

Interwar Gun Control: A Feigned Consensus

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The issue of a powerful gun lobby opposed to bare-minimum gun control legislation, such as a permit to purchase, appears to be one of the many products of recent polarization and culture war. However, this legal juggernaut did not just suddenly emerge—it has been present and growing since the first efforts to address the national gun problem that has claimed so many lives. In 2020, a year indicative of the significant and tragic rise in mass shootings and gun-related deaths in recent years, there were 13.6 deaths attributed to firearms per 100,000 Americans.¹ At the peak of the interwar period’s gun issue in 1932, this number was 15.4.² These deaths and the wide publicization of the criminals who committed them rallied the public behind the federal government’s gun control efforts, demonstrated by an early Gallup poll that found nearly four out of five Americans supported the registration of all pistols and revolvers.³ Given the overwhelming demand for gun control, many historians look back at the 1930s as a time when gun enthusiasts and gun control advocates put aside their differences for the common good. However, the truth is far different. Despite this appalling crisis met by a country ready for change, the NRA would not allow restrictive gun control legislation to pass. The NRA testified before Congress that it was “not at all” opposed to reasonable gun control,⁴ as they simultaneously sent letters to its members calling on their support to completely kill that same bill they had testified for.⁵ In an environment ideal for gun control, the interwar period gun lobby

¹ “Deaths Due to Injury by Firearms per 100,000 Populations,” KFF.org, Kaiser Family Foundation, Accessed November 4, 2023, <https://www.kff.org/other/state-indicator/firearms-death-rate-per-100000>.

² Carl Bakal, *The Right to Bear Arms*. (New York: The McGraw-Hill Book Company, 1966), 168.

³ Lee Kennett and James L Anderson, *The Gun in America*. (Westport: Glenwood Press, 1975), 213.

⁴ *National Firearms Act, Hearings before the Committee on ways and means, House of representatives, Seventy-third Congress, second session, on H. R. 9066*. 56.

⁵ *National Firearms Act*, 129.

feigned consensus around the need for gun control out of necessity; however, their efforts to gut such legislation demonstrated resistance to all gun control evocative of modern-day gun lobbyists.

It is vital to establish the background of the chief player on behalf of the gun lobby responsible for defeating this era's legislation, the National Rifle Association (NRA). The NRA was not always vehemently dedicated to lobbying against gun control. William Conant Church and George Wood Wingate founded the NRA following the Civil War. The two men fought in the war as officers, during which they were so appalled by American marksmanship that they feared for American national security. To encourage the development of marksmanship, they established the NRA in 1871 as a non-profit primarily funded by the state of New York. With these funds, the NRA built a shooting range where it could "promote and encourage shooting on a scientific basis."⁶ In its infancy, the organization worked to further national security through firearms knowledge.

The NRA's mission to further gun culture in the United States became painfully successful moving into the twentieth century. In 1908, the NRA moved headquarters to Washington, DC, reflecting a new focus on lobbying as it transitioned into a "sportsman's organization."⁷ Under this new mission, the NRA looked to advocate for the interests of rifle and shotgun users before Congress and around the country. It quickly became apparent how the NRA sought to recruit more members while promoting gun culture in America. It began founding youth programs as early as 1903⁸ and by 1931 had over 800 NRA junior clubs that had 38,788 members.⁹ The organization also leaned into messaging intended to associate marksmanship with

⁶ Bakal, *The Right to Bear Arms*, 130.

⁷ Ibid.

⁸ Jay Mechling, "Boy Scouts, the National Rifle Association, and the Domestication of Rifle Shooting." *American Studies* 53, no. 1 (2014): 5–25. <http://www.jstor.org/stable/24589296>, 8.

⁹ Bakal, *The Right to Bear Arms*, 131.

individuality, masculinity, and Americanism, establishing weapons as a part of its base's identity.¹⁰ Firearms were characterized as critical to a man's duty to protect his personal liberty and invaluable factor of his self-reliance. Sportsman organizations further crafted this masculine identity behind gun ownership by creating a contrast with women—whom their literature portrayed as instinctually fearful and mistrusting of firearms.¹¹ The NRA's growing commitment to gun culture would defy the expectations of its founders and derail gun control legislation for decades to come.

The issue fell upon the state governments before the New Deal federal government stepped in to address gun control. States had implemented their own gun control laws around concealed carry since the late eighteenth century.¹² Throughout the 1920s, however, average gun deaths per year took an upward trajectory, rising from 11.6 per 100,000 in 1913 to 13.0 in 1922 and reaching 14.5 by 1930.¹³ Citizens and state governments around the country recognized their newfound 'pistol problem.' One 1924 article in the L.A. Times partially attributed the U.S.'s internationally above-average crime rate to the "free-use and easy access to pistols."¹⁴ Similar articles decrying reckless pistol use spread across the country, from Chicago to Atlanta.¹⁵ Citizens and their local governments recognized the need for a solution to the plague of pistol violence.

¹⁰ Mechling, "Boy Scouts, the National Rifle Association, and the Domestication of Rifle Shooting," 8; Carol S. Leff, and Mark H. Leff, "The Politics of Ineffectiveness: Federal Firearms Legislation, 1919-38," *The Annals of the American Academy of Political and Social Science* 455 (1981): 48–62. <http://www.jstor.org/stable/1044070>, 57-58.

¹¹ Leff and Leff, "Politics of Ineffectiveness," 59.

¹² Bakal, *The Right to Bear Arms*, 150.

¹³ *Ibid*, 354.

¹⁴ Edward F Roberts, "Why Does U.S. Lead the World in Crime," *Los Angeles Times* (1923-1995); Mar 23, 1924; ProQuest Historical Newspapers: Los Angeles Times, 8.

¹⁵ "Pistol Toting," *Chicago Daily Tribune* (1872-1922); Sep 28, 1922; ProQuest, <https://www.proquest.com/docview/174986926/E449F3E251324AEDPO/2?accountid=14553>, 8; "Negro Ministers Join in Crusade Against Pistol," *The Atlanta Constitution* (1881-1945); Jan 8, 1925; ProQuest Historical Newspapers: The Atlanta Constitution, <https://www.proquest.com/docview/499389996/A237692719124DC7PO/1?accountid=14553>, 1.

The controversial breakthrough many sought came with New York's Sullivan Law of 1911. Rather than focus on solely outlawing the unpermitted carrying of weapons, the policy required police-granted permits to purchase concealable firearms at all.¹⁶ Furthermore, the law required dealers to keep records of all gun sales, monitoring the transfer of deadly weapons in the state.¹⁷ The Sullivan Law passed quickly with a margin of 37 to five and received endorsements from specialists on violent crime, such as police officials and judges.¹⁸ Considered one of the strictest gun laws in the country, the Sullivan Law was poised to take pistols out of the hands of criminals throughout New York. The success of such a strict gun control law may at first seem to contradict the idea of an uncompromising gun lobby. However, it is crucial to consider that the NRA neither had the numbers to resist nor would they welcome pistol users into their ranks until the 1920s.¹⁹ Once the NRA grew in power and began to accept pistol owners, they would later try to retroactively kill the bill, a topic which this essay will later explore.

The pioneering bill was not without its critics. Opponents of the bill claimed it only disarmed honest citizens rather than criminals. This sentiment is expressed in an opinion piece in the New York Times by Archibald C. Foss, in which he exclaims that the Sullivan Law will probably cause even more murder in the street.²⁰ Many questioned the bill's constitutionality along the language of the Second Amendment.²¹ Some doubted its effectiveness, as critics pointed out how homicides by gun in the state increased from 108 in 1910 to 113 in 1912.²² Karl Frederick would eventually even claim communists endorsed and supported the bill.²³ Frederick

¹⁶ Anderson and Kennett, *The Gun in America*, 175.

¹⁷ Adam Winkler, "Gangsters, Guns, and G-Men" in *Gunfight: The Battle Over the Right to Bear Arms in America* (New York: W. W. Norton & Company, 2011), 131.

¹⁸ Anderson and Kennett, *The Gun in America*, 175-176.

¹⁹ Bakal, *The Right to Bear Arms*, 130; 165.

²⁰ Archibald C. Foss, "In the Gunman's Favor." *New York Tribune* (1911-1922); Mar 20, 1921; ProQuest, <https://www.proquest.com/docview/576347216/F31156A5D5949F8PQ/1?accountid=14553>, 4.

²¹ Anderson and Kennett, *The Gun in America*, 182.

²² *Ibid*, 185.

²³ Bakal, *The Right to Bear Arms*, 152.

was a renowned Olympic medal-winning pistol shooter as well as a lawyer who had graduated from Princeton University and Harvard Law School. His impressive background made him one of the most influential advocates against gun control in the country. Frederick would eventually become president of the NRA by the time the federal government moved forward with gun control.²⁴ Much like the modern gun debate, the rationality of the opposition existed on a spectrum.

Regardless, gun control advocates of legislatures across the country were ultimately proud of the act and saw it as a baseline for future efforts. While in some years murders did not decrease when compared with rising crime rates across the country as a whole, New York fared well with only 5.8 murders per 100,000 people compared to a national average of 9.2 in 1932.²⁵ While the number of gun-related murders in the state grew, the Sullivan Law at least stunted that growth compared to the rest of the country. The state law's limited scope was its most significant weakness. As the states around New York had more loose gun laws, pistols could be purchased across state lines and then brought back. However, that appeared as if it may be about to change. As a result of the bill's successes, many other state and city governments looked at the bill as a template for further legislation. One proposed bill in California bragged about being even stronger than the Sullivan Law,²⁶ while the city council of Atlanta met to discuss a bill to outlaw the sale of pistols altogether.²⁷ With these bills sprouting across the country, the spread of Sullivan Law like policies was seemingly a mere inevitability.²⁸

²⁴ Winkler, "Gangsters, Guns, and G-Men," 134.

²⁵ Ibid, 158.

²⁶ "The Pistol Problem," *Los Angeles Times* (1923-1995); Aug 9, 1934; ProQuest Historical Newspapers: Los Angeles Times, 4.

²⁷ Jitney Abolition to be Considered in Council Today: Council is Expected to Ban Pistol Sales," *The Atlanta Constitution* (1881-1945); Jan 19, 1925; ProQuest Historical Newspapers: The Atlanta Constitution, <https://www.proquest.com/docview/499399181/584590F0D63242D2PO/1?accountid=14553>, 1.

²⁸ Bakal, *The Right to Bear Arms*, 159.

The gun lobby leapt at the chance to counter the momentum of the Sullivan Law's success and its diffusion across the country. Karl Frederick and the United States Revolver Association sought to get ahead of the coming wave of gun control legislation by working with advocates. By 1919, they began drafting a weaker version of the Sullivan Law that states could use as a model for their gun control laws. This bill called for neither permits to purchase nor statewide registration. Instead, it focused on required dealer licenses and barring violent offenders from owning pistols. However, the law only applied to pistols below 12 inches and did not prohibit non-violent criminals, such as robbers, from owning a pistol. This provision was problematic as violent criminals typically got their start in non-violent crime. Allowing non-violent criminals to purchase pistols gave them the chance to jump into violent crime. Still, the National Conference Commissioners on Uniform Laws approved the bill as the "Uniform Firearms Act," and it won an endorsement by the American Bar Association (ABA) in 1926.²⁹ The endorsement of the conference and the ABA gave the bill credibility it needed to be considered by state legislatures.

Karl Frederick pointed to this bill as proof of his support of gun control in hearings for the National Firearms Act, claiming it to be an effective piece of gun control legislation.³⁰ However, New York City Police Commissioner George McLaughlin called it a "compromise affair gotten up for the benefit of the manufacturers of firearms."³¹ In support of McLaughlin's assertion, the NRA tried to force a version of the Uniform Firearms Act through New York to repeal the Sullivan Law. This bill got as far as the desk of Governor Franklin Delano Roosevelt, nearly gutting New York's gun control efforts. The gun lobby succeeded, however, in pushing

²⁹ Charles V Imlay, "The Uniform Firearms Act," *American Bar Association Journal* 12, no. 11 (1926): 767–69. <http://www.jstor.org/stable/25709676>.

³⁰ *National Firearms Act*, 56.

³¹ Bakal, *The Right to Bear Arms*, 161.

versions of the watered-down bill through in 5 states.³² Given the importance of uniformity to the enforcement of gun control, the spread of these weak bills poked holes in the efforts of states who wished to enforce effective gun control. These states now acted as strongholds where individuals from states with comprehensive gun control could buy guns to bring across state lines. The timing and attempted implementation of the bill revealed it as an obvious ploy to defang and contain pistol legislation across the country.

With effective pistol legislation failing to take consistent hold throughout the states, the gun problem only grew. People were scared and, as a result, bought even more guns. New York Sullivan Law permits exploded from 8,000 in 1916 to 35,000 in 1922.³³ The federal government attempted to help enforce state laws by banning the U.S. Postal Service from shipping guns with the 1927 Miller Act. Despite their efforts, this law lacked any power. The act did not prohibit private express companies from shipping guns across state lines.³⁴ As such, individuals in states with gun control laws could still order pistols from other states. In the end, state laws failed to solve the 1920s' "Pistol Problem" due to a lack of consistency in severity amidst the states—thanks in part to the efforts of the gun lobby.³⁵

The gun problem peaked leading into the 1930s, with yearly gun deaths peaking at 15.4 per 100,000 in 1932.³⁶ Amidst the evident failures of states' efforts to crack down on crime and with the spirit of the New Deal, the federal government saw it necessary to finally act.³⁷ Gun control was one of the least controversial parts of this federal response, Roosevelt's New Deal on

³² Bakal, *The Right to Bear Arms*, 161; Anderson and Kennett, *The Gun in America*, 196-197.

³³ Anderson and Kennett, *The Gun in America*, 196.

³⁴ Leff and Leff, "Politics of Ineffectiveness," 52.

³⁵ *Ibid*, 49.

³⁶ Bakal, *The Right to Bear Arms*, 354.

³⁷ Franklin D. Roosevelt, "Address to the Attorney General's Crime Conference." Box 20, Franklin D. Roosevelt Master Speech File, 1898, 1910-1945, *FDR Library*, <http://www.fdrlibrary.marist.edu/archives/collections/franklin/index.php?p=collections/findingaid&id=582>.

Crime. Instead, most public aimed most of their backlash towards the rise of the Federal Bureau of Investigation.³⁸ In a speech to Attorney General Homer Cummings's crime conference for this issue, President Franklin Delano Roosevelt used the rise of the machine gun to pose law enforcement as outgunned by "better-equipped and better organized" criminals.³⁹ Media coverage of gruesome machine gun murderers such as Dillinger or Machine Gun Kelly drove home the narrative that nobody needed a machine gun and federal action was of dire need.⁴⁰ This coverage extended to the issue of organized criminals, commonly referred to as gangsters. Killings attributed to gangs horrified the nation, such as the St. Valentine's Day Massacre, where police found seven men executed by machine gun.⁴¹ The shock of these high-profile shootings demonstrated a desperate need for federal action and reform.

Roosevelt's campaign on crime successfully won support regarding gun control, especially among moral reformers of the time. By 1938, a Gallup poll showed that 79 percent of people supported the registration of all pistols and revolvers in the country.⁴² In their book *The Gun in America*, historians Lee Kennett and James L. Anderson attributed these results to a perceived "moral taint" in all firearms due to pacifist sentiments in the 1930s.⁴³ The federal government found further support in Women's Clubs. A *New York Herald Tribune* article titled "Women's Clubs Back U.S. War Against Crime" describes how the General Federation of Women's Clubs, representing two million women, supported preventing easy access of guns to gangsters.⁴⁴ Parents also supported these efforts, with a pair from the United Parents Association

³⁸ Leff and Leff, "Politics of Ineffectiveness," 53.

³⁹ Roosevelt, "Address to the Attorney General's Crime Conference."

⁴⁰ Robert Sherill, *The Saturday Night Special*. (New York: Charterhouse, 1973), 54-55; Anderson and Kennett, *The Gun in America*, 204.

⁴¹ Winkler, "Gangsters, Guns, and G-Men," 124.

⁴² Anderson and Kennett, *The Gun in America*, 213.

⁴³ Ibid.

⁴⁴ "Women's Clubs Back U. S. War Against Crime," Special to the Herald Tribune, *New York Herald Tribune* (1926-1962); May 27, 1934; ProQuest Historical Newspapers: New York Tribune / Herald Tribune,

of New York City detesting the immorality and dangers of guns in an issue of *Parents' Magazine*.⁴⁵ Both the general public and various organized groups had thrown their support behind gun control legislation, opening the door for federal legislative action.

Attorney General Cummings and the Justice Department moved forward against guns by introducing the National Firearms Act in 1934. Cummings intended to use Congress' interstate commerce and taxing powers to register and tax pistols, revolvers, "trick guns" (such as disguised umbrella guns), other concealable firearms, and machine guns. The bill's provisions required manufacturers, importers, and dealers of these specified guns to register with the Internal Revenue Service and pay a hefty yearly tax. This tax would cost manufacturers and importers 5,000 dollars and dealers 200. There would then be a 200-dollar tax on any transfer of machine guns or one dollar for the other guns listed, effectively making machine guns unattainable. To enforce the tax, Cummings required individuals to register and submit fingerprints. As such, the law would record each time these guns change hands and who has them, effectively creating a registry of firearms and their users. Such a database would heavily discourage firearms owners from providing dangerous individuals access to their weapons. Beyond taxes, the bill required individuals to acquire a permit before transporting any of these guns across state lines.⁴⁶ This element of the bill would reinforce gun laws throughout the country by making it illegal to out-manuever local gun control by buying guns in more relaxed states. In theory, this law would help register and track the most dangerous guns across America, deterring their use by criminals.

<https://www.proquest.com/docview/1114828155/D89C9EE726E6427CPQ/1?accountid=14553>, 18; Anderson and Kennett, *The Gun in America*, 211.

⁴⁵ "Parents' Magazine Vol 9 Iss 10." *Gruner & Jahr USA Publishing*, October, 1934. https://archive.org/details/sim_parents_1934-10_9_10/page/26/mode/2up. 27.

⁴⁶ *National Firearms Act*, 1-3; 11.

When critics suggested organized criminals would still have the means to acquire arms, Cummings acknowledged the bill might not prevent seasoned criminals from accessing them. He still saw the bill as a tool by which the law could efficiently convict gangsters with these guns before they could commit their crimes. Under the law, if the police caught a gangster with a firearm (who likely had not submitted the fingerprints required for a permit), they could then quickly arrest him for having an illegal firearm. The police would ordinarily need to find witnesses willing to testify against the gangsters, a difficult task, and tie them to a previously committed crime. This bill would instead allow them to prosecute gangsters with ease before their next shooting.⁴⁷ He further intended that in making these guns harder to acquire, the bill would prevent many from entering crime and becoming those seasoned criminals.⁴⁸ The law was by no means as powerful as New York's Sullivan Law; it did not possess the authority to deny any one citizen the right to own a gun. However, it looked to hinder future gunmen by adding taxes and steps identifying buyers to monitor guns.

Cummings initially intended to sneak the bill through committee behind the back of the gun lobby. Still, NRA allies in Congress managed to tip off the organization, which would invoke a storm of resistance.⁴⁹ First came the efforts to enrage their base against Congress and the bill. An issue of the NRA's *National Rifleman* magazine described the bill as the beginning of a national "disarmament by subterfuge," or the theft of the right to own any gun.⁵⁰ The organization called on its members via letter to encourage their congressmen to kill the bill, even lying about the bill's terms to whip up support. In reality, the bill rendered only machine guns inaccessible, yet the law would still permit those who could pay the large tax to acquire one. The

⁴⁷ Ibid, 9-10.

⁴⁸ Ibid, 92.

⁴⁹ Sherrill, *Saturday Night Special*, 59.

⁵⁰ "The American Rifleman Vol 82 Issue 5." *National Rifle Association*, May, 1934.
https://archive.org/details/sim_american-rifleman_1934-07_82_7/page/n5/mode/2up. 4.

NRA's letter claimed that the tax provisions would apply to all hunting rifles and shotguns when the language of the bill only mentioned shotguns or firearms made concealable with sawed-off barrels.⁵¹ By including these particular arms in their letter, the NRA knew they could bring maximum outrage by threatening the most prevalent groups of guns owned amongst sportsmen Americans. These efforts were not in vain, with members sending "a great many" letters over the coming months to committee members.⁵²

Karl Frederick, the president of the NRA himself, would come to testify before the committee and claimed he was in favor of regulation and against irresponsible firearm toting.⁵³ However, Senator Royal F. Copeland tried to get the NRA to state any effective gun control they were in favor of. In these negotiations, the organization would not accept anything "that might convenience the firearms fraternity in the slightest" as noted by historian Carl Bakal in his book *The Right to Bear Arms*.⁵⁴ Frederick demonstrates Bakal's assertion in his testimony. Similar to the modern-day NRA, Frederick would not even agree that guns are "inherently dangerous."⁵⁵ Much along the lines of the prevalent "good guy with a gun" argument, he testified that "if you destroy the effective opposition of [armed law-abiding citizens]... you are inevitably going to raise crime."⁵⁶ Karl Frederick's testimony demonstrated his resistance to any preventative gun control or laws not limited to criminals already convicted of violence. Despite the NRA's vehement claims around their commitment to sensical gun control laws, the testimony they offered opposed all policies aimed at preventing any new offenders from committing gun violence.

⁵¹ *National Firearms Act*, 129-132.

⁵² *Ibid*, 63.

⁵³ *Ibid*, 59.

⁵⁴ Bakal, *The Right to Bear Arms*, 173.

⁵⁵ *National Firearms Act*, 55.

⁵⁶ *Ibid*, 58.

While the NRA could not kill the National Firearms Act entirely, they successfully gutted the legislation. The most striking difference between the initial and final drafts was the removal of pistols and revolvers from the bill altogether.⁵⁷ This edit was detrimental to the bill's goals. Testimony before the committee described how "a thousand criminals will use pistols where one will use a machine gun."⁵⁸ Throughout the country, the pistol was recognized as the preferred weapon of most shooters, demonstrated by the pistol problem this essay described earlier that had yet to be resolved. The machine guns that the bill focused on were the weapons of choice for wealthy, organized mobsters. Created in 1920, the 'Tommy Gun' was one of the most infamous machine guns of the 1930s, known for its use by Al Capone's gang in the 1929 St. Valentine's Day Massacre. Despite its effectiveness in the criminal world, the weapon sold for 175 dollars, or 2000 current dollars. Such prices made these guns unattainable for the average depression-era criminal compared to the common pistol.⁵⁹ By taking pistols from the bill, Congress left a whole class of shooters untouched.

While the final bill still targeted machine guns, its language was not as broad as the first draft's. The NRA had redefined machine guns from weapons that could fire twelve or more shots automatically *or* semi-automatically without reloading to weapons that could fire multiple shots with one trigger pull.⁶⁰ While this expanded the bill's scope to guns that could shoot multiple rounds with one trigger pull with smaller capacities, it simultaneously excluded a larger group: high-capacity semi-automatic rifles. In the end, the use of machine guns by gangsters declined. Rather than submit fingerprint registration or risk apprehension with an unregistered machine

⁵⁷ U.S Congress, House of Representatives, *Congressional Record—House*, 73rd Cong., 2nd Sess., June 13, 1934, 11398-11400, [https://www.congress.gov/bound-congressional-record/1934/06/13/78/house-section/article/11353-11426?q=%7B'search"%3A%5B"pistol+regulation"%5D%7D&s=1&r=1](https://www.congress.gov/bound-congressional-record/1934/06/13/78/house-section/article/11353-11426?q=%7B'search), 11398-11400.

⁵⁸ *National Firearms Act*, 120.

⁵⁹ Winkler, "Gangsters, Guns, and G-Men," 123.

⁶⁰ *National Firearms Act*, 1; *Congressional Record—House*, 11399.

gun, gangsters chose to switch to equally deadly semi-automatic rifles and shotguns—untouched by federal or local license requirements.⁶¹ Even today, semi-automatic weapons have continued to prove their lethality considering their consistent utilization in mass shootings. While successful in limiting machine gun usage, the National Firearms Act failed to live up to its name in regulating all firearms.

Nevertheless, Attorney General Cummings and Senator Royal Copeland continued fighting to register all guns and their owners. Cummings intended the Federal Firearms Act of 1938 to prevent the interstate shipping of guns to felons and fugitives from justice. Looking to minimize the resistance that ruined the National Firearms Act, the Department of Justice and Senator Copeland would reach out to the NRA to compromise. These compromises would ultimately weaken the Federal Firearms Act even more than the National Firearms Act.⁶² The gun control advocates agreed to make a committee to draft the bill consisting of the staff of Copeland, representatives for the Justice Department, and the NRA.⁶³ Of the three parties, the NRA carried the most weight, with Copeland relenting to them “if it isn’t a good bill, it’s your fault.”⁶⁴ The NRA took advantage of this power and crafted the bill it wanted in line with its own goal of minimizing gun control.

What resulted was a bill that was only a fraction of what Cummings and Copeland intended. Universal registration of guns was out of the picture. Dealer licenses were notoriously easy to acquire. One only needed a dollar, a name, and an address (although the law provided no punishment for providing a fake name).⁶⁵ As a result, the IRS’s Alcohol and Tobacco Division, charged with enforcing the law, estimated two-thirds of the licenses were likely fraudulent.⁶⁶

⁶¹ Sherrill, *Saturday Night Special*, 61-62.

⁶² *Ibid*, 64.

⁶³ Leff and Leff, “Politics of Ineffectiveness, 55.”

⁶⁴ *Ibid*, 61.

⁶⁵ *Federal Firearms Act of 1938*. Public Law 75-785, U.S. Statute at Large 52 (1938): 1250-1251.

⁶⁶ Sherrill, *Saturday Night Special*, 65.

Furthermore, the law only prohibited these registered dealers from “knowingly” selling to offenders of violent crimes or fugitives. By requiring courts to prove dealers *knew* that they were selling to these individuals, the law gave them more than sufficient protection from the law.⁶⁷ By the point that the bill passed, Senator Copeland was looking to get any broad gun legislation he could through. The senator, reflecting on the bill’s failures, remarked it was better to get “half a loaf than none.”⁶⁸

The ineffective bill, while primarily drafted by the gun lobby (similar to the Uniform Firearms Act), was admittedly only an effort to head off future effective gun control. In May 1938, the month preceding the bill’s passage, the NRA proclaimed in *The National Rifleman* that “the passage of the measure would mean the death of the attorney general’s bills.”⁶⁹ While the NRA technically cooperated in creating this piece of gun control legislation, this passage confessed that their motives were not in advancing gun control. Rather, it was a ploy designed to kill Cummings’ plans of gun legislation through a show of force. The passage of the Federal Firearms Act of 1938 marked the end of federal gun legislation for decades until the 1960s, just as the NRA had intended.

Today, in the face of an even stronger NRA, many modern historians have suggested that the 1930s NRA was more sympathetic to gun control. One such example is Adam Winkler’s 2011 book, *Gunfight*, which considers the NRA’s support of gun control throughout the 1930s genuine. Looking at the passage of the Uniform Firearms Act and the National Firearms Act, Winkler suggests that while they “...did not support any and all gun control,” the NRA “...was behind a nationwide push for more restrictive gun control.”⁷⁰ Winkler’s book inspired articles in

⁶⁷ *Federal Firearms Act of 1938*.

⁶⁸ Bakal. *The Right to Bear Arms*, 178.

⁶⁹ Ibid.

⁷⁰ Winkler, “Gangsters, Guns, and G-Men, 134-135.

the *Washington Post* and *Time Magazine* that further pushed the narrative that during the interwar period, the NRA was supportive of gun control.⁷¹ Ryan Busse's book from 2021, also titled *Gunfight*, describes how the gun epidemic of the 1930s brought a consensus around gun control that resulted in effective laws.⁷² While machine gun use did decrease, that success is the exception of the period's efforts to regulate guns. The numerous failures of pistol and semi-automatic regulations better characterize this series of bills. To say the gun lobby used to accept gun control legislation is diminutive of the NRA's intensive efforts to kill these laws.

This resistance to the 1930s gun laws served as the foundation for the modern NRA. Their alarmist rhetoric and fight against the federal government propelled them into the political power they would enjoy throughout the rest of the century. From their threats of "disarmament by subterfuge" to their exaggerations of the National Firearms Act, the NRA intended to scare Americans into joining their organization and its self-proclaimed righteous fight to save America.⁷³ The association's use of their battles as a recruiting tool is further shown in a letter that called on NRA members to remember to convince "another good American to join the NRA" and its efforts in hijacking the Federal Firearms Act of 1938.⁷⁴ This recruitment operation, along with their previously mentioned culture-linked strategies, was a resounding success. The organization exploded from 3,500 members in the early 1920s to nearly 35,000 by the first hearings of the National Firearms Act hearings⁷⁵ before capping out at around 50,000 going into

⁷¹ Arica L. Coleman, "When the NRA Supported Gun Control," *Time*, July 31, 2016, time.com/4431356/nra-gun-control-history; Michael S. Rosenwald, "The NRA Once Believed in Gun Control and Had a Leader Who Pushed for it," *Washington Post*, February 22, 2018, www.washingtonpost.com/news/retropolis/wp/2017/10/05/the-forgotten-nra-leader-who-despised-the-promiscuous-toting-of-guns.

⁷² Ryan Busse, "Killers, Clingers, and Clintons" in *Gunfight: My Battle Against the Industry that Radicalized America*. (New York: Public Affairs, 2021), 55.

⁷³ "The American Rifleman Vol 82 Iss 5," 4; *National Firearms Act*, 129-132.

⁷⁴ Bakal. *The Right to Bear Arms*, 177.

⁷⁵ Leff and Leff, "Politics of Ineffectiveness, 60."

World War 2.⁷⁶ The massive resistance and intentional polarization of its members established the NRA as the leading voice in the gun lobby moving forward.

While it may be easy to entirely attribute the modern gun lobby's resolve to modern political polarization, there are deeper roots to this political powerhouse. In practice, the NRA of new and old have always had the same attitude towards gun control legislation. However, with the acceptance of the New Deal government and public outrage toward crime, the 1920s and 1930s represented a welcoming environment for gun control. With their backs against the wall, the NRA adopted a façade that claimed at face value to support gun control as its ticket to the negotiating table—from which it could destroy it. The efforts of the NRA paid off, severely limiting the effectiveness of all gun control efforts throughout the period. The NRA used these successes as a foundation to grow even more influential, winning the ability to resort to their blunt methods of today.

⁷⁶ Bakal. *The Right to Bear Arms*, 131.

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