

# The Ford Administration and Gun Control: A Moderate Conservative's Road to Nowhere

Christopher Haughey

In the spring of 1975, with the next presidential election quickly approaching, Gerald Ford's administration began to feel pressure from both ends of the political spectrum to define its stance on gun control legislation. With violence – particularly gun violence – on the rise, Ford realized he needed to lead an effort to create new gun laws in order to curb the increasing crime rate. As the Treasury Department explained that April, “recent estimates place the number of handguns in America at about 40 million while deaths by handguns have increased almost 50 percent in the last decade.”<sup>1</sup> Cheap, small, and easily concealable handguns, nicknamed Saturday Night Specials, were a major reason why “the rate of serious crime increased faster in 1974 than in any year since the FBI started keeping statistics.”<sup>2</sup> On May 22, 1975, Jim Cannon, a chief advisor to President Ford, wrote to the President to explain that from a study of 4,537 handguns used in violent crimes in four major cities in 1974, seventy percent of the handguns used were Saturday Night Specials.<sup>3</sup> In order to combat this rate of violence, the Ford Administration proposed several different solutions to the problem. In the midst of the upcoming 1976 presidential election, pressure from the increasingly powerful and conservative National Rifle Association (NRA), and advocacy from both conservative and liberal Americans and members of Congress, President Ford sought to find middle ground in the gun control debate.

The time period of the early to mid-1970s is paramount to understanding the full history of the debate over gun control legislation

<sup>1</sup> Statement of David R. MacDonald before the Subcommittee to Investigate Juvenile Delinquency, April 23, 1975, Box 3, Folder 25: Crime, O'Donnell and Jenckes Files, Gerald Ford Presidential Library.

<sup>2</sup> Memorandum to the President from Jim Cannon, May 22, 1975, Box 9, Folder 100: Crime, Message to Congress (1), Philip W. Buchen Files, Gerald Ford Presidential Library.

<sup>3</sup> Ibid.

in America. President Ford had inherited a Presidency tainted by the Watergate Scandal, which he only amplified by quickly pardoning Richard Nixon. Meanwhile, a Democratic Congress interested in retaking the White House pressured him from the left while Ronald Reagan and a recovering conservative movement pressured him from the right.<sup>4</sup> Ford himself was a moderate Republican faced with a quickly rising crime rate that had guns as the common denominator. Therefore, President Ford needed to act effectively with both sides of the political spectrum to please as many people as possible on the issue of gun control in order to curb the crime rate, gain political allies, and win the next presidential election. Throughout 1975, the Ford Administration conducted a copious amount of research to gauge both the public and politicians' stances on new gun control policies. Furthermore, it analyzed the best ways to reduce gun violence through a middle-of-the-road approach. But by 1976, the bill the Ford Administration put forth to try to end violent crime committed with Saturday Night Specials failed in Congress. A similar bill proposed by the House also did not get signed into law. These legislative defeats signified the changing tides within Washington with regard to gun control that effectively ended the progress that was made with the 1968 Gun Control Act.

There exists a significant gap in historical literature on gun laws in the United States between the 1968 Gun Control Act and the 1977 Revolt in Cincinnati, where the NRA transformed itself from a hunting organization into a fierce Second-Amendment-defending lobbying firm. Many scholars fail to adequately assess the intervening years between these two events, and as such fail to illustrate how the debate over Saturday Night Specials during Ford's Presidency irrevocably altered gun control legislation. For instance, in Michael Waldman's historical account on the interpretation of the Second Amendment and gun control, *The Second Amendment: A Biography*, he denotes only a short paragraph to the debate on Saturday Night Specials and its impact.<sup>5</sup> While he is correct in explaining that support for a Saturday Night Specials ban by factions of the NRA "set in motion forces that would supplant that grinning hunter in the NRA's pantheon of acceptable images,"<sup>6</sup> which the Revolt in Cincinnati finalized, his brief mention of this debate within the NRA and throughout the United States can be extrapolated to further develop the historical narrative of gun control and how it has affected present day politics. Waldman is not alone in this omission, as multiple authors on the subject of the history of gun control have also neglected to highlight the importance of the debate

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<sup>4</sup> Letter to President Ford from Max Friedersdorf, June 19, 1975, Box 11, Folder 10: Crime and Gun Control, Max Friedersdorf Files, Gerald Ford Presidential Library.

<sup>5</sup> Waldman, Michael. *The Second Amendment: A Biography* (Simon and Schuster, 2014), 92.

<sup>6</sup> Ibid.

over gun legislation in the earlier 1970s and its consequences.<sup>7,8</sup>

This essay aims to better develop this history by analyzing the shortcomings of the Ford Administration and how the debate over Saturday Night Specials during Ford's presidency ended an era of hope for gun control proponents and sparked a conservative coalition that has dominated the debate through the present day. President Ford's misguided ambition to keep the middle road in this debate to try to satisfy both liberals and conservatives prevented any legislative progress in federally restricting the sale of Saturday Night Specials. Furthermore, the success the gun lobby enjoyed from President Ford's failure solidified the initiative of significant factions of the NRA to transform itself into the main defender of the Second Amendment in national politics. Without the defeats of the Ford Administration and other liberal and moderate proponents of ending the sale and manufacture of Saturday Night Specials, the progressive spirit that the 1968 Gun Control Act instilled in American politics towards gun legislation would not have collapsed.

## Background Politics and the State of Public Opinion

In the mid-1970s, the discussion of gun control was as divisive and impassioned as it is today. The main gun control law in place at the time was the 1968 Gun Control Act, enacted by Congress on October 22, 1968, after the deaths of President Kennedy, Robert Kennedy, and Martin Luther King, Jr.<sup>9,10</sup> The 1968 Act banned mail-order purchasing of guns except antiques, mandated licensing of individuals and businesses who partook in the selling of firearms, and made inter-state trade of firearms more difficult.<sup>11</sup> At the time of the passage of the 1968 Gun Control Act, the Vice-President of the National Rifle Association, Franklin Orth, stated about the law's ban on mail-order guns, "We do not think that any sane American, who calls himself an American, can object to placing into this bill the instrument which killed the President [Kennedy] of the United States."<sup>12</sup> Only six years later, however, the NRA would come to regret its stance on the Act and would be an ardent opponent to any further legislation promoting gun control. Furthermore, by the mid-1970s, the 1968 Act proved to not be enough to stop violent crime committed with guns,

<sup>7</sup> Winkler, Adam. *Gunfight: The Battle over the Right to Bear Arms in America* (New York: W.W. Norton & Company, Inc., 2011), 253.

<sup>8</sup> Spitzer, Robert. *The Politics of Gun Control* (Chatham: Chatham House Publishers, 1995), 113-126.

<sup>9</sup> 1968 Gun Control Act Text. U.S. Government Publishing Office. <http://www.gpo.gov/fdsys/pkg/STATUTE-82/pdf/STATUTE-82-Pg1213-2.pdf>

<sup>10</sup> Waldman, *The Second Amendment*, 83.

<sup>11</sup> 1968 Gun Control Act Text. U.S. Government Publishing Office. <http://www.gpo.gov/fdsys/pkg/STATUTE-82/pdf/STATUTE-82-Pg1213-2.pdf>

<sup>12</sup> Waldman, *The Second Amendment*, 88-89.

specifically Saturday Night Specials, and its shortcomings opened the door for an entirely new debate on gun control legislation.

Ken Cole, Assistant to President Ford on Domestic Affairs, outlined in a memorandum to the new President in late 1974 the history of gun control legislation during the 1960s and under President Nixon. He explained in regards to the 1968 Act, “public support for some sort of gun control touched eighty percent;” therefore, “the gun lobby was unable to stop the passage of the Act.”<sup>13</sup> The gun lobby, however, was able to water the Act down by making it only “purport to establish minimum Federal requirements for gun ownership because the only Federal requirement of a dealer prior to sale is that he ask the intended buyer if he fits any of the outlawed categories.”<sup>14</sup> This was an extremely soft alternative to registration and licensing of all gun owners. Therefore, the 1968 Gun Control Act had virtually no effect on gun sales or violent crimes involving guns.<sup>15</sup>

On August 9, 1972, Senator Roman Hruska, a staunch conservative, and Senator Evan Bayh, a Democrat, introduced a bill to better regulate Saturday Night Specials; it passed the Senate by a vote of sixty-eight to twenty-five.<sup>16</sup> The bill sought to apply the same standards to domestically-made Saturday Night Specials that had been applied to foreign-made ones since the passage of the 1968 Gun Control Act.<sup>17</sup> However, by the time the bill came to the House of Representatives, “the election season was too close at hand and not only did it never get reported from Committee, Senators stopped calling for its passage, and [the Nixon Administration] worked quietly to oppose it.”<sup>18</sup> Therefore, by 1975, the issue of Saturday Night Specials still had not been properly addressed.

Indeed, the issue of Saturday Night Specials became an increasingly pressing problem, and one that attracted intense opinions from all sectors of the American public. By 1975, Gerald Ford received hundreds of letters from concerned citizens on both ends of the debate on Saturday Night Specials. The authors of many of the letters included gun rights advocates

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<sup>13</sup> Memorandum to the President from Kenneth Cole on Firearms, September 6, 1974, Box 26, Folder: Judicial and Legal Matters- Crime (1), Presidential Handwriting File, Ford Presidential Library.

<sup>14</sup> Ibid.

<sup>15</sup> Ibid.

<sup>16</sup> Text of Bayh-Hruska Bill, *Pro-Quest Congressional*, <http://congressional.proquest.com/congressional/result/congressional/pqpdocumentview?accountid=14667&groupid=95663&pgId=43ea48f6-1a25-4158-8544-ef8aa8bcadc7&rsId=1507E6BD87B>

<sup>17</sup> Ibid.

<sup>18</sup> Memorandum to the President from Kenneth Cole on Firearms, September 6, 1974, Box 26, Folder: Judicial and Legal Matters- Crime (1), Presidential Handwriting File, Ford Presidential Library.

and even school children from Grand Rapids, Michigan.<sup>19,20</sup> The messages in these letters made it clear that the debate over gun control did not break down by generational or regional lines.<sup>21</sup> In one of the oddest letters President Ford received, a Reverend named Darwyn Hassert advised him of the Biblical message of the right to bear firearms. The Reverend wrote, “What most Americans do not know is that the Second Amendment to the Constitution is explicitly taught in the Word of God. Notice Luke 22:35-38.”<sup>22</sup> From these letters, it became evident quickly to the Ford administration that Saturday Night Specials and gun control in general were a divisive topic for Americans and would become a focal issue for him to act on if he wanted to win the next presidential election.

On June 5, 1975, a Gallup Poll reported that the “public overwhelmingly [favored] registration of all firearms.”<sup>23</sup> Based on two nationwide surveys of adults, interviewed in person in more than three hundred localities, sixty-seven percent of the nation favored registration of all firearms, which was, as the poll explained, “consistent with Gallup surveys over the last three decades, which [had] shown similar majorities supporting such legislation.”<sup>24</sup> More dramatically, “a majority of persons living in high crime areas – large cities and in the East – would go so far as to ban the possession of handguns by anyone except the police or other authorized persons.”<sup>25</sup> But outside of high crime areas, the East and the nation’s largest cities, the Gallup Poll explained, “all major groups oppose the banning of handguns, with two exceptions; among women and persons with a college background, opinion is closely divided.”<sup>26</sup> Fifty-four percent of non-gun owners also agreed that there should be a law forbidding possession of handguns.<sup>27</sup> Lastly, the poll showed that six in ten households did not own a gun.<sup>28</sup> This poll highlighted the fact that the debate over gun control was both a divisive and a significant issue to many Americans. The federal government therefore had the task of constructing legislation that would solve the tangible issue of violence while simultaneously maintaining the support of this fractured opinion shift.

<sup>19</sup> Letters to President Ford, Box B80, Folder 35: Gun Control, President Ford Committee Campaign records, Gerald Ford Presidential Library.

<sup>20</sup> Ibid.

<sup>21</sup> Ibid.

<sup>22</sup> Letter to President Ford from Reverend Darwyn Hassert, October 9, 1973, Box 15, Folder 50: Firearms, Gerald R Ford Vice Presidential Papers, Gerald Ford Presidential Library.

<sup>23</sup> Gallup Poll, June 5, 1975, Box 9, Folder 450: Crime (1), James M. Cannon Files, Gerald Ford Presidential Library.

<sup>24</sup> Ibid.

<sup>25</sup> Ibid.

<sup>26</sup> Ibid.

<sup>27</sup> Ibid.

<sup>28</sup> Ibid.

Up until this point, Congress had enacted few laws intended to regulate Saturday Night Specials and the possession of other guns. As Phil Buchen, a member of the White House Counsel, explained in a memorandum to Ken Lazarus, the Assistant Counsel to President Ford, federal gun control laws “banned importation of ‘Saturday Night Specials’ under a set of defining standards.”<sup>29</sup> Furthermore, “manufacturers [had to] place a serial number on each weapon” and “keep a journal of the identities of buyers of their weapons.”<sup>30</sup> In addition, retailers were not allowed to knowingly sell firearms to “youths, non-residents of the dealer’s state and other proscribed categories of purchasers – convicted felons, persons under indictment, mental defectives, drug users, certain aliens, and persons who have renounced their citizenship.”<sup>31</sup> Any person who used a firearm to commit any federal felony received an additional one to ten years on their prison sentence.<sup>32</sup> A second conviction under the provision carried a mandatory minimum sentence of two years and prohibited any judge from suspending the sentence or placing the defendant on probation.<sup>33</sup>

Despite the various gun laws in the books before 1975, these regulations had substantial loopholes that led to controversies under the Ford administration. First of all, as Ken Lazarus explained in a memorandum to Phil Buchen on June 3, 1975, “federal dealer licenses [could] be obtained by persons who [were] not bona-fide dealers in weapons.”<sup>34</sup> Furthermore, it was difficult for the government to determine if the dealer “knowingly sold a weapon to a member of one of the prohibited classes of persons.”<sup>35</sup> Third, “there [was] little control on sales of weapons after the first sale by a dealer.”<sup>36</sup> Lastly, and in regards to Saturday Night Specials specifically, current law prohibited the importation of assembled Saturday Night Specials, but it did not prohibit “the importation of their parts for assembly domestically.”<sup>37</sup> According to the Bureau of Alcohol, Tobacco, and Firearms (ATF) in 1975, there was a serious “absence of an effective statutory means to prosecute and punish felons and other dangerous persons for the possession and use

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<sup>29</sup> Memorandum to Ken Lazarus from Phil Buchen, June 3, 1975, Box 9, Folder 100: Crime Message to Congress (2), Phillip W. Buchen Files, Gerald Ford Presidential Library.

<sup>30</sup> Ibid.

<sup>31</sup> Ibid.

<sup>32</sup> Ibid.

<sup>33</sup> Ibid.

<sup>34</sup> Memorandum to Phil Buchen from Ken Lazarus, June 3, 1975, Box 9, Folder 100: Crime Message to Congress (2), Phillip W. Buchen Files, Gerald Ford Presidential Library.

<sup>35</sup> Ibid.

<sup>36</sup> Ibid.

<sup>37</sup> Ibid.

of firearms”<sup>38</sup> because “due to the sheer magnitude of the number of licensees, it [was] impossible for the ATF to monitor each licensee and it [was] becoming increasingly difficult to maintain a meaningful and effective compliance program based upon even random or periodic inspections.”<sup>39</sup> Therefore, the need for a re-evaluation of current law became preeminent for the Ford Administration and other federal powers in order to more effectively prosecute people who broke gun laws.

## The Executive Branch Outlines Plans of Legislation

In the spring of 1975, several federal bureaus started the process of proposing a middle ground in the gun control debate that would curb the violence but also maintain conservative support. Attorney General Edward H. Levi gave a speech to the International Association of Chiefs of Police on April 6, 1975, in order to outline his department’s proposal to stop the manufacture and sale of Saturday Night Specials.<sup>40</sup> The proposal set forth would “apply only in heavily populated metropolitan areas” and would “apply only when the violent crime rate in the metropolitan area either [exceeded] the national violent crime rate by a specified percentage or [increased] a specified amount in a single year.”<sup>41</sup> When this threshold was reached, possession of handguns outside of one’s home or business as well as the sale or transfer of handguns and handgun ammunition would be prohibited.<sup>42</sup> Additionally, the law outlawed the importation of handguns into metropolitan areas.<sup>43</sup> The prohibitions under the new law, however, would not apply to law enforcement officers and other narrowly defined security personnel.<sup>44</sup> In terms of criminal penalties for violations of the proposed law, the Attorney General explained, “we have been thinking about using a civil penalty for a first offense and criminal penalties for subsequent offenses.”<sup>45</sup> Furthermore, in order to avoid “stop-and-go enforcement,” the Attorney General’s department thought that once the new federal law went into effect in the designated metropolitan area “it ought to stay in effect for a period of several years.”<sup>46</sup> Edward Levi closed his proposal by remarking, “I state that the entire idea ‘could be dropped,

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<sup>38</sup> Ibid.

<sup>39</sup> Ibid.

<sup>40</sup> Letter from Edward Levi to Phillip Buchen, March 31, 1975, Box 18, Folder 150: Gun Control (1), Phillip W. Buchen Files, Gerald Ford Presidential Library.

<sup>41</sup> Ibid.

<sup>42</sup> Ibid.

<sup>43</sup> Ibid.

<sup>44</sup> Ibid.

<sup>45</sup> Ibid.

<sup>46</sup> Letter from Edward Levi to Phillip Buchen, March 31, 1975, Box 18, Folder 150: Gun Control (1), Phillip W. Buchen Files, Gerald Ford Presidential Library.

and it may be dropped.' But I do hope the balloon will fly."<sup>47</sup>

The gun lobby and its supporters did not hesitate to denounce both the Ford Administration as a whole and Edward Levi specifically after the Attorney General announced his proposal. Only four days after Levi's speech, Senator James A. McClure, a Republican from Idaho, wrote to President Ford to outline his opposition to the proposal. McClure called the proposal, "nothing less than a declaration of war on the right of Americans to keep and bear arms."<sup>48</sup> He needed to know if "the views of Mr. Levi, either in his specific proposal or his general view of the 'universe' of gun controls, [was] the official position of the Ford Administration"<sup>49</sup> because "such an assault on the Second Amendment of the Constitution as Mr. Levi's [was] unacceptable and senseless from any quarter, but coming from a member of [the Ford] administration, it [was] a gratuitous insult to those Americans who believe in constitutional guarantees."<sup>50</sup> In closing his letter to President Ford, Senator McClure exclaimed:

In his remarks Mr. Levi says his own proposals – proposals involving what I among tens of millions of Americans see as police-state restrictions – 'are only a small part of the universe of social inventions we could design to stem the spread of firearms.' That is, at the very least, a terrifying admission. What if Mr. Levi had said, 'limited censorship of newspapers and television is only a small part of the universe of social inventions we could design to stem the spread of free speech?'<sup>51</sup>

Conservatives were not the only ones to take issue with Levi's gun control proposal. His department as well as the Ford Administration received strong criticism from gun control proponents who felt the proposal did not go far enough. On July 1, 1975, United States Representative Abner J. Mikva, a Democrat from Illinois, wrote a strongly opinionated article about his view on Levi's plan.<sup>52</sup> Mikva's main problem with the proposed law was that it established a level of crime at twenty percent above the national average that needed to be reached before the act

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<sup>47</sup> Ibid.

<sup>48</sup> Letter from Senator James A. McClure to President Ford, April 10, 1975, Box 18, Folder 150: Gun Control (1), Phillip W. Buchen Files, Gerald Ford Presidential Library.

<sup>49</sup> Ibid.

<sup>50</sup> Ibid.

<sup>51</sup> Letter from Senator James A. McClure to President Ford, April 10, 1975, Box 18, Folder 150: Gun Control (1), Phillip W. Buchen Files, Gerald Ford Presidential Library.

<sup>52</sup> Newspaper article, "Handguns: We Must Begin to Dry Up the Supply" by Abner J. Mikva, July 1, 1975, Box 9, Folder 450: Crime (1), James M. Cannon Files, Gerald Ford Presidential Library.

could take effect. Therefore, if a city had a crime rate of nineteen percent above the national average, the law would not do anything, and then, when the level of crime hit twenty percent, the law would be in effect until it went back down to nineteen percent.<sup>53</sup> Furthermore, Mikva took issue with laws that only targeted the cheap and easily concealable Saturday Night Specials instead of all handguns.<sup>54</sup> In order to tie both of these dilemmas together, Mikva stated, “there is no solace for a victim or his family in the knowledge that a bullet came from an expensive ‘Sunday through Friday’ handgun rather than a cheap handgun. And there will be no solace either in the knowledge that a deadly bullet found its mark when the crime rate was at ‘acceptable levels.’”<sup>55</sup> Lastly, Mikva saw it ineffective to ban handguns in one area, specifically metropolitan areas, but allow them to be legal in another close by because of the many ways guns could then be transported into the cities.<sup>56</sup> In conclusion of his article, Mikva declared, “we must begin to dry up the supply of handguns and give back the streets of this country to law-abiding people. To do that, we must have a ban on the manufacture and sale of all handguns.”<sup>57</sup>

Although the Attorney General faced serious opposition to his proposed law on Saturday Night Specials, his department was not alone in trying to find a solution for the gun violence in America. The Treasury Department, too, wanted to use its power in interstate commerce as a means to be involved in the process of reversing the rising rate of gun violence in America. On April 23, 1975, David A. MacDonald, the Assistant Secretary for Enforcement, Operations, and Tariff Affairs of the Treasury, gave a statement on his department’s proposed firearm legislation before the Senate Subcommittee to Investigate Juvenile Delinquency. At the time, not only was gun violence an issue generally, but federal departments also wanted to specifically curb its destructiveness in youths. MacDonald stated from the beginning that “there is no doubt, in our opinion, that the easy availability of handguns does contribute to the opportunity to commit violent crimes and thus to the frequency with which they are committed.”<sup>58</sup> However, “efforts at gun control legislation may address more of a symptom than a cause of juvenile delinquency. This is not to say that any legislation effort in this area will be fruitless.”<sup>59</sup> Furthermore, before

<sup>53</sup> Ibid.

<sup>54</sup> Ibid.

<sup>55</sup> Newspaper article, “Handguns: We Must Begin to Dry Up the Supply” by Abner J. Mikva, July 1, 1975, Box 9, Folder 450: Crime (1), James M. Cannon Files, Gerald Ford Presidential Library.

<sup>56</sup> Ibid.

<sup>57</sup> Ibid.

<sup>58</sup> Statement of David R. MacDonald before the Subcommittee to Investigate Juvenile Delinquency, April 23, 1975, Box 3, Folder 25: Crime, O’Donnell and Jenckes Files, Gerald Ford Presidential Library.

<sup>59</sup> Ibid.

discussing their proposals, the panel stressed that what they were about to state had not been cleared with the White House Counsel.<sup>60</sup>

The Treasury Department recommended a provision in the 1968 Act that would allow the Bureau of Alcohol, Tobacco, and Firearms (ATF) to inquire into each applicant's business experience, financial standing, and trade connections to determine if the license he/she was seeking would be used for the legitimate sale of firearms, similar to how the ATF determined how a business should or should not receive an alcohol license.<sup>61</sup> Furthermore, it recommended restructuring the licenses so that someone only selling ammo could not sell guns and someone only selling rifles could not sell handguns.<sup>62</sup> It also recommended raising the licensing fee so that only people who were truly serious about selling firearms would seek the license.<sup>63</sup> Lastly, the Treasury Department proposed increasing the penalty for breaking the law, such as suspension of firearms licenses and accepting monetary offers for violations.<sup>64</sup>

The Treasury Department went into depth on how to better determine a Saturday Night Special. It recommended using the "factoring criteria" in the 1968 Act to determine what is defined as Saturday Night Special gun. As outlined by the criteria, the key characteristic would be overall size: no handgun failing to meet certain minimum size standards would be acceptable for manufacture, assembly, or importation. In the cases of revolvers, a barrel length of greater than three inches would be mandatory.<sup>65</sup> In addition, MacDonald outlined a point system, which "would take into account such characteristics as size, frame construction, weight, caliber, safety features, and miscellaneous equipment" in order to determine if a gun is suitable for sale.<sup>66</sup> In closing its proposal, the Treasury Department argued for a modification of the 1968 Act "so that a mandatory sentencing provision would be applicable to first offenders as well as to recidivists," that is to say, "a mandatory minimum sentence of one year, with a discretionary five-year maximum."<sup>67</sup> Under the current law, mandatory minimum sentences had only been for second-time offenders.

After the Attorney General and the Bureau of Alcohol, Tobacco, and Firearms announced their ideas, members of the Ford Administration became next in line to create a comprehensive strategy to combat crime and gun violence. Gerald Ford made it his prerogative to tread the line

<sup>60</sup> Ibid.

<sup>61</sup> Ibid.

<sup>62</sup> Ibid.

<sup>63</sup> Ibid.

<sup>64</sup> Ibid.

<sup>65</sup> Statement of David R. MacDonald before the Subcommittee to Investigate Juvenile Delinquency, April 23, 1975, Box 3, Folder 25: Crime, O'Donnell and Jenckes Files, Gerald Ford Presidential Library.

<sup>66</sup> Ibid.

<sup>67</sup> Ibid.

between gun rights advocacy and the need to implement stricter laws and enforcement measurements in order to lower the rising crime rate. Raised in Western Michigan, President Ford grew up hunting, and had sympathy for and an understanding of the arguments gun advocates were making during the debates in the 1970s. Ford was not comfortable with stronger stances towards gun control from its proponents, even when some in his administration advocated for them, as exemplified in his personal letters<sup>68</sup> as well as in statements by the White House Counsel.<sup>69</sup> Therefore, the debate of what to do in regards to gun control became a stalemate in Ford's inner circle during the spring of 1975, and inevitably became based on political motives and finding a balance to appease a wide variety of constituents prior to the next presidential election.

The Ford Administration planned to deliver its first comprehensive proposal towards gun control on May 15, 1975, in President Ford's crime message. Because the debate over gun control was so divisive outside of and within the Administration, however, Ford's crime message had to be continually moved later and later.<sup>70</sup> Although the Ford Administration was stalling in releasing its crime message, it was not doing so idly. Top political counselors to the President met with politicians and experts in the field and corresponded with other departments in order to most effectively draft a crime message as well as subsequent legislation that would enable President Ford to act tough on crime while remaining a strong supporter of gun rights, thus exemplifying his image as a powerful executive leader.<sup>71</sup> The main priority for the Ford Administration was finding common ground with Congress so its proposed legislation would pass and therefore shed a positive light on the executive branch.

The White House Counsel saw conservative congressmen as the most important people to meet with as they could potentially support Ford's proposal despite typically opposing gun control legislation. Therefore, Ken Lazarus and Bob Wolthuis, Special Assistant to the President on Congressional Relations, met with six Republican Senators, including Jesse Helms, James McClure, Barry Goldwater, and Roman Hruska, as well as four Representatives in early June 1975. On June 19,

<sup>68</sup> Letter to Ashley Halsey from President Ford, September 14, 1976, Box 26, Folder: Judicial and Legal Matters- Crime (1), Presidential Handwriting File, Gerald Ford Presidential Library.

<sup>69</sup> Memorandum to the President from the White House Counsel, May 22, 1975, Box 9, Folder 100: Crime- Message to Congress (1), Phillip W. Buchen Files, Gerald Ford Presidential Library.

<sup>70</sup> Memorandum to White House Counsel, Spring of 1975, Box 9, Folder 150: Crime-Message to Congress (1) April 29 to May 22, 1975, James M. Cannon Files, Gerald Ford Presidential Library.

<sup>71</sup> Letters from Phil Buchen to Congressmen and others, May 6 and 21, 1975, Box 18, Folder 150: Gun Control (1), Phillip W. Buchen Files, Gerald Ford Presidential Library.

1975, Max Friedersdorf wrote a memorandum to President Ford outlining the responses the counselors received about new gun control measures.<sup>72</sup> In regards to Saturday Night Specials specifically, Friedersdorf explained, “with the exception of Senator Helms, Senator McClure, and Mrs. Holt, they all felt that the ‘Saturday Night Special’ would be a legitimate ban if it could be defined acceptably, and if the ban stopped there. Most expressed doubt that this would happen.”<sup>73</sup> Furthermore, Senator Goldwater, the staunch Conservative and former presidential candidate, “said that he was okay on ‘Saturday Night Specials.’ The others took the position that among conservatives, the gun lobby, and the gun owners, it would be perceived as only the first step towards a total ban on handguns.”<sup>74</sup> Although most of the Senators and Representatives accepted a ban on Saturday Night Specials, they almost unanimously agreed that the legislative proposal would decrease support for President Ford from the more conservative base of the Republican Party.<sup>75</sup>

The congressmen did not stop at simple discussion of the Saturday Night Specials. They also warned the counselors to the President of the tangible political backlash to such a legislative move in terms of election results, which was of paramount importance to the White House staff. Senators McClure and Helms stressed that gun control legislation would be a “very volatile issue for [George] Wallace,”<sup>76</sup> who was in the Democratic primary, and Dingell and Sikes made the same comment in regards to Reagan,<sup>77</sup> who was running against Ford in the Republican primaries. Representative Dingell, a liberal but also a gun rights Democrat, further warned that proposed Saturday Night Specials legislation would hurt the President in Western and Midwestern States in the 1976 election.<sup>78</sup> Senator Helms reportedly said, “bye-bye Jerry,” and explained, “as far as the conservative right is concerned, this would be another ‘Rockefeller appointment.”<sup>79</sup> However, the congregation of senators and representatives not only warned of the conservative backlash to the possibility of banning Saturday Night Specials, but also unanimously stressed that the ban “will not make the President any political friends in the middle and on the left

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<sup>72</sup> Letter to President Ford from Max Friedersdorf, June 19, 1975, Box 11, Folder 10: Crime and Gun Control, Max Friedersdorf Files, Gerald Ford Presidential Library.

<sup>73</sup> Ibid.

<sup>74</sup> Ibid.

<sup>75</sup> Ibid.

<sup>76</sup> Letter to President Ford from Max Friedersdorf, June 19, 1975, Box 11, Folder 10: Crime and Gun Control, Max Friedersdorf Files, Gerald Ford Presidential Library.

<sup>77</sup> Ibid.

<sup>78</sup> Ibid.

<sup>79</sup> Ibid.

[because] the proposal does not go far enough to satisfy them.”<sup>80</sup>

The congressmen also voiced their opinions in regards to the actual policy and took the time to make suggestions of how the bill should be most properly written. Representative Dingell “stressed that [the Saturday Night Special Bill] should not be in the form of amendments to the 1968 Act [because] ...the 1968 law has never really been enforced.”<sup>81</sup> Moreover, the congressmen recommended including more details on the definition of Saturday Night Specials as well as what constituted a bona fide dealer.<sup>82</sup> However, “without exception, there was strong support for the mandatory penalties provision in the message.”<sup>83</sup> Regarding Senator Hruska specifically, Friedersdorf explained that he “had no objection whatever to the substance or the merits. Ken Lazarus thinks he would prefer nothing, though this was not expressed today by Hruska. Hruska did, however, say ‘Looks good and I can support all of it.’”<sup>84</sup>

In mid-June 1975, President Ford began detailing his crime message at places such as Yale Law School and the Miami Police Chiefs Conference. The crime message as a whole proposed a multi-faceted approach to combating crime across the United States, including discussions related to prison reform and mental health awareness. A significant section of the message detailed the President’s preferable course on gun control and gun crime. President Ford began this section by stating:

It is simply indisputable that handguns play a key role in crime in America. They are involved in one-fourth of aggravated assaults and one-third of robberies. Hundreds of policemen have been killed through the criminal use of handguns in the past decade. These cold, undeniable statistics unmistakably portray the handgun as an important cause in the rise of violent crime.<sup>85</sup>

In order to combat the hike in possession of handguns and reduce the pain and violence they inflicted, President Ford then proposed a four-part plan.

First, the Administration sought to address licensing issues by revising current laws in order to eliminate flaws that impeded licensing effectiveness.<sup>86</sup> The President wanted to update licensing standards so

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<sup>80</sup> Ibid.

<sup>81</sup> Letter to President Ford from Max Friedersdorf, June 19, 1975, Box 11, Folder 10: Crime and Gun Control, Max Friedersdorf Files, Gerald Ford Presidential Library.

<sup>82</sup> Ibid.

<sup>83</sup> Ibid.

<sup>84</sup> Ibid.

<sup>85</sup> Draft of President’s Crime Message, June 3, 1975, Box 9, Folder 100: Crime-Message to Congress (2), Phillip W. Buchen Files, Gerald Ford Presidential Library.

<sup>86</sup> Draft of President’s Crime Message, June 3, 1975, Box 9, Folder 100: Crime-Message to Congress (2), Phillip W. Buchen Files, Gerald Ford Presidential Library.

that only bona fide gun dealers could obtain one.<sup>87</sup> Furthermore, he declared that dealers' licenses "should be withheld from persons who are not legitimate gun dealers or who are barred by State law from dealing in weapons."<sup>88</sup> In addition, the President proposed the establishment of a system of administrative fines in order "to augment existing penalties for violations of law or regulation."<sup>89</sup> Lastly, President Ford stressed that possession of a handgun by a convicted felon was a federal offense.<sup>90</sup>

Second, President Ford's crime message took on Saturday Night Specials in particular. His message stated that "the domestic manufacture, assembly or sale – as well as the importation of cheap, highly concealable handguns" needed to be prohibited.<sup>91</sup> He emphasized the fact that Saturday Night Specials were used in an extraordinarily large number of crimes, and that most of the guns had no legitimate sporting purposes.<sup>92</sup> In concluding his strong stance on Saturday Night Specials, the President stated, "they are such a threat to domestic tranquility that we should eliminate their manufacture and sale entirely."<sup>93</sup>

Third, President Ford wanted to work towards ending the illegal commerce that provided a continuous flow of handguns across state borders and into major cities.<sup>94</sup> He further explained the dilemma, stating that federal laws "make the sale of handguns to certain individuals illegal, but they do not require those in the handgun-selling business to take adequate precaution to ensure that illegal sales are not made."<sup>95</sup> Ford's desired approach to this problem would require handgun dealers to verify the identity and the place of residence of purchasers and "to take steps to ensure that they do not sell handguns to persons whose possession of handguns would be illegal under Federal or State law."<sup>96</sup> Lastly, his proposal would provide more criminal sanctions for "gunrunners" who purchased guns in one state and illegally sold them in another.<sup>97</sup>

Fourth, using recommendations from the Attorney General's proposal, the Ford Administration sought to establish federal handgun strike forces in America's ten largest cities in order to "assist local law enforcement authorities in their efforts to attack the illegal commerce

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<sup>87</sup> Ibid.

<sup>88</sup> Ibid.

<sup>89</sup> Ibid.

<sup>90</sup> Ibid.

<sup>91</sup> Ibid.

<sup>92</sup> Ibid.

<sup>93</sup> Ibid.

<sup>94</sup> Draft of President's Crime Message, June 3, 1975, Box 9, Folder 100: Crime-Message to Congress (2), Phillip W. Buchen Files, Gerald Ford Presidential Library.

<sup>95</sup> Ibid.

<sup>96</sup> Ibid.

<sup>97</sup> Ibid.

in weapons.”<sup>98</sup> President Ford decided to direct the Bureau of Alcohol, Tobacco, and Firearms to “the primary mission of which is enforcement of Federal gun laws,” in which it would train additional agents and investigators for this prerogative.<sup>99</sup>

In the conclusion of his crime message, President Ford stated, “the law should be specifically revised to take into greater account the needs of victims of crime: their tragic personal and economic injuries.”<sup>100</sup> The Ford Administration viewed current laws as too focused on the defendant and not on law-abiding citizens.<sup>101</sup> In order to accomplish this goal, President Ford urged Congress to pass legislation that would meet the “uncompensated economic losses of victims of Federal crimes who suffer personal injury” by using the money the federal government received from fines paid by criminal offenders.<sup>102</sup>

By late June and early July, after a long process of consultation with members of Congress, the Attorney General’s Office, the Treasury Department, and legal and policy experts, the Ford Administration decided to begin making these proposals tangible.<sup>103</sup> The handgun bill that President Ford drafted planned to ban the importation, domestic manufacturing, and sale of Saturday Night Specials. It also planned to restrict the issuance of federal dealers’ licenses to bona fide gun dealers as well as restrict the sale of multiple handguns within a thirty-day period. Furthermore, the legislative plan imposed a 14-day waiting period between the purchase and receipt of a handgun. During this time, the dealer could check to make sure the buyer could lawfully own a handgun under the applicable laws. Lastly, the proposed law sought to require the implementation of a mandatory minimum term of imprisonment on any person convicted of using or carrying a handgun while committing a felony.<sup>104</sup>

However, the President’s Handgun Bill did not plan to require a federal license to purchase a handgun or the registration of handguns with the federal government. It also did not plan to prohibit law-abiding citizens from possessing handguns or authorize the federal government to keep records of everyone who buys handguns. Lastly, the Ford proposal would not apply to the possession or sale of long guns, and it would not prohibit

<sup>98</sup> Ibid.

<sup>99</sup> Ibid.

<sup>100</sup> Draft of President’s Crime Message, June 3, 1975, Box 9, Folder 100: Crime-Message to Congress (2), Phillip W. Buchen Files, Gerald Ford Presidential Library.

<sup>101</sup> Ibid.

<sup>102</sup> Ibid.

<sup>103</sup> Outline of the President’s Handgun Legislation, July 1975, Box 9, Folder 120: Handgun Legislation (1), Vernon C. Loen and Charles Leppert Files, Gerald Ford Presidential Library.

<sup>104</sup> Outline of the President’s Handgun Legislation, July 1975, Box 9, Folder 120: Handgun Legislation (1), Vernon C. Loen and Charles Leppert Files, Gerald Ford Presidential Library.

collectors from buying or selling curio or antique handguns.<sup>105</sup>

Almost immediately, the President's administration experienced backlash from conservatives for its stance on gun control. Neal Knox, the editor and publisher of *Handloader Rifle*, began a letter he sent to Max Friedersdorf on July 11, 1975, by stating, "the President is about to make a serious mistake, one that is certain to have detrimental effects upon his reelection campaign, as well as effects upon the 1976 congressional campaigns. I hope it is not too late to prevent it."<sup>106</sup> He saw President Ford as being "sandbagged on the gun issue by the Democratic and press opposition" and without advisers "wise enough to see it."<sup>107</sup> Knox explained that he saw the Saturday Night Specials as a "manufactured term and a manufactured issue."<sup>108</sup> He argued that the size requirements of guns to be legal would alienate many gun owners who had handguns not large enough to be considered lawful.<sup>109</sup> In conclusion, Neal Knox asked President Ford to reconsider his stance on the issue of gun legislation and to take a more conservative stance because his current proposal would lead to either George Wallace or Ted Kennedy winning the Presidency.<sup>110</sup> In response to the dissatisfaction towards his gun control proposal, President Ford began to repeatedly assure those on the political right that he was "unalterably opposed to Federal registration of guns or gun owners" and that he proposed "that the Congress enact legislation to deal with those who use handguns for criminal purposes."<sup>111</sup>

Neal Knox and the gun lobby were not the only ones to be against the Ford Administration's proposal on gun legislation. On July 25, 1975, Attorney General Edward Levi met with Senator Hruska to discuss his viewpoints on the President's proposed bill.<sup>112</sup> Senator Hruska was a powerful Republican Senator from Nebraska and would be needed for the passage of the bill in Congress. On July 28, Jim Cannon sent a memorandum to Phil Buchen outlining Edward Levi's conclusions after meeting with the Senator. As Buchen explained, Hruska objected to five main points of the President's bill because they were either too intrusive or too inconvenient for the American people. The first objection was to the

<sup>105</sup> Ibid.

<sup>106</sup> Letter to Max Friedersdorf from Neal Knox, July 11, 1975, Box 18, Folder 150: Gun Control (2), Phillip W. Buchen Files, Gerald Ford Presidential Library.

<sup>107</sup> Ibid.

<sup>108</sup> Ibid.

<sup>109</sup> Letter to Max Friedersdorf from Neal Knox, July 11, 1975, Box 18, Folder 150: Gun Control (2), Phillip W. Buchen Files, Gerald Ford Presidential Library.

<sup>110</sup> Ibid.

<sup>111</sup> Statement by the President on his Message on Crime, June 19, 1975, Box 9, Folder 100: Crime-Message to Congress (2), Phillip W. Buchen Files, Gerald Ford Presidential Library.

<sup>112</sup> Memorandum for Phil Buchen from Ken Lazarus, Box 18, Folder 150: Gun Control (2), Phillip W. Buchen Files, Gerald Ford Presidential Library.

“portion of the provision prohibiting shipment ‘through’ a state or locality” because this would create a burden on firearms shippers who would have to alter their routes through states that did not have the prohibition.<sup>113</sup> Furthermore, the Congressman objected to the section that prohibited gun owners from purchasing or receiving multiple handguns within a thirty-day period from other owners.<sup>114</sup> However, Senator Hruska did not object to the portions of the section that prohibited dealers from transferring two or more handguns to the same person or any person from purchasing two or more handguns from one or more dealers.<sup>115</sup> In addition, the Senator disagreed with the proposal to place criminal liability on gun owners.<sup>116</sup> In building off of this reservation towards the proposed bill, Senator Hruska also objected to the section that made it illegal for “any person selling a handgun [to] know[ingly] [sell] that handgun [if it] has been classified as a Saturday Night Special.”<sup>117</sup> The Senator again specified that he only meant sales between two owners, not with a licensed dealer involved.<sup>118</sup> Lastly, Senator Hruska took issue with the definition of Saturday Night Specials, which he believed “sweeps too broadly.”<sup>119</sup> He preferred legislation that would allow the “Secretary of the Treasury to promulgate criteria determining which handguns should be prohibited and which should not.”<sup>120</sup> After concluding his objections to the bill, Senator Hruska did not make it clear if he would support the bill after these provisions had been changed.<sup>121</sup> Furthermore, Attorney General Levi stated in his write-up, “I supposed that of these objections, 3, 4, and 5 may raise the more serious policy questions.”<sup>122</sup>

### **The Congressional Debate over Saturday Night Special Legislation**

In the summer of 1975, the legislative proposal the Ford Administration drafted was introduced into both Houses of Congress. Meanwhile, Democratic legislators also proposed their own legislation to control the sale and manufacture of Saturday Night Specials. Despite the push by both political parties to implement new gun control measures, their lack of support and power in Congress led to the failure of both the

<sup>113</sup> Letter to Max Friedersdorf from Neal Knox, July 11, 1975, Box 18, Folder 150: Gun Control (2), Phillip W. Buchen Files, Gerald Ford Presidential Library.

<sup>114</sup> *Ibid.*

<sup>115</sup> *Ibid.*

<sup>116</sup> *Ibid.*

<sup>117</sup> *Ibid.*

<sup>118</sup> *Ibid.*

<sup>119</sup> *Ibid.*

<sup>120</sup> *Ibid.*

<sup>121</sup> Letter to Max Friedersdorf from Neal Knox, July 11, 1975, Box 18, Folder 150: Gun Control (2), Phillip W. Buchen Files, Gerald Ford Presidential Library.

<sup>122</sup> *Ibid.*

Democrat and Republican bills.

Though the Ford Administration needed Senator Hruska's support for the passage of its bill, it did not wait to introduce the bill to the Senate on July 26, 1975.<sup>123</sup> Senator Hiram Fong, a Republican from Hawaii and a member of the Senate Judiciary Committee, sponsored the bill, S.2186, which was officially titled, "A bill to ban the importation, manufacture, sale, and transfer of Saturday Night Specials, to improve the effectiveness of the Gun Control Act of 1968, to ban possession, shipment, transportation, and receipt of all firearms by felons."<sup>124</sup> The bill did not take Senator Hruska's recommendations into account and instituted all of the provisions in President Ford's original proposition. Three days later, Representative Robert McClory, a Republican from Illinois, sponsored the same bill, H.R. 9022, in the House of Representatives.<sup>125</sup>

Congress, however, would not act only in the President's interest in regards to the debate on gun control. Representative John Conyers Jr., a Democrat from Michigan, introduced his own bill, H.R. 11193, officially known as the "Federal Firearms Act" on December 16, 1975.<sup>126</sup> H.R. 11193 took a somewhat similar approach to legislating Saturday Night Specials and firearms as the Ford Administration, but it did make several changes due to its Democratic position on the gun control debate.

An outline on comparisons between the Administration bill and Conyers's bill explained that the Democrat bill, just like the Administration's, "would require that a purchaser of a handgun appear in person at the licensee's place of business to establish his identity and to fill out a sworn statement permitting a police and FBI records check to be conducted."<sup>127</sup> However, the waiting period established by the Democrat bill required that every purchaser of a handgun would be subjected to a 14-day waiting period, even if the results from the police records were received earlier. The Administration bill, on the other hand, instituted a 14-day maximum waiting period. Furthermore, under the Democrat bill, if results from the police records were not received, then the handgun could not be transferred for twenty-eight days.<sup>128</sup> Another difference between the two bills arose in how they decided to evaluate imported handguns; the Democrat bill chose to use existing criteria proposed by the Treasury

<sup>123</sup> S. 2186 Text. *Congress. Gov.* <https://www.congress.gov/bill/94th-congress/senate-bill/2186>

<sup>124</sup> *Ibid.*

<sup>125</sup> H.R. 9022 Text. *Congress. Gov.* <https://www.congress.gov/bill/94th-congress/house-bill/9022>

<sup>126</sup> H.R. 11193 Text. *Congress. Gov.* <https://www.congress.gov/bill/94th-congress/house-bill/11193/all-actions-without-amendments>

<sup>127</sup> A Comparison of the House Judiciary Committee's Bill and the President's Bill, April 16, 1976, Box 18, Folder 150: Gun Control (3), Phillip W. Buchen Files, Gerald Ford Presidential Library.

<sup>128</sup> *Ibid.*

while the Administration decided to use its own.<sup>129</sup> The Democrat bill did modify its factoring criteria, however, “to require a minimum four-inch barrel for revolvers, to take into account recent developments in safety features and frame construction, and to incorporate much of the technical language of the Administration’s bill.”<sup>130</sup> Finally, the Democrat bill, unlike the Administration’s bill, “[did] not cover private sales of Saturday Night Specials and [did] not cover Saturday Night Specials manufactured before the effective date.”<sup>131</sup>

In regards to the price of licenses, both bills increased the license fees for manufacturers, importers, and dealers, but the Administration’s bill raised the fee higher than the Democrats.<sup>132</sup> A major concern for liberals regarding licensing fees was that they essentially made gun ownership feasible only for wealthier people. The Democrat bill’s qualification provisions of the license were also “less stringent than those in the Administration bill” as they “[did] not contain the requirement set forth in the Administration bill that the Secretary of the Treasury find that the applicant for a license, by reason of his business experience, financial standing, or trade connections, is likely to commence the business to which the license applies in a reasonable period of time.”<sup>133</sup>

In the conclusion of their comparison, the Democrat bill and the Administration bill both contained similar provisions in regards to:

Multiple sales; mandatory minimum sentences for commission of offenses with firearms (limited in the Democrat bill to crimes of violence); transfer of a handgun to a person where possession by that person would be in violation of state, federal, or local law (the seller would have to know the possession was illegal to violate the Democrat bill. If the seller did not know or have reason to believe the sale was legal, he would violate the Administration bill if he bought the gun with the intent to resell it.<sup>134</sup>

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<sup>129</sup> A Comparison of the House Judiciary Committee’s Bill and the President’s Bill, April 16, 1976, Box 18, Folder 150: Gun Control (3), Phillip W. Buchen Files, Gerald Ford Presidential Library.

<sup>130</sup> *Ibid.*

<sup>131</sup> *Ibid.*

<sup>132</sup> *Ibid.*

<sup>133</sup> *Ibid.*

<sup>134</sup> A Comparison of the House Judiciary Committee’s Bill and the President’s Bill, April 16, 1976, Box 18, Folder 150: Gun Control (3), Phillip W. Buchen Files, Gerald Ford Presidential Library.

However, the Democrat bill did contain provisions that were not in the Administration bill, such as a requirement of:

Compliance with safety regulations for carrier transportation of firearms and ammunition; [a requirement of] carriers and license manufacturers, importers, and dealers to report loss or theft of firearms or ammunition in their control; and a 30-day delay in the effective date of regulations under the Gun Control Act, as amended, to permit a House of Congress to pass a resolution disapproving the regulations.<sup>135</sup>

Lastly, the Democrat bill did not contain the provision that the Administration bill had, which made it a federal offense to transport firearms or ammunition in interstate or foreign commerce if the transportation was a violation of the law of the place to which or through which the transportation occurred.<sup>136</sup>

The NRA and other gun rights lobbying organizations were not pleased at all with the Democrats' bill. The National Rifle Association wrote a letter to the Ford Administration in April of 1976 as Conyers's bill, H.R. 11193, was again being reviewed in the House Committee on the Judiciary.<sup>137</sup> The NRA declared that, "H.R. 11193 is not a 'Saturday Night Special' bill" and that "it would outlaw the future manufacture or importation of so-called 'concealable' handguns, defined to include more than 50% of all handguns now produced in the United States."<sup>138</sup> Gun control advocates opposed this because many of these handguns were seen as high-quality models that were commonly purchased by law-abiding citizens solely for sporting and defensive purposes.<sup>139</sup> Furthermore, the NRA rejected the precedent that H.R. 11193 established, which would allow the government to dictate which handguns were "bad," regardless of "who own[ed] them and the use to which they [were] put."<sup>140</sup> In conclusion, this NRA letter to the Ford Administration saw the new handgun laws in Conyers's bill, as well as the President's bill, as stretching too far and argued that they would eventually create difficulty for people to be able to defend themselves.<sup>141</sup>

President Ford also began receiving personal letters from gun rights advocates urging him to sign more pro-gun legislation. On September 3, 1976, Harlon B. Carter, the Executive Director of the NRA at the time,

<sup>135</sup> Ibid.

<sup>136</sup> Ibid.

<sup>137</sup> Letter to Ken Lazarus from the NRA, April 16, 1976, Box 18, Folder 150: Gun Control (2), Phillip W. Buchen Files, Gerald Ford Presidential Library.

<sup>138</sup> Letter to Ken Lazarus from the NRA, April 16, 1976, Box 18, Folder 150: Gun Control (2), Phillip W. Buchen Files, Gerald Ford Presidential Library.

<sup>139</sup> Ibid.

<sup>140</sup> Ibid.

<sup>141</sup> Ibid.

wrote to President Ford to try to convince him to sign H.R. 12261, which would “extend congressional authority over gun control legislation in the District of Columbia for two more years.”<sup>142</sup> Harlon Carter had feared that if H.R. 12261 did not pass then partial prohibition of handgun ownership in Washington, D.C., could become a reality, which would set a precedent in regards to further handgun legislation. Ashley Halsey Jr., the Editor-in-Chief of *The American Rifleman* and director of the NRA Publications division at the time, wrote an advocacy letter to President Ford expressing his similar thoughts in regards to H.R. 12261 as well.<sup>143</sup> To both Harlon Carter and Ashley Halsey, President Ford wrote a similarly worded letter that expressed his belief “that America’s decent citizens have had to pay far too much both in economic and human terms for the anti-social acts of a relatively few criminals.”<sup>144</sup> Ford stressed that in his view, the best way to combat violent crime in America was through mandatory sentencing and minimum terms of imprisonment for anyone convicted of using a weapon in the commission of a crime.<sup>145</sup> President Ford then thanked each person for writing to him and for their viewpoints and then stated, “I will oppose any attempt to deprive law-abiding citizens of their traditional freedom to own firearms.”<sup>146</sup>

### **The Failure of Legislation and its Repercussions**

On September 7, 1976, President Ford signed the NRA-backed H.R. 12261 into law. The law effectively doubled the amount of time from twenty-four months to forty-eight months that the Council of the District of Columbia needed to wait until it could enact legislation in regards to any provision “relating to criminal offenses, criminal procedure, or prisoners.”<sup>147</sup> The NRA achieved what it lobbied for with H.R. 12261. On the other hand, the Administration’s bills and the Democrat bill, S. 2186, H.R. 9022,

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<sup>142</sup> Letter to President Ford from Harlon B. Carter, September 3, 1976, Box 26, Folder: Judicial and Legal Matters-Crime (1), Presidential Handwriting Files, Gerald Ford Presidential Library.

<sup>143</sup> Response Letter to Ashley Halsey from President Ford, September 14, 1976, Box 26, Folder: Judicial and Legal Matters- Crime (1), Presidential Handwriting Files, Gerald Ford Presidential Library.

<sup>144</sup> *Ibid.*

<sup>145</sup> *Ibid.*

<sup>146</sup> *Ibid.*

<sup>147</sup> H.R. 11261 Text. *Congress. Gov.* <https://www.congress.gov/bill/94th-congress/house-bill/12261>

and H.R. 11193, never made it out of their respective committees.<sup>148,149,150</sup> Congress could not reach an agreement at this time on how it would address gun control, even with the President backing one of the bills in the House and one in the Senate.

Although some gun rights advocates did pledge support to President Ford in the 1976 election,<sup>151</sup> it was not enough to help him win. In 1977, the National Rifle Association officially underwent a momentous shift in how it viewed gun rights as well as itself. The NRA emerged from this revitalizing period, known as the Revolt in Cincinnati, as the staunch, Second-Amendment-defending, lobbying powerhouse that it still is today.<sup>152</sup> In 1980, Ronald Reagan ran for the presidency with a firm stance on being pro-gun rights.<sup>153</sup> He became the first presidential nominee that the NRA officially supported.<sup>154</sup>

Therefore, the Ford Administration is a unique presidency to study in regards to gun legislation because it was the last time a Republican President was able and willing to approach a debate on gun control without having to take a fundamentally anti-gun control stance. Even Ronald Reagan, who survived an assassination attempt, did not announce support for the Brady Bill, which required background checks on people buying guns with mental illnesses or criminal histories, until after he left office.<sup>155</sup> Saturday Night Specials were such a problematic issue at the time that Ford's whole senior department officials agreed on a ban on the guns. In only a few years time, a Republican president would not and could not be a proponent of such ideas. Although the middle-of-the-road laws introduced by the Ford Administration as well as by Congress ultimately failed, they represented a time when both parties were willing to act to regulate gun violence. Since the failure to further legislate Saturday Night Specials, the United States has witnessed an unprecedented growth in the power of the gun lobby, a revisionist approach to understanding the Second Amendment, and presidents who have taken a strong stance against further

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<sup>148</sup> S. 2186 Text. *Congress. Gov.* <https://www.congress.gov/bill/94th-congress/senate-bill/2186/all-actions-without-amendments>

<sup>149</sup> H.R. 9022 Text. *Congress. Gov.* <https://www.congress.gov/bill/94th-congress/house-bill/9022/all-actions>

<sup>150</sup> H.R. 11193 Text. *Congress. Gov.* <https://www.congress.gov/bill/94th-congress/house-bill/11193/all-actions>

<sup>151</sup> Letter to Gerald Ford from Ken Bynum, August 28, 1976, Box 5, Folder 75: Gun Control Meeting 9/2/76, Wayne H. Valis Files, Gerald Ford Presidential Library.

<sup>152</sup> Waldman, *The Second Amendment*, 96-102.

<sup>153</sup> *Ibid.*, 93.

<sup>154</sup> *Ibid.*

<sup>155</sup> Clines, Francis. "When Ronald Reagan Embraced Gun Control." *The New York Times*. The New York Times. 8 October 2015. Web.

gun legislation.<sup>156</sup> Furthermore, in 2008, in *District of Columbia vs. Heller*, the Supreme Court officially ruled that the Second Amendment does invoke the right of individuals to possess firearms. The 1968 Gun Control Act set into motion the possibility of curbing violent crime committed with firearms. The Saturday Night Specials bills that were proposed by President Ford and Congress during his tenure in the White House could have further strengthened the government's ability to end gun violence. Instead, the failures of the federal government at this time altered the course of the debate over gun control, which has repercussions to this day.

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<sup>156</sup> Waldman, *The Second Amendment*, 96-102.

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