

SEPTEMBER 1957 50c

FINEST IN THE FIREARMS FIELD



# Guns

HUNTING • SHOOTING • ADVENTURE

WHY NOT A  
PRO  
GUN LAW?

HOW TO BE A  
SMALLBORE  
RIFLE  
CHAMP

**SKEET vs PISTOL**

**WHAT GUNS WIN THE GRAND AMERICAN?**



# TRIGGER TALK

**“WHY NOT Have A Pro-Gun Law.”** is possibly the longest article we have ever published. It may well be also the most important article we have ever published. The “call to arms” which ends the story, urging all firearms enthusiasts to write to the Director of the Alcohol & Tobacco Tax Unit, Treasury, Washington 25, D. C., to protest new revised federal regulations in the gun law field is a little like Paul Revere’s “one if by land, two if by sea.” Only now it isn’t the “British are coming,” it is the bureaucrats.

There has been some serious thought among Congressmen and Senators as to the activities of this branch of the Treasury which administers the federal gun laws. Some congressmen have been outspoken in expressing the view that the Treasury has been attempting actually to alter law, to make law, which is a privilege jealously guarded by the Congress. In “Why Not A Pro-Gun Law,” the author brings up to date the present situation in anti-firearms legislation. We are now at a crossroads. For decades shooting enthusiasts have been complacent while lawmakers, directed by people who are not all well-intentioned by any means, have been chipping away at the edges of American freedom. Restrictive firearms laws are but one face of restrictive federal interference into American private affairs. We exist in a republic which is supposed to guarantee liberty under law. When laws become destructive of these liberties, it is the right and duty of the people to alter or to abolish those laws, and to institute new forms of law which shall best effect their safety and happiness. Old militiaman Tom Jefferson would doubtless applaud this paraphrasing of his immortal document, the Declaration of Independence.

Fortunately, it is not too late. The revised regulations are not yet in effect as of press-time. A public hearing on the new revised regulations is scheduled for Tuesday, August 27, 1957, at 10:00 AM, room 3313, Internal Revenue Bldg., 12th and Constitution Avenue NW, Washington, D. C. Any protests can be made in person there, and eastern-area readers of GUNS may find their interests best served if they obtain complete copies of the regulations, read and understand their implications, and appear to register their protests in person.

In a less heated vein, we bring you an unusual essay co-authored by two top shooters in the trap world, Mrs. Iris Stowers, Florida shotgunner, and Dick Miller, Indiana gun expert and gun writer, who regularly attend the Grand American Handicap shoot at Vandalia. Their story, “What Guns Win The Grand American,” has some unusual tips for the would-be custom gunsmith.

“How To Be A Smallbore Rifle Champ” is an entirely modest appraisal of the luck factor which has entered into his shooting, by Olympic champ Gerry Oulette of Canada. Oulette, cheated of an immortal world’s record by short-sighted contractors on the 50-meter range at Melbourne (they made it 1½ meters too short) has a story to tell of interest to every rifleman. □



## THE COVER

Last month our cover was mostly gun—beautiful in itself, symbolic of the law enforcement to which the issue was dedicated. This month, our cover is symbolic, rather, of the action, the rhythm, the poetry of motion which is inherent in the swift and accurate use of guns in sport and in the field.

# Guns

FINEST IN THE FIREARMS FIELD

SEPTEMBER, 1957

VOL. III, NO. 9-33

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ANTI-GUN LAW PROPONENTS ARE NOT ALL DO-GOODERS.

LAWS THAT STRIKE AT CIVIL LIBERTIES THREATEN BUSINESS AS WELL AS OUR AMERICAN WAY OF LIFE. IF WE MUST LEGISLATE, THEN . . .

# Why Not

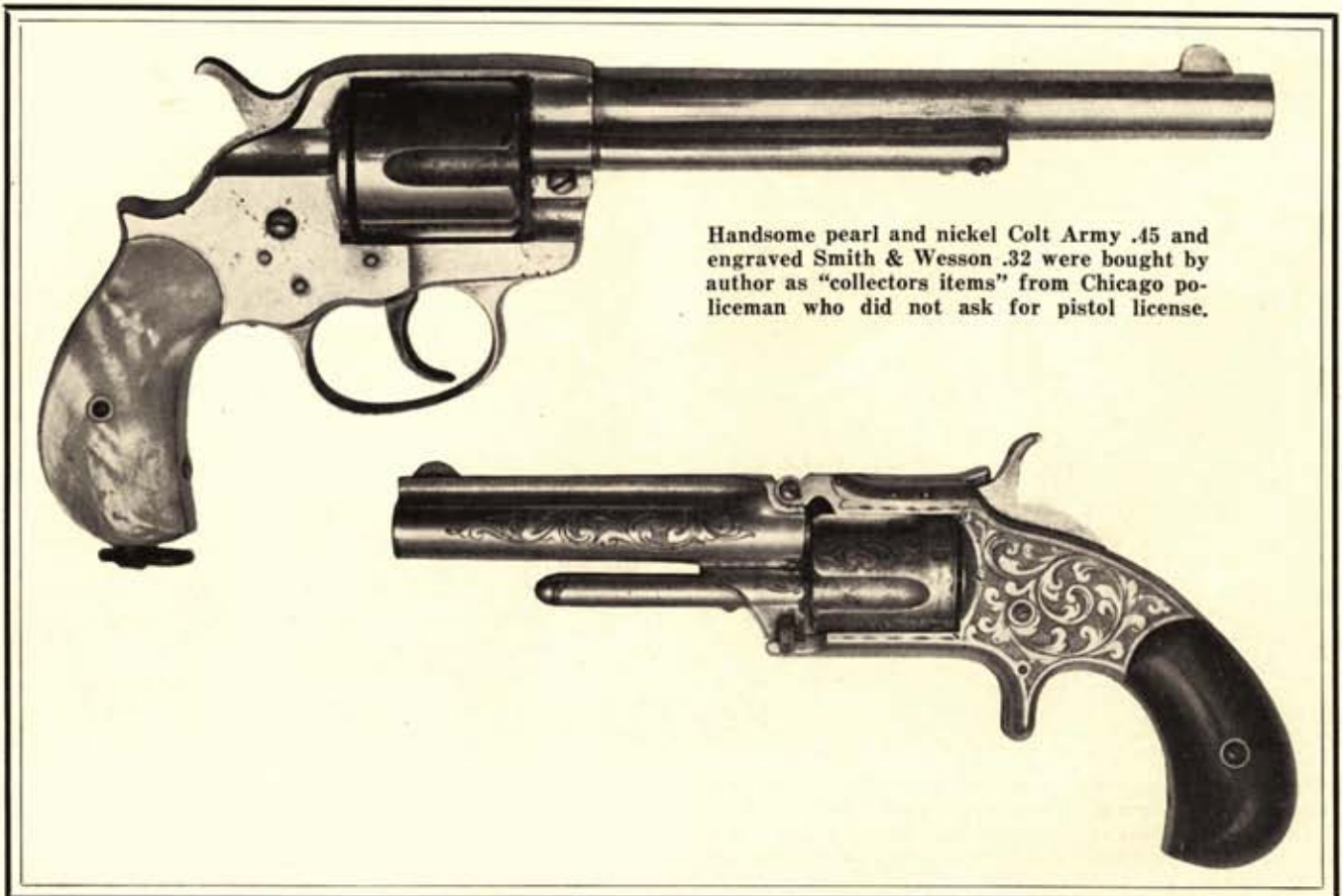


Heyday of gangsterdom culminated in 1934 crime wave when sawed-off shotguns and stolen government .45's contributed to enactment of sensational anti-gun laws. Honest citizens were disarmed but hoods neglected to obey laws.

# Have a PRO Gun Law?

**T**HE ANTI-GUN LAWMAKERS are having a brisk season for 1957. With the practical nature of Andrew Volsteads and the subtlety of Carrie Nations they have attacked the root of all evil and the ills of mankind by the simple expedient of trying to take away all guns. Recently proposed Treasury regulations came close to this ideal; they could have destroyed the firearms industry and the shooting sport. Under the guise of protecting the people, these makers of rules who push anti-gun bills such as these are forging weapons, not into ploughshares, but into an iron collar of restraint, worthy of a fascist state.

Year by year more anti-gun laws are proposed. Meanwhile, pro-gun collectors and shooters are mollified by the excuse "these laws are thought up by well-meaning, innocent do-gooders." Certainly a few anti-gun advocates may seem to be well-intentioned, but let's look at "well meaning" legislators in the forefront of anti-gun legislation.



Handsome pearl and nickel Colt Army .45 and engraved Smith & Wesson .32 were bought by author as "collectors items" from Chicago policeman who did not ask for pistol license.





Guns with numbers ground off like Colt DA .38 (left, top) were among lot of surplus Philadelphia crooks' guns sold to dealers. Number listed on tag is not serial number but assembly number taken from latch. Police broke Federal law by sale.

Most guns destroyed by police are junky top breaks. Good Colts, Smiths, are often kept or sold to officers' friends.



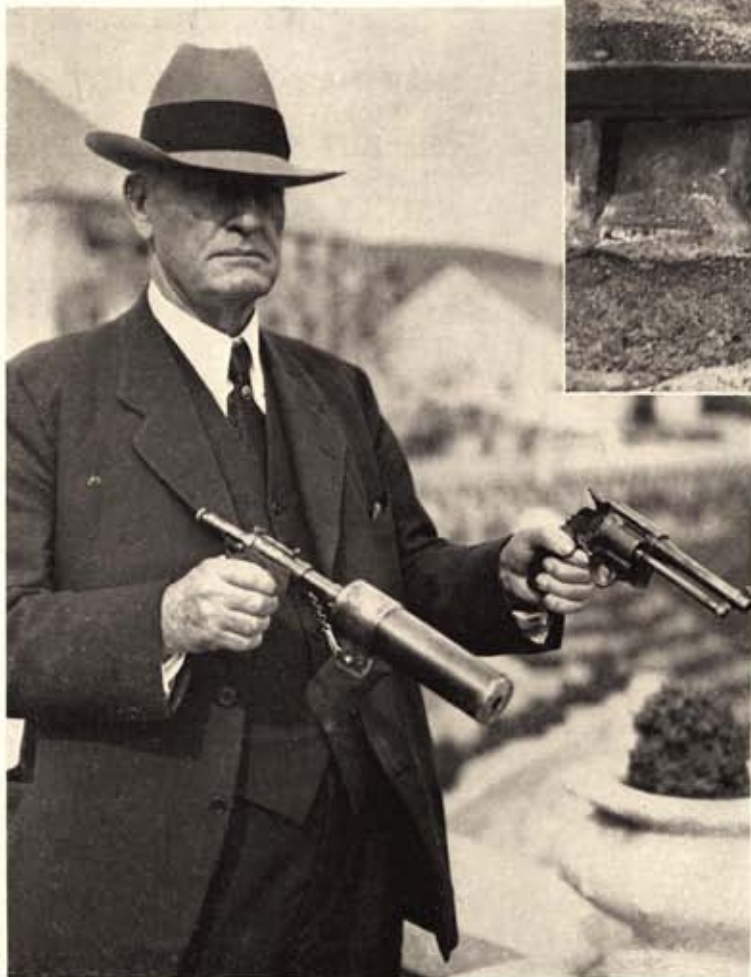
Take a good look at genial, charming, personable "Big Tim" Sullivan, who disarmed the citizens of crime-ridden New York in 1911 with the granddaddy of anti-gun laws, then went mad the following year and was confined. Says the biographical dictionary, "Vice and crime were carefully organized in his territory and paid graft to his machine, as did many lines of legitimate business, including push-cart peddlers . . . When charged with grafting, or partnership with crime and vice, he could rise in the [New York state] Assembly or on a campaign rostrum and, by telling the story of his tenement boyhood and the sacrifices of his mother, reduce even hardened political opponents to tears . . ."

"Big Tim" was of the cloth of Adolph Hitler and the spellbinders of the ages. Election fights which stimulated the public pulse in those days hampered Big Tim's grasp on politics. So he pushed through a law requiring everyone in New York state to get a police permit to buy or possess a pistol or revolver. Sullivan knew he could control the police. This meant that when Sullivan's boys went on their ballot-box stuffing sprees, they could be reasonably sure of having no opposition. Big Tim was not a "well-meaning legislator" in his pistol law ideas. The Sullivan law weakened the opposition, sweetened the Tammany kitty. Anti-gun bills are a popular stepping stone to political fame, and many in the anti-gun ranks share "Big Tim's motives.

A most ironic instance of the do-good legislator at work occurred in Connecticut last spring. A brutal murder of two people incensed the public against guns and a fantastic spate of 24 anti-firearms bills was put into the mill,



Bundle of Daisy air rifles is gaily hurled into Gary furnace by Chicago captain J. J. Walsh disposing of 2600 "hoodlum" guns. Yet crooks find guns available even under police guard, such as two pistols used in San Quentin break attempt (below).



Disproportionately large numbers of harmless air rifles and sporting shotguns are disposed of as "criminal type" weapons. Inventory of Civil War muskets and old single shot Springfields is dumped overboard by police into New York harbor.



including the demand to register every pistol or revolver in the state. This is a common form of anti-gun bill, though just what it is supposed to accomplish is not clear. According to Fred A. Roff, Jr., of the Colt's gun company, the criminal committed the murders with a *registered* revolver. And the criminal was already a convicted felon.

Outlawing guns is impossible. The police themselves are often a source of pistols to people who do not bother with licenses and permits. I bought seven revolvers including a Colt DA M1878 .45 revolver and a small engraved Smith & Wesson .32 from one Chicago policeman, who did not want to insult me by asking for a permit. Though I bought them as "collector's items," they had been confiscated by the officer in the normal course of his work. He was logical in selling the guns to me, knowing me to be a gun collector; yet "Confiscated guns must be destroyed according to law," declares Chicago police commissioner T. J. O'Connor.

Another gun which came my (Continued on page 52)



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## WHY NOT HAVE A PRO GUN LAW?

(Continued from page 25)

way from a policeman violated state and federal law. It was a .38 Smith & Wesson with numbers ground off that once belonged to the famous kidnapper "Machine Gun" Kelly. The gun was taken from one of Kelly's gang by then-detective Charles Zimmerman, later Buffalo, New York, chief of police. When he retired to California, Zimmerman kept the gun in memory of a high point in his career. His widow sold it to me as a collector's item. According to the Penal Law, section 1899, State of New York, "firearms and other enumerated dangerous weapons (confiscated in criminal proceedings) must be either destroyed or retained by the Police Department. . ." Evidently in New York, as in other places, there are two kinds of law—one for the police, and one for civilians. Federal law was also violated by Zimmerman by retaining a gun from which a number had been erased, and by transporting it across a state line.

While cops claim they can curb crime by taking away all guns, and the pro-gun guys come back with worn-out cliches such as "with what gun did Cain slay Abel," the realities are that not even law enforcement agencies agree on what should be done with confiscated guns.

"The Los Angeles Police Department complies with law by dumping these guns into the deep waters of the Pacific ocean each year on July 1st," says A. C. Hohmann of Los Angeles. But in Boston, the Commissioner of Public Safety "may sell or destroy the same, and in case of a sale . . . shall pay

over the net proceeds to the Commonwealth." In Washington, D. C., "Pistols, machine guns, etc., are either destroyed or transferred to the regular inventories of Federal or District government agencies," reports Inspector Earl Hartmen, property clerk. Yet by stealing from government sources alone, criminals get nearly half the guns used in crime.

Philadelphia police recently made a smart, money saving move, which implicated the city government, common carriers, several gun dealers, and numerous other people, in a violation of the Federal Firearms Act. Procurement commissioner Michael Sura decided that some confiscated Philadelphia police guns were worth money. He "scored up 2,662 weapons which technically belonged as evidence from past trials and arranged . . . with the Courts to offer them at public sale," wrote David O. Moreton in the May issue of Law & Order, the police monthly magazine. These guns were bid in by a New York gun dealer. Commissioner Sura thriftily saved Philadelphia nearly \$10,000 in trade for new police equipment, yet demonstrated strikingly the logical inconsistency of the police attitude toward firearms. And he helped many people violate the federal law.

The 1938 Federal Firearms Act states: "It shall be unlawful for any person to transport, ship, or knowingly receive in interstate or foreign commerce any firearm from which the manufacturer's serial number has been removed, obliterated, or altered, and the possession of any such firearm shall be pre-

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sumptive evidence that such firearm was transported, shipped, or received, as the case may be, by the possessor in violation of this chapter." In this lot of guns were many with numbers ground off, and everybody from Commissioner Sura, to the common carrier, to the New York dealer, to final owner may have violated federal law during their possession, transfer, shipment, or receipt of such firearms as the New Navy .38 Colt revolver illustrated, from which the serial numbers have been erased. Yet the sales and transfers in themselves were lawful transactions.

What, then, of the overall value of federal anti-firearms legislation? Has Congress any reason to make laws restricting the possession and use for lawful purposes of any kind of firearm? The answer is, no. But they are able to restrict guns by exercising a highly valued privilege of Congress, to raise and collect taxes. Congress has tried to "control" guns by excessive taxation.

Most of us agree that to provide for the common defense, to run our government, we must pay taxes. We should naturally expect to give the government considerably more in tax money than the costs of accounting and collecting this money, so there will be a little left over for housing, defense, public works, welfare and social security, veterans' compensation, and other needs. But Congress' anti-gun laws cost the people more to administer than they bring in.

The Treasury handles Congress' gun-taxing laws because Congress has prohibited itself from making gun-restricting laws by saying in the Constitution's second amendment that "A well regulated militia being necessary for the security of a free state, the right of the people to keep and bear arms shall not be infringed." Contrary to what some of the more rabid pro-gun guys claim, this does

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not mean that everyone can go around carrying a gun. It does not mean that everyone cannot go around carrying a gun, either. The application of its meaning is in the expression "well regulated militia." The National Guard is not a (Constitutional) "well regulated militia;" it is part of our U. S. Army organized reserve forces. The militia ideas of the framers of the Constitution opposed the existence of a standing army. Formal expression of the militia concept was set forth in "Plan for A Militia" published in London in 1745 by a Colonel Martin. The ideas in this little book had much to do with the phrasing of the 2nd amendment.

The army cost too much, said the Colonel; militia would be cheaper. "No mercenary army [Martin's word for "professional" or "standing army"] which this nation can support without becoming bankrupt, is sufficient for its security against foreign invasion; yet a national militia is capable of defending it with great certainty, and little expense." The militia included "the military service of all men capable of bearing arms, from the age of 18 to that of 50 years; except such as may be exempted by law . . ."

OVER A century later, the militia term held the same meaning. In Wilhelm's Military Dictionary (1881) under "Militia" is the explanation, "The laws of the United States require the enrollment into the militia of all able-bodied males between the ages of 18 and 45 years, with certain exceptions according to law (such as judges, clergymen, doctors)." And at that time, "The organized militia of the United States numbers 125,906 men, the number of men available for military duty unorganized, is 6,598,105." Out of a population in 1881 of 50,000,000, the figure compares well today with our 18,000,000 licensed hunters with a national population of 170,000,000. Our shooters are our "militia;" our hunters, smallbore rifle shooters, target pistol marksmen, shotgunners, gun collectors, all are members of the militia of the United States.

But according to decree of the Courts, "militia" is said to mean only the "National Guard." And the pro-gun guys who smart under the edict that no anti-firearms laws have invaded the rights of citizens as embodied in the second amendment, flinch as the National Guard status is waved in their



Even enthusiastic pro-gun guys agree pistol in book is evidence of bad intent.

faces. They can flinch even more, for the term well-regulated, though not relating to the National Guard, did mean that guns were to be kept in an armory. The militia idea definitely regulated guns. When the militia companies were organized, "the government may send to every captain for each man so enrolled a good firelock (smoothbore flintlock musket) . . . and during every captain's possession of the arms, each is to be allowed an armorer to keep them clean . . . The captain, not the individual militiaman, was to keep the "firelock."

These two aspects of the much-mooted Second Amendment have caused conflict. The word "militia" does refer to everyone between 18 and 45 or 50 years of age. But secondly, the amendment does not say that "everybody ought to carry a gun." The first point, that the "militia" includes everyone, is a score for the pro-gun crowd; the second point favors the anti-gun lawmakers by proposing storage of arms in a government armory.

But there is one more point, the heart of the controversy, for the amendment does not really relate to the concept of the "militia," nor to the "security of a free state," but specifically to the "right of the citizen to keep and bear arms shall not be infringed." Stress that word "right," for it applies to all citizens. It is not a limitation on the states, as many examiners of constitutional doctrine generally observe. If it were, it would have been written "the right of the states to raise citizen militia to keep and bear arms shall not be infringed." The Bill of Rights refers to the citizens. Clearly, the

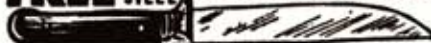
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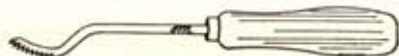
Second Amendment means what it says. Court decisions which affirm that an anti-firearms law is "constitutional" because it doesn't prevent the National Guard from carrying pistols are clearly legalistic nonsense: the National Guard is not "militia."

**T**IMES CHANGE. The National Guard is indispensable to our pattern of national defense. The "militia" today consists of 20,000,000 gun owners. They face a very real problem, the present and future trend in anti-firearms legislation. Basic rights are infringed, and the national security has been placed in danger by anti-gun laws.

Instead of implementing the Second Amendment, making sure that every man of the "militia" knows how to shoot his "firelock"—or Krag, or Springfield, or M-1, or BAR, or full-auto M14 and M15 rifles—government has used excessive taxation to prohibit using modern military rifles for lawful purposes, and has killed the domestic manufacture of machine guns for defense. American soldiers are dead today because we did not have enough machine-firing weapons to give them on Bataan and Corregidor. The National Firearms Act (of 1934, amended 1954,) was to blame. Then-attorney general Homer Cummings, after one world war and a dozen minor wars in his lifetime, still believed in 1934 that we would have no more war (it was outlawed by the League of Nations) and there was no need for guns. Then 1940 found us drilling recruits (who had never seen a gun) to fight a machine-gun blitzkrieg, and the army didn't even have guns to give them for drill. The concept of "pre-induction training" in marksmanship was a flame nurtured by a tiny group of shooters in the National Rifle Association, men who knew the truth. Nobody would listen, though they preached the doctrine that rifle shooting is fun, as well as a duty of the citizen.

Even the army has fallen for the anti-gun line. After spending 13 years and great expense in developing a full-auto infantry rifle, the M14, Ordnance has come up with a dilly; the M14 as issued will be semi-automatic only, no advance over the M-1! By substituting a few parts the modern militiaman's "firelock" can be made full-auto—but how do you convert an ordinary G.I. into

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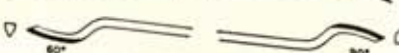
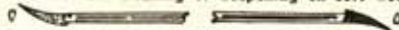
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In a second instance, the Federal Firearms Act has been so badly written by law cranks (not gun cranks) that petty men with grand visions have seized on it as a stepping stone to power, and the abuse of the public. This mumbo-jumbo of commerce-regulating law hinders the legitimate dealer and manufacturer in guns—would, if proposed regulations went into effect, put gunmakers and dealers out of business. A house of cards, the law regulates the business of firearms making and selling, but carefully avoids the main fact, that of making a criminal's use of a gun unprofitable.

These new regulations include, for example, the requirement that records be kept permanently by the dealer or gunmaker, for the life of the business, or the duration of his successors. Records, in brief, to be kept in perpetuity. Says R. E. Train, assistant to

the secretary of the Treasury, in a June 10, 1957 letter to Senator Homer Capehart, "Section 177.51 requires each licensed manufacturer or dealer to maintain records reflecting the receipt and disposition of all firearms. These records are required to be preserved permanently until the licensee or its successor in interest discontinues business. The present regulations provide for the maintenance of such records, but only for six years. The statute itself (15 U.S.C. § 903 (d) provides that 'dealers shall maintain such permanent records of importation, shipment, or other disposal of firearms and ammunition as the Secretary of the Treasury shall provide.'

"This section of the proposed regulations which is being widely objected to as imposing a new and unreasonable burden would seem to be clearly required by the words of the statute itself," continues Mr. Train in his opinion to Senator Capehart. "Actually," says Train, "the main difference between the old regulations and the new would seem to be that at the present time these records need only be kept for six years rather than permanently."

ALTHOUGH there is no reasonable explanation offered as to the value of records of a gunmaker kept permanently, nor is it stated who will be able to afford the tremendous cost of searching these records, citizen Train is obviously at fault in his semantic logic. "Permanent records" does not nor has it ever been intended to mean "keeping records permanently, in perpetuity." A permanent record is, if we take Webster for the meaning, one "not subject to fluctuation or alteration." In the statute quoted by Train,

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the word "permanent" modifies "records" as an adjective. The new regulations twist it into an adverb, "permanently," which modifies the verb of "keep." Now, does the Treasury want records kept in permanent-type ledgers, available for inspection as required for normal income-tax purposes, or does it want records kept on any old scrap of paper, or in the mind of the dealer, but retained by him for all time? One or the other, but not both, is the meaning of the statute. And once "permanent records" is allowed to mean "records kept permanently," every industry in the U. S. which keeps records, every businessman, every tax payer, every citizen, who should keep records in permanent form for, say, the statutory six or seven years, will have to keep records as long as they are in business, as long as they are taxpayers, as long as they are alive. Why?

This Firearms Department is an odd offspring of an abortive push to get rid of all crime, by getting rid of all guns. The pillars on which it is propped are the National act of 1934 and the Federal act of 1938. Both are ostensible revenue-raising acts. Under the National act in 1955-6, \$11,000 was taken in from transfer and registration fees, penalties and fines. During the same period, the Alcohol & Tobacco Tax Unit of the Treasury (which contains the Firearms Department) spent an amount which the ATU director refused to reveal, though it must have run into the hundreds of thousands of dollars. In one instance, in downstate Illinois, ATU agents spent five years in "getting" one machine gun collector. When brought to trial, penalties could have totalled 18 years and \$45,000. Charitably, the judge gave a token

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fine of \$100, exacted no court costs, thereby apparently expressing his belief that the government's case was a waste of time. In the Southern District court in California, a Culver City dealer, harrassed by ATU agents on direct orders from Washington, spent over \$1000 fighting an action brought by the government because he sold antique curio pistols known as "Chicago Protector Palm Pistols." Firing an unobtainable .32 Extra Short Rim-fire cartridge, the gun was argued to be a violation of the National machine gun act by another one of those odd twists of meaning which the Treasury seems to enjoy. The court, however, tossed out the case.

Since the Alcohol & Tobacco Tax Unit also is supposed to catch bootleggers, and is ordered to apprehend criminals engaged in dope peddling, every minute spent on anti-gun foolishness is so much time taken away from their legitimate business. Distilling illegal alcohol is said to be the second largest illegal industry in the U. S. And in the time it takes one ATU man to "get the dope" on an otherwise honest gun-law violator (they don't prove many cases), a narcotics pusher can suborn your boy or your girl into a life-wrecking habit.

Today, right now, there exists crying need to enact constructive legislation in the field of firearms law. Repealing existing laws is a must. Reenacting some provisions of existing laws, together with a look at the "mandatory sentence," should come next. Judges and juries are reluctant to convict when stiff mandatory sentences are in sight. But let the punishment fit the crime . . . say two to five years in addition to the specific charge, if the crime was committed while carrying a gun, would be workable. Don't exempt shotguns and rifles from penalties for criminal use, but don't aim "anti-gun" laws at any gun just because of its fancied "criminal-type" nature. Yesterday's terror weapon is tomorrow's collector's prize. There should not exist any legislation prohibiting any citizen from using any type of firearm, including machine gun, muffler or silencer, or Buck Rogers ray gun, for any lawful purpose. But if anyone steps out of line with a gun, throw the book at him!

Enact legislation to put some "teeth" into the militia concept, too. Work on that "militia" idea, and while we cut defense spending by the billions, let's up it a few millions  
(Continued on page 62)

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in the direction of the citizen soldier. Instead of trying to cut out the Army Director of Civilian Marksmanship's puny appropriation of \$300,000 in the false interests of economy, stick a couple of extra zeroes on it, and make military small arms and ammunition available in plenty for rifle club members on approved ranges. Drop some added cash into the federal school aid program, and build decent shooting ranges as elements in the overall sports program. Get the states interested in making the sport of shooting a part of every day of life in the towns, on campus. The cadre of instructors available, free, from the membership of the National Rifle Association, the U. S. Revolver Association, the National Skeet Shooting Association, the Amateur Trapshooter's Association, the National Muzzle Loading Rifle Association, the National Single Shot Rifle Association, and many more clubs, shooters' and collectors' organizations all over the nation, can really implement that Second Amendment if we have positive firearms legislative thinking, instead of negative, false, destructive attitudes.

What you can do is twofold: first, write immediately to the Director, Alcohol & Tobacco Tax Unit, Bureau of Internal Revenue, Washington 25, D. C., and give him the benefit of your views of the proposed new regulations. Copies of these regulations can be found in any public library in the May 3, 1957 Federal Register. If you are against the rules, say so. Your letter must be in duplicate.

Second, write to your Senators and Congressmen, in Washington and in your State capital. Tell them what kind of gun laws you think are needed to prevent crime, and what kind of laws you want to see enacted to make your sport of guns and shooting one that will not be taken from you. And consider also your rights, as a citizen under this Constitution. Tell your Congressman about those rights, too. He knows about them, but it is always refreshing to a legislator to have matters called to his attention anew by the people who voted for him. Send a copy of your letter to Guns Magazine for reference. We'd like to know your ideas on constructive firearms legislation. Urge the formation of a Congressional committee to recommend good gun laws.

There are plenty of advocates of anti-gun legislation. The results have been many: national weakness and disarmament, increased crime, novel forms of corruption and graft, political hysteria controlled for selfish political purposes, and manifold invasions of the rights of citizens. After all, why not have a pro-gun law?

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