution of urban problems, of which a civil disorder is but one manifestation to legislators, governmental jurisdictions and other individuals and institutions in the public and private sector.

The study is being supported by a grant of \$35,000 provided by two of the nation's leading manufacturers of sporting arms and ammunition: The Remington Arms Company and the Winchester-Western Division of Olin-Mathieson Chemical Corporation. In a joint statement, Mr. R. H. Coleman, President of Remington, and Mr. William L. Wallace, Vice President and General Manager of Winchester, said,

There was a lot of talk about firearms during the heat of the disorders, but there are remarkably little actual data on just

how significant firearms were in the overall disorder situation. We believe an independent and objective appraisal is needed, and that such an appraisal would be beneficial to the Kerner Commission and other public panels in their deliberations. It is for these reasons that we approached the Commission and offered our support.

Speaking for the National Advisory Commission, David Ginsburg, Executive Director, said:

Representatives of the two companies have discussed with the staff of the Commission for a period of months the basis upon which the industry can determine what measures should be taken by the industry in the event of future civil disorders. The Commission is pleased that this project will be undertaken by an independent research organization, Stanford Research Institute.

Dr. Weldon B. Gibson, Executive Vice President of SRI, said the project is a challenging assignment in an area where there has been little solid research:

We recognize the fact that many people hold strong and differing opinions about firearms in general, and especially about possession of firearms by private citizens. However, our task will simply be to determine, as well as possible, to what degree firearms played a role in last summer's civil disorders.

Arnold Kotz, SRI senior economist and social systems planner, will direct the team of social systems research analysts conducting the project. The team will travel to some of the major cities that experienced civil disorder during 1967. Data will be collected from many sources, including police and National Guard units charged with quelling the riots.

###

January 1968

BREAKTHROUGH

Fill in Below - Please Print

\_\_\_\_\_ I am willing to distribute notices of future meetings and other related literature.

\_\_\_\_\_ I am willing to help in the organization of my block for defense purposes and home survival.

\_\_\_\_\_ I would like to join the National Rifle Association.

\_\_\_\_\_ I would like to join the General Douglas MacArthur Shooting Club so that I may add to my knowledge of firearms and improve my marksmanship.

\_\_\_\_\_ I would like more information about Breakthrough.

\_\_\_\_\_ I would definitely attend a large meeting at Cobo Hall, the State Fair Coliseum or some other hall should such a meeting be arranged in the future as a demonstration of my determination to defend my family, my home and my nation against subversive forces at work to destroy them.

\_\_\_\_\_ I wish my name to be placed on the mailing list so that I may be kept informed of future activities and receive future newsletters.

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ Zip Code \_\_\_\_\_ Phone \_\_\_\_\_

# WANTED



George Romney  
\$1,000.00 REWARD

For the ARREST and conviction of Governor Elect George Romney for the crimes of CRIMINAL NEGLIGENCE, all of which were done in violation of the constitution and laws of the UNITED STATES OF AMERICA, or the constitution and laws of the State of Michigan, committed in the manner and form as follows, - to wit: Malfeasance, Misfeasance, and Nonfeasance of the duties of the chief law enforcement officer as Governor of the State of Michigan. All in accordance with OFFICIAL WARRANT OF ARREST sworn before Roger W. Spearman, notary public - Oakland County - on the 26th day of July, 1967.

Any person who has additional evidence or wants more information, write to

BREAKTHROUGH  
P.O. BOX 3061  
DETROIT, MICHIGAN 48231

# STANFORD RESEARCH INSTITUTE



## Main Offices and Laboratories

333 Ravenswood Avenue  
Menlo Park, California 94025  
(415) 326-6200  
Cable: STANRES, Menlo Park  
TWX: 910-373-1246

## Regional Offices and Laboratories

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### Southern California Laboratories

820 Mission Street  
South Pasadena, California 91030  
(213) 799-9501 • 682-3901  
TWX: 910-588-3280

### SRI-Washington

1611 North Kent Street, Rosslyn Plaza  
Arlington, Virginia 22209  
(703) 524-2053  
Cable: STANRES, Washington, D.C.  
TWX: 710-955-1137

### SRI-New York

200 E. 42nd Street  
New York, New York 10017  
(212) 661-5313

### SRI-Huntsville

Missile Defense Analysis Office  
4810 Bradford Blvd., N.W.  
Huntsville, Alabama 35805  
(205) 837-3050  
TWX: 810-726-2112

### SRI-Chicago

10 South Riverside Plaza  
Chicago, Illinois 60606  
(312) 236-6750

### SRI-Europe

Pelikanstrasse 37  
8001, Zurich, Switzerland  
27 73 27 or 27 81 21  
Cable: STANRES, Zurich

### SRI-Scandinavia

Skeppargatan 26  
S-114 52 Stockholm, Sweden  
60 02 26; 60 03 96; 60 04 75

### SRI-Japan

Edobashi Building, 8th Floor  
1-6, Nihonbashi Edobashi  
Chuo-ku, Tokyo  
Tokyo 271-7108  
Cable: STANRESEARCH, Tokyo

### SRI-Southeast Asia

Bangkok Bank Building  
182 Sukhumvit Road  
Bangkok, Thailand  
Bangkok 910-181  
Cable: STANRES, Bangkok

## Representatives

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### France

Roger Godino  
94, Boulevard du Montparnasse  
75 Paris 14<sup>e</sup>, France  
633 37 30

### Italy

Lorenzo L. Franceschini  
Via Macedonio Melloni 49  
20129, Milan, Italy  
72 32 46

### Portugal

J. Gasparinho Correia  
Avenida Joao XXI, 22-3<sup>o</sup> Esq.  
Lisbon, Portugal  
72 64 87