

‘BOOTLEGGERS’ AND GUN CONTROL

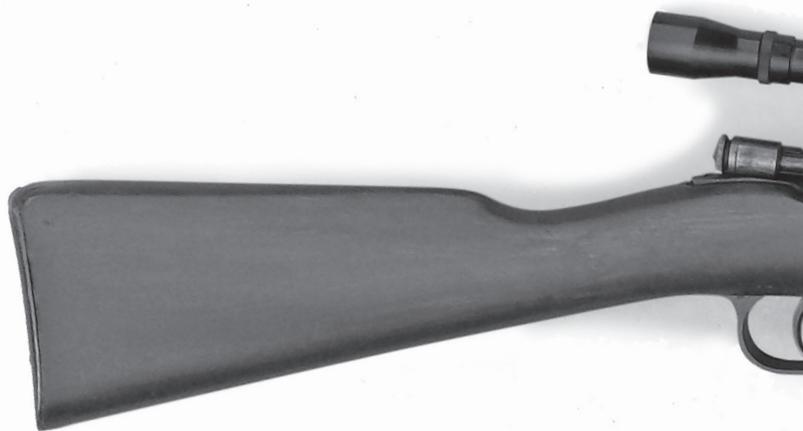
Domestic firearms manufacturing has been a major beneficiary of gun control.

◆ BY JOSEPH MICHAEL NEWHARD

The terrible attack on Emanuel A.M.E. Church in Charleston, S.C. has renewed calls for tighter gun control regulations. Those calls were predictable, as was the response of gun rights activists that such regulations restrain the law-abiding more than the law-breaking. What many people on both sides of the issue don't expect, however, is that domestic firearms manufacturers often benefit from gun control efforts—at least, they have in the past, and they could continue to do so in the future.

In 1983, *Regulation* published Bruce Yandle's seminal article, "Bootleggers and Baptists: The Education of a Regulatory Economist." In it, he describes how two interest groups, acting independently, can work toward a common policy goal. One is motivated by high-minded concerns, while the other is driven by narrow self-interest, and that allows politicians to adopt the language of the former while furthering the interests (and receiving the gratitude) of the latter. Yandle's model sheds light on regulation in areas as diverse as tobacco, health insurance, automobile safety, and environmental protections. Wherever we look, we observe moral crusaders and safety advocates endorsing regulations that benefit some particular industry.

U.S. federal gun control is an excellent example of Yandle's model in action. Cyclical periods of rising street crime coupled with infamous acts of violence perpetrated by gangsters, assassins, mass murderers, and rioters have repeatedly spurred private calls for gun control at the national level. Under the guise of fighting crime, those efforts have ultimately led to restraints on foreign-made firearms and the sale of military surplus weapons—restraints that benefit U.S. firearm manufacturers.



SEEKING IMPORT CONTROLS

The first major piece of federal gun control legislation came about during the Great Depression. Journalists, the police, and private groups like the General Federation of Women's Clubs demanded nationwide gun control in response to the rising lawlessness of Prohibition. Homicide rates climbed from 7.8 per 100,000 in 1920 to 9.5 in 1932. Newspapers at the time frequently lamented the ease with which "gangsters" like Bonnie and Clyde, John Dillinger, "Machine Gun" Kelly, "Pretty Boy" Floyd, Al Capone, and George "Baby Face" Nelson could obtain machine guns and pistols.

Acceding to calls for action, Congress passes the National Firearms Act of 1934 (NFA), which imposed excise taxes on machine guns, short-barreled rifles, suppressors, and other weapons associated with crime. The NFA also included the first major protectionist measure for U.S. firearms manufacturing: Section 10 (a) states that no firearm shall be imported unless "such firearm is unique or of a type which cannot be obtained within the United States or such territory." The NFA hearings transcript, which runs 166 pages long, contains no debate or discussion of that provision.

Three decades later, in the 1960s, crime rates repeated the disturbing trend seen during Prohibition. Having dropped off steadily following passage of the Twenty-First Amendment ending Prohibition, the United States saw a record low of 8,530 homicides in 1962. Then the trend reversed: within six years, homicides ballooned 62 percent to 13,800 nationwide.

Television, which exploded in popularity in the 1950s, broadcast rising violence into the majority of American homes. The decade saw the assassinations of President Kennedy, Sen. Robert F. Kennedy, Rev. Martin Luther King Jr., and Malcolm X. Americans witnessed Charles Whitman murder 16 and wound 32 from the 28th floor of the Tower on the University of Texas at Austin campus. Racial strife resulted in numerous race riots from coast to coast.

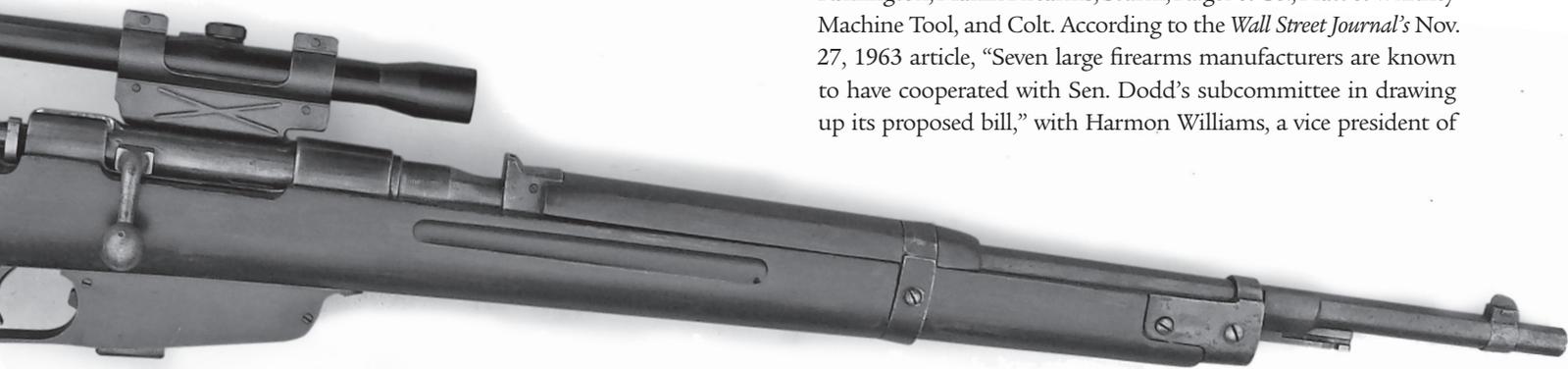
Yet renewed gun control efforts began in earnest much earlier, in 1958, and were unrelated to crime—which, after all, was falling at that point. That year, Sen. John F. Kennedy (D-Mass)—whose state, together with Connecticut, was home to “Gun Valley” and much of the U.S. firearms industry—submitted to Congress

suggested instead that “arms-makers hurt by foreign competition should seek protection from the Tariff Commission.”

Five years later, Kennedy was assassinated by Lee Harvey Oswald using an Italian bolt action rifle that, according to the *Wall Street Journal* article, would have been banned from importation under S-1592. The *New York Times* reported on Nov. 25, 1963 that such weapons were “sold to American gun dealers and imported in huge quantities to be sold cheaply.” The newspaper noted that

the importation of these guns caused great concern to American firearms makers. They felt the impact on sales of domestically produced sporting rifles.... [Imported surplus rifles were sold at] prices far under those for commercially made guns.

The same article adds that a bill introduced in Congress three months prior “would have limited foreign imports severely,” referring to S-1975, which targeted military surplus weapons. The bill was sponsored by Sen. Thomas Dodd (D-Conn.), whose state was home to several firearms manufacturers including Winchester, Remington, Marlin Firearms, Sturm, Ruger & Co., Pratt & Whitney Machine Tool, and Colt. According to the *Wall Street Journal*’s Nov. 27, 1963 article, “Seven large firearms manufacturers are known to have cooperated with Sen. Dodd’s subcommittee in drawing up its proposed bill,” with Harmon Williams, a vice president of



S-1592, a bill to prohibit the importation of military surplus weapons. On the floor of the Senate, Kennedy argued quite candidly “that imports or re-imports of guns and ammunition manufactured originally for military purposes were helping ‘spoil the domestic market,’” the *Wall Street Journal* reported years later, on Nov. 27, 1963. The article notes that Kennedy

didn’t challenge the importation of foreign military weapons on the ground that they may be dangerous ... [but] rested his case solely on economic grounds. He mentioned in particular the help the bill would provide firearms manufacturers back home in Massachusetts—Savage Arms Corp., Harrington & Richardson, Inc., Nobel Manufacturing Co., Smith & Wesson, Inc., and Iver-Johnson Arms & Cycle Works.

Kennedy stated that “the bill is in the interest of a great many jobbers and at least 125,000 retailers located in all 48 states, and of particular importance to five arms manufacturers in Massachusetts,” the *Chicago Tribune* reported on Jan. 15, 1967. Not persuaded by the protectionist argument, the Senate Foreign Relations Committee declined its approval of Kennedy’s bill and

Browning Arms, declaring, “We feel Sen. Dodd’s bill is a good one.”

Earlier in 1963, calls for new gun controls made their way into the national media. Citing the “rising number of persons killed and wounded in teen-age gang wars,” the *New York Times* reported in an Oct. 16, 1963 article that the Committee to Ban Teen-Age Weapons was calling for universal registration, licensing, waiting periods, and restrictions on transportation and mail-orders. At first, those efforts went nowhere. But as crime exploded through the 1960s, so too did efforts to reign in private sales and possession of firearms. Foreign handguns, which were plentiful, concealable, and inexpensive, were viewed as a particular menace, leading the *New York Times* to declare in a May 24, 1965 editorial, “Many cheap foreign weapons have been imported in recent years and are today in the hands of licensed dealers—so many that some kind of domestic arms control and disarmament is in order. Government purchase of these stocks of surplus guns, in order to destroy them, would be money well spent.”

Meanwhile, Senator Dodd continued his effort to pass federal gun control. On this subject, the *Washington Post*, in a Dec. 12, 1965 article, related the claim made by Richard Winter, a

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vice president at major firearms importer International Armament, that “attempts to ban imports of military surplus firearms through anti-crime legislation are actually only aimed at curbing competition for domestic gun makers.” Pending congressional bills by Dodd and others would either ban imports outright or “cut surplus imports by making import duties prohibitively high.”

Said Winter: “The domestic gun industry ... has been trying for eight years to put importers of surplus out of business.... They claim that our inexpensive guns, particularly rifles converted to sporting use, are threatening to force them out of business.” He rejected Senator Dodd’s assertion that such guns are “junk,” noting that, as military firearms, they had undergone extensive testing, resulting in “lower liability insurance rates for our weapons than American gun makers have for theirs.” Countering Dodd’s claim that “inexpensive surplus weapons contribute ... directly to crime,” Winter said that there was no “connection between imported surplus, as such, and crime rates,” and that a ban was being sought “under the guise of anti-crime legislation.”

TARGETING MAIL-ORDER GUNS

In addition to imports, there was a growing push to curb mail-order gun purchases. As early as 1961, prohibitions on gun mail-orders were submitted to Congress. Senator Dodd led the push, blaming high crime on interstate sales of firearms. He sought to prohibit interstate mail-order sales and shipments of firearms and impose heavy license fees on sellers. This effort grew after President Kennedy’s assassination and the murder of Dallas police officer J. D. Tippit, both killed with mail-order guns.

The thriving mail-order business of the time seemingly was driven by imported guns. One police officer “estimated that several Los Angeles area mail-order gun importers and sellers have sales totaling about \$2 million a year,” according to a Jan. 31, 1963 *Washington Post* article. According to the *Post*, mail-order sellers furnished firearms to “drunks, felons, dope addicts, children, mental defectives, and other persons forbidden by law to purchase or possess guns.” A day earlier, the newspaper reported that such guns “couldn’t be traced” and undermined local gun laws.

Repeating the claim that the United States was a “dumping ground” for “surplus, obsolete weapons,” the *Washington Post* reported on Dec. 5, 1963 that “in one year, Great Britain got rid of an estimated 1 million surplus guns in America.” In an April 14, 1965 article, the newspaper reported that testimony on Capitol Hill claimed that “over 1,500 guns were shipped into Chicago by one [mail-order] firm. The majority were foreign imports.” The article concludes by observing, “The *Washington Post* has written editorials on the need for firearms control for 63 consecutive days, which must be some kind of record.”

Not all mail-order guns were foreign imports. Many were U.S. military surplus weapons. The *Washington Post* reported on Dec. 23, 1963 that “the U.S. Government is pretty close to being the largest mail-order gun dealer in the country.” The article noted that “at least 150,000 M-1 30-caliber carbines from Army surplus stocks have been made available to [National Rifle Association] members at cut-rate prices that no private firm can approach.”

Restrictions on mail-orders were sought ostensibly to prevent sales “to minors and criminals.” The Senate Juvenile Delinquency Subcommittee, chaired by Senator Dodd, asserted in a report that “mail-order guns have been purchased by juveniles, felons, and undesirables in growing numbers and have been used increasingly in the commission of serious crimes.” The report also declared mail-order guns to be “relatively inexpensive and inferior in design and quality to domestically manufactured firearms,” estimating that “5 to 7 million of them were imported into this country between 1959 and 1963.”

Senator Dodd continued to parrot the assertion that regulating mail orders was necessary “to prevent mail delivery of guns to criminals, the mentally deranged, and juveniles.” The *Washington Post* breathlessly reported on Dec. 4, 1963 that 50 million Americans owned guns, adding that “a child may order by mail almost any type of lethal weapon made by man, short of the A-bomb.”

Given the cheapness and reliability of both foreign-made and U.S. military surplus weapons, it’s no surprise that domestic firearms manufacturers might prefer not to have to compete against them.

It added that the weapon that killed President Kennedy was a “cheap weapon imported” into the United States.

Sen. Robert F. Kennedy (D-N.Y.) echoed support for restrictions on mail-order guns, arguing that passage of the bill “would save hundreds of lives.” A few days later, a March 26, 1965 *New York Times* editorial called Dodd’s bill “essential in the war against crime and violence,” noting that it would “put an end to mail-order sales to individuals [and] would curb the flow of surplus military weapons into this country.”

Less than a year later, Whitman launched his attack at the University of Texas at Austin, armed with seven firearms including a Remington hunting rifle and an M1 carbine. He murdered 16 people and wounded 32 before he was killed by police. The massacre prompted “a barrage of strong calls ... for prompt passage of the ... long-stalled gun control bill” from President Lyndon Johnson and Senators Dodd, Edward Kennedy (D-Mass.), and George Smathers (D-Fla.), according to an Aug. 3, 1966 *Washington*

Post article. The same day, a *New York Times* editorial demanded passage of Dodd's bill to "bring some control to the indiscriminate mail-order and interstate selling of guns." Three weeks later, on Aug. 22, another *Times* editorial predicted that "guns will go right on killing people wholesale" until Congress acted.

A couple months later, with the University of Texas shooting still on everyone's mind, prison reformer James V. Bennett wrote in a *New York Times* op-ed that Dodd's bill would prevent gun purchases by "juveniles, Lee Harvey Oswalds, ex-convicts, emotionally disturbed persons, or others who for one reason or another want to hide their purchase." The legislation, he noted, "would also limit the importation of military firearms such as the Italian Mannlicher Carcano rifle bought by Lee Harvey Oswald for \$12.78." A Nov. 6, 1966 *Washington Post* article claimed that Dodd's bill "would have banned mail order sales of pistols ... restricted mail order sales of rifles and shotguns, ... [and] prohibited imports of military surplus or other foreign-made, non-sporting handguns."

Given the cheapness and reliability of both foreign and domestic military surplus weapons, it's no surprise that domestic manufacturers might prefer not having to compete against them. Import controls coupled with restrictions on mail-orders would seem an obvious solution. With cheap guns seen as facilitating crime, public safety advocates also called for the measures as a means of disarming criminals.

THE LONG HOT SUMMER

Despite growing calls for action, a year later the *New York Times* reported that Dodd's bill to prohibit mail-ordering of handguns and restrict long guns had stalled because of opposition from the National Rifle Association (NRA) and rural senators. Undeterred, the *Washington Post* declared in an Aug. 24, 1967 editorial that guns are "an intolerable menace" in "a time of tension, when violence, arson, looting and sniping may become epidemic."

Simultaneously, social tensions arising from civil rights violations produced city-wide race riots in New York, Los Angeles, Chicago, Philadelphia, and elsewhere. In 1967, rioting erupted nationwide during the Long Hot Summer, affecting over 150 cities. Commenting on the still-stalled congressional gun control legislation, *Washington Post* columnist Irston Barnes noted on Aug. 20 that "originally projected as part of a crime control program, such legislation has now been given new urgency by wholesale use of guns in recent racial riots." Barnes called for "an end to free commerce in weapons, with every gun individually identified and licensed (for a substantial fee)." On Aug. 25, the *New York Times* editorial board added, "It is hard to believe that a riot-conscious Congress can remain permanently indifferent to the overwhelming public demand for an end to the mail-order gun trade."

In his 1968 State of the Union Address, President Johnson acknowledged the "despair and frustrated hopes in the cities where the fires of disorder burned last summer." He stated that "the American people have had enough of rising crime and law-

lessness." In addition to strengthening law enforcement, he urged "Congress to stop the trade in mail-order murder ... by adopting a proper gun control law." This was to be the year that Dodd would get the gun laws he had spent almost a decade lobbying for.

THE GUN CONTROL ACT OF 1968

Two major pieces of gun control were debated in 1968. The first was the Omnibus Crime Control Act, which prohibited mail-order sales of handguns. Originally a bill dealing with law enforcement grants and wiretapping, a provision prohibiting interstate shipment of handguns and out-of-state purchases of handguns was added the day after the King assassination. The second and more expansive piece of legislation was the Gun Control Act, which regulated interstate sales of long guns, established the federal firearms licensing system, mandated firearm serial numbers, and created a "sporting purposes" standard for firearm importation.

The assassinations of King and Robert F. Kennedy gave the gun control movement a powerful impetus. A month after King's death, the *New York Times* editorial board demanded on May 15 that "there must be no safe havens for the weapons of potential lawbreakers and assassins." In June, again calling for an end to "mail-order murder" on the day of Senator Kennedy's assassination, President Johnson called on Congress to pass legislation to prevent guns from being acquired by "the demented and the deranged, the hardened criminal and the convict, the addict and the alcoholic."

The *New York Times* acknowledged in a June 17 editorial that the assassination "may have also provided the additional push needed to create the aroused public opinion that would finally force through effective national gun control legislation." With momentum building, a June 23, 1968 *Washington Post* article noted, "With the temper of the public and Congress now running strong for a tough gun control law, the White House is being advised to go for broke and reach for a gun registration bill affecting all firearms in the United States."

As gun control appeared increasingly imminent, the market saw "surging imports" of firearms, exceeding 1.2 million in 1967, up from 560,000 in 1963, according to a June 23, 1968 *New York Times* column by David R. Jones. The surge continued the next year; some 619,000 handguns were imported in the first six months of 1968, compared with 354,000 for the same period in 1967. In all, 3 million firearms were imported in the first six months of 1968, matching the total for all of 1967. An Oct. 10, 1968 *Washington Post* article reported that at a President's Commission on Violence meeting, the United States was called "the dumping ground of the world for junk firearms," noting that "two gun manufacturers had asked to testify in closed session."

Congress soon passed the Gun Control Act, which Johnson signed in October 1968. Section 922 (l) of the act states that "it shall be unlawful for any person knowingly to import or bring into the United States or any possession thereof any firearm or

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ammunition; and it shall be unlawful for any person knowingly to receive any firearm or ammunition which has been imported or brought into the United States or any possession thereof in violation of the provisions of this chapter.” The law also imposed licensing on manufacturers, importers, and dealers, and established a “sporting purposes” standard for firearm imports.

In anticipation of the law going into effect, the government delayed approval of import licenses for 400,000 handguns manufactured abroad. “Immediately” after the bill was signed, “applications for import licenses began to pour into the State Department from importers who hoped to stockpile guns before the Dec. 15 deadline,” none of which were approved because of “questions about their legality,” according to the *New York Times*. Calling handguns a “threat to public order,” a Justice Department official asserted that the law “might be considered a basis for preventing a flood of foreign-made pistols into the country even though the ban was not yet in effect.” Justice Department lawyers believed that despite lack of clarity in the law, “it would probably void any import licenses that had not been approved as of that time.” Edward Kane, treasurer of Imperial Metal Products in New York, expected sales of his company’s cheap, small-caliber pistol to rise from 50,000 annually to “something under 200,000 guns” because the law affected only imported guns.

Industry experts warned that the costs of compliance with the new laws would mean that small arms dealers would stop selling arms and ammunition rather than comply with the law’s requirements. Instead, gun makers and dealers found ways to abide by the law while still satisfying demand. The following year, on May 4, the *Times* reported that the Gun Control Act,

which barred the importation of cheap, concealable-type handguns, is being defeated by the domestic manufacture of the guns or by the importation of foreign parts for assembly in this country.... A domestic industry is thus blossoming to meet the brisk demand and will soon be turning out about 500,000 cheap pistols a year, compared to roughly 75,000 made here before the import restriction.

THE WAR ON DRUGS

Despite the 1968 legislation, homicide continued to trend upward through the 1970s, hitting 20,710 in 1974. It then dropped somewhat, before rebounding to 23,040 in 1980. From this, public safety advocates concluded not that gun control is ineffective, but that it had not gone far enough. This time, domestic gun makers faced the same legal threats as their foreign competitors.

As the 1980s unfolded, crack cocaine became popular in American urban centers. The gun violence associated with crack’s black market sparked calls for broader gun control. In a Dec. 11, 1988 interview with *Washington Post* staff writer Nancy Lewis, D.C. Police Chief Maurice T. Turner lamented the failure of the city’s gun control laws and called for “a national handgun ban” to reduce

violence, adding “we are recovering a record number of handguns, an unbelievable amount.” The previous June 8, the *Post* reported that “over half of the 20,000 murders in America every year are drug related,” and asserted the “terrifying, sure-fire relationship of drugs and cold-blooded murder.” Criticizing “new baloney from the NRA’s propagandists,” a June 20, 1989 *Post* editorial lamented the prevalence of “areas terrorized by drugs and violence,” and called for a ban on “assault guns.”

Describing “America’s drug-and-violence crisis,” a Sept. 5, 1989 *Washington Post* editorial called on President Bush to “reduce both drugs and guns in America’s inner cities” because “drugs and guns are the twin scourges of modern American society.” Drugs and guns, *Washington Post* writer Coleman McCarthy claimed earlier that year, were responsible for overwhelming American emergency rooms.

An Aug. 28, 1988 *New York Times* editorial called for waiting periods for gun purchases, if not “a flat ban on civilian possession of semiautomatic military assault rifles,” adding that the weapons are “designed for killing humans at close quarters.” Another *Times* editorial, on Feb. 9, 1989, identified “military assault rifles” as being “designed to mow down human beings,” claiming that the weapons’ “leading customers ... appear to be drug dealers and other gangsters.” It added that there is a “broader market of people who think they need such firepower for self-defense or are merely fascinated with Rambo guns.” The editorial asserted the banning of such rifles to be “common sense.”

A Jan. 13, 1989 *Los Angeles Times* article also claimed, “Increasingly, the weapon of choice for drug dealers and street gangs is the military-style semiautomatic gun.” It quotes Los Angeles County Sheriff Sherman Block asserting a need to “selectively regulate and, if necessary, prohibit certain kinds of weaponry in the interests of public safety.” A Sept. 17, 1989 *Washington Post* editorial, citing massacres in Stockton, Calif., and Louisville, Ky., condemned “military-style weapons, which have no legitimate use” and “are the instruments not only of one-man killing sprees but also of drug lords around the world.” The editorial called for the import ban to be applied to domestic guns as well.

In addition to drug-related violence, the 1980s saw several mass shootings, including the 1984 San Ysidro, Calif., massacre in which 21 were killed and the 1989 Stockton, schoolyard shooting in which five children were killed. Days after the Stockton shooting, a *Los Angeles Times* editorial argued that blame lies not only with the shooter, but “the unindictable accomplices to that crime ... who have resisted and sabotaged every effort to impose even the most minimum restraints on gun ownership.” The editorial specifically decried the NRA for impeding the prohibition of guns “that no decent sportsman would think of using,” claiming that the organization’s lobbying efforts “intimidate” “gutless” and “weaselly” politicians.

Prodded by the outcry, the George H. W. Bush White House decided to act—against foreign gun manufacturers. On March 14, 1989, under a provision of the 1968 Gun Control Act that allows

the U.S. Treasury Department to unilaterally deny importations on the basis of a “sporting purposes” standard, the administration “suspended the importation of about 25 brands of high-powered, semiautomatic weapons ... in the wake of an explosion of drug-related violence and other assaults involving such guns,” as the *Wall Street Journal* explained in an April 6, 1989 article. Targeted weapons included the Russian AK-47 and the Israeli Uzi submachine gun. Bush director of drug policy William J. Bennett requested the ban on behalf of “a lot of policemen and chiefs” who asserted that the only purpose of such weapons was “carnage and mayhem.” President Bush justified the ban as an “accommodation between the police and the sporting interest.” A month later, President Bush extended the temporary ban to

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24 additional models of similar “assault-type weapons,” affecting “about 80 percent of all imports of semiautomatic weapons.”

However, gun control advocates weren’t satisfied. The *Washington Post*, in a March 15, 1989 editorial following the initial ban, applauded the Bush initiative but insisted that the administration also curb similar domestic weapons. The same day, a *New York Times* editorial called for a national ban on guns, saying, “Gun-runners can make small fortunes by purchasing assault rifles where they are legal and selling them where they are not.” The *Times* went on to say, “Given the tens of thousands of Rambo guns now in private hands, [the import ban is] not enough,” apparently suggesting mass confiscation, though the newspaper claimed to be optimistic that “common sense can prevail.”

Not long after, President Bush announced that the temporary ban on imported guns would be made permanent. A May 16, 1989 *Washington Post* article observed that “he declined to apply such an overall ban on similar domestically produced weapons.” In the article, Sen. Joe Biden (D-Del.) asked, “If it makes sense to ban the importation of assault weapons, why doesn’t it make sense to ban similar weapons made here in the United States?” Treasury Secretary Nicholas F. Brady conceded to a House subcommittee that “17 makes of domestically produced semiautomatic assault weapons have the same characteristics as weapons subject to” the import ban.

Prior to the Bush import ban, retail sales of guns had dropped off, falling 30 percent from 1982 to 1987. Yet the *New York Times* reported on July 14, 1989 that the import ban “has created

a bonanza for some small and medium-sized American gun manufacturers, which are selling semiautomatic weapons as fast as their assembly lines can make them.” Driven by the fear that the ban would be expanded to domestically produced weapons, “the surge ... is straining assembly lines and swelling the lines of customers at some gun shops.”

The article claimed that “most gun manufacturers say they have heard rumors that one entrepreneur or another is considering starting new production lines to build rifles that can no longer be imported.” Marvin H. Wagner, general counsel for German gun maker Heckler & Koch, stated, “I don’t think we have to just lie down and take this,” noting that his company lost 20 percent of its business because of the import ban. The article also reported that “one [domestic] industry executive [was] approached by a foreign company interested in establishing an operation in the United States,” though the offer was rebuffed.

In all, President Bush banned the importation of 43 foreign-manufactured firearms. As the *New York Times* noted on July 8, 1989, the ban “does not affect the far larger number of virtually identical weapons manufactured domestically.” The administration “acknowledged that the slack would easily

be taken up by domestic manufacturers.” Banned weapons like Belgian arms maker FN Herstal’s FN FAL and Heckler & Koch’s HK91 were functionally similar to American-made weapons like Colt’s AR-10 and Springfield’s M1A in that all are semiautomatic rifles that fire 7.62 × 51mm rounds.

In an April 11, 1989 editorial, after hurling several insults at gun owners, the *Los Angeles Times* noted that the “Bush ban ... affects only imports and does not prohibit the manufacture and sale of hundreds of thousands of domestic semiautomatic weapons. When all of the rhetoric is stripped away, Bush offers only protectionism in the arms business.”

CONCLUSION

The first time that students learn Bootleggers and Baptists theory, it can strike them as counterintuitive that regulation of an industry can benefit that industry, giving its members an incentive to lobby for regulation. Yet in the case of the Gun Control Act of 1968 and President Bush’s 1989 import ban, it is quite clear that measures were passed that aided domestic manufacturers both in intention and practice. In those laws, we see the implicit union of two very different, even contrarian, interest groups: public safety advocates reacting to rising crime rates with demands for gun control, and American firearm manufacturers who stood to gain from restrictions on foreign competitors and on sales of U.S. military surplus weapons.

Although originally pursued in the name of protectionism, politicians quickly learned to push for gun import controls and

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mail-order restrictions in the name of fighting crime. Thus, both the U.S. firearms industry and anti-crime groups, acting in parallel if not in concert, achieved durable gun control measures that no doubt boosted the profits of the domestic manufacturers while giving politicians an excuse to pursue such protectionism on the grounds of public safety.

Such was the extent of the resulting government protectionism that, like Japanese automotive manufacturers that built U.S. production facilities to get around import quotas, foreign-owned gun manufacturers began building plants in the United States. Today, Italy's Beretta produces in Tennessee, FN Herstal in South Carolina, Switzerland's SIG Sauer in New Hampshire, Heckler & Koch in Virginia, and Austria's Glock in Georgia. Germany's Walther has outsourced its American market production to Smith & Wesson. Together, those foreign companies now represent a significant proportion of total domestic firearms production, as evidenced by the Annual Firearms Manufacturing and Export Report from the Bureau of Alcohol, Tobacco, Firearms, and Explosives.

Some of those foreign-owned companies even produce weapons for American police departments and the U.S. military. Beretta originally moved to Maryland when it won the U.S. Army contract to replace the venerable Colt M1911 semiautomatic pistol; the contract required that the handguns be manufactured domesti-

cally. FN Herstal manufactures rifles and machine guns for the U.S. military. Glock and SIG Sauer handguns are popular among law enforcement agencies.

And protectionism disguised as gun control continues on. President Obama recently blocked the importation of surplus M1 Garands and carbines (both of which were predominantly manufactured in the United States) from South Korea. Protecting domestic firearms manufacturers from competition by cheap, high-quality surplus military weapons apparently is a top White House priority for both political parties. That should be no surprise, given that advocates of gun control prompted foreign gun manufacturers to join what was already a robust domestic industry, making it the powerful lobby that it is today. R

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