

## The Drift Toward Prohibition

December 12, 1983

The banner of the December, 1983 *Outdoor Message* “Boston Council Votes to Ban Handguns” and the sub-banner “National Anti-Gun Group: Mass. to Host ‘Pilot Program’” should strike fear in the hearts of every gun-owning citizen of Massachusetts—and the nation.

We are seeing but the latest move by a skillful, dedicated, patient adversary which will not “go away and be quiet” until the last privately owned firearm is removed from our hands, our houses and our control. I didn’t say just “handgun,” I said firearm.

Our opposition is smarter than we are. They’re willing to take what they can get. Incremental ratcheting up of prohibitive laws is, with few exceptions, applauded as yet another “good first step” throughout the anti-gun community, while acceptance of anything less than a total repeal of restrictive laws is seen as knuckling under by many in the gun rights community.

To make matters worse, the prohibitionists, some of them at least, don’t mind lying. There may be some truly dedicated anti-gunners who sincerely want to “control” (interpretation: “ban”) handguns, and never, ever long guns. But I’ve never met one.

I’ve met plenty who *claim* that’s all they want, and who get mad at me for claiming “without the slightest evidence” they want to ban all guns. But I do have evidence: the historical record.

I well remember the fury with which many Congressmen denied that their support of the Gun Control Act meant they supported national gun registration. “Never, ever would we support registration,” they said. But as soon as the temperament of the nation made it more acceptable,

when the Johnson Administration came out with a gun registration and licensing bill, those naysayers immediately climbed on board. And a year later, when Rep. Abner Mikva introduced his proposal to ban handguns, many of them lined up to support it.

Consider the historical record in Illinois. “All we want,” the anti-gunners said, “is a ban on the manufacture and sale of cheap little ‘Saturday Night Specials.’” So the gun fraternity, wanting to believe, gave them what they wanted—an Illinois law that did just that.

Within a year, the anti-gunners were back, wanting more. The then-Mayor of Chicago was leading the charge for the registration and licensing of all firearms in the state. The moderates among the gun fraternity proposed a compromise: a gun owner license like a driver’s license. Everybody who owns, buys or possesses a firearm would have to have the Firearms Owner Identification Card, and, then, the anti-gunners said, no one but good folks will have guns and we won’t want any more restrictive laws. And the gullible gun fraternity agreed to compromise.

But Mayor Daley went back to Chicago and pushed through an ordinance individually registering every gun in Cook County. That ordinance was delayed one day because the U.S. Supreme Court had handed down *U.S. vs. Haynes*<sup>68</sup>, which held that it was a “justifiable defense” for a criminal, prohibited from possessing a gun, to refuse to register it due to fear of self-incrimination. The Chicago city council found an innovative way to enact their registration ordinance while evading that law: Persons with criminal or mental records which prevented them from legally owning a gun were *exempt* from registration.

Never mind that criminals were the alleged target of that law, and that they were exempted, *the city’s new registration law applied only to the law-abiding citizen with a spotless record*. And it’s still the same way.

Did those laws satisfy the anti-gunners of Illinois? Not so you would notice. The next year, Illinois Congressman Abner Mikva offered a bill banning the manufacture and sale of all handguns.

One thing the late-Sixties gun laws and attempted gun laws accomplished was to make the state’s gun owners nervous. So when the state’s Constitution was rewritten in 1970, they helped put in a clause guaranteeing that “subject only to the police power, the right of the people to keep and bear arms would not be infringed.” That meant, according to the official documents describing the Constitution, that while guns might be subjected to certain regulations, private ownership of handguns could never be banned.

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<sup>68</sup> *Haynes v. U.S.*, 88 S.Ct. 722, 19 L.Ed.2d 923 (1968).

In 1982, the village of Morton Grove banned handguns. A few months ago, the state's Supreme Court, on a split decision, ruled that the ban didn't violate the new Constitution. They explained that since Morton Grove residents could still own long guns, the prohibition against banning arms hadn't been violated.

## ***What's Wrong With A Waiting Period? Plenty!***

*February 28, 1984*

**H**overing in the halls of Congress and legislatures across the land is the "innocuous" waiting period proposal, always ready to attach itself to any piece of legislation. It is because it is so seemingly innocuous that it is so dangerous, for it appears to be a "reasonable compromise," not only to lawmakers who consider themselves "against gun control," but to many gun owners.

The "waiting period" would require a firearm purchaser to wait a specified number of days between the time of purchase and receipt. During the wait, police would check to see if the purchaser has a criminal record. In theory, not only would this "screen" illegal purchasers, but it would provide a "cooling off" period during which an emotional purchaser might change his mind about killing himself or someone else.

Sen. Edward Kennedy (D-Mass.), who allied with Sen. Robert Dole to attach a handgun waiting period requirement to the McClure-Volkmer bill two years ago, has again prepared waiting period amendments for the bill, should it ever see the light of day—which *could* happen at any time. (Even as this column was being written, Sen. James McClure (R-Idaho) was at the White House, attempting for the third time in five days to get an agreement on a good bill, without the hazards that he, Gun Owners of America and Citizens Committee for the Right to Keep