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Bigotry, Symbolism and Ideology in the Battle over Gun Control

It is a truism to say that gun owners hysterically oppose controls that are essentially indistinguishable from those they would readily support if the object of regulation were automobiles and not guns. Yet this irony overlooks crucial differences in the rationale and implications for applying identical control mechanisms to firearms and to cars. Above all, automobile regulation is not premised on the idea that cars are evils from which any decent person would recoil in horror—that anyone wanting to possess such an awful thing must be atavistic and warped sexually, intellectually, educationally, and ethically. Nor are driver licensing and car registration proposed or implemented as ways to reduce radically the availability of cars to ordinary citizens or to secure the ultimate goal of denying cars to all but the military, police, and those special individuals whom the military or police select to receive permits.

But those are the terms many prominent and highly articulate "gun control" (more correctly, gun prohibition) advocates have insisted on using over the past three decades in promoting any kind of control proposal—no matter how moderate and defensible it might be when presented in less pejorative terms. For these advocates, just owning a gun is analogous not to owning a car but to driving it while inebriated. Thus, in 1967 Sidney Harris said: "The mere possession of a gun is, in itself, an urge to kill, not only by design, but by accident, by madness, by fright, by bravado." Because advocates like Harris regard gun ownership as inherently wrong, they do not believe that banning guns implicates any issue of freedom of choice. Nor, for the same reason, do they think that the interests and desires of those who own, or want to own, guns are entitled to any consideration. "The need that some homeowners and shopkeepers believe they have for weapons to defend themselves," opined the *Washington Post* in 1972, may be dismissed as representing "the worst instincts in the human character."

The theme of the moral illegitimacy of gun ownership pervades the control literature. "[G]un lunatics silence [the] sounds of civilization," (pg.32) proclaims *Miami Herald* columnist Bill Braucher.¹ Likewise, syndicated columnist Garry Wills reviles "gun fetishists" and "gun nuts" as "anti-citizens," "traitors, enemies of their own *patriae*," people arming themselves "against their own neighbors." Historian Richard Hofstadter applies to gun owners D. H. Lawrence's description of "the essential

¹ Similar pronouncements are easy to find. Owning guns for defensive reasons is characterized as "simply beastly behavior" in "Gun Toting: A Fashion Needing Change," *Science News* 93 (1968): 613-14. See generally William R. Lueders, "Wretchedness Is A Warm Gun," *Progressive* 48 (November 1984): 50, and Harlan Ellison, "Fear Not Your Enemies," *Heavy Metal* (March 1981).

American soul" as "hard, isolate and a killer." Former Attorney General Ramsey Clark decries gun ownership, in his 1971 book, *Crime in America*, as an insult to the state and a return to barbarism, as "anarchy, not order under law—a jungle where each relies on himself for survival." Others, such as Arthur Schlesinger, Jr., Harriet Van Horne, Rep. Fortney Stark, Dr. Joyce Brothers, and Harlan Ellison, deny that the interests of gun owners deserve respect or consideration, on the ground that gun ownership cannot involve real choice because, they argue, it is actually only a preconditioned manifestation of sexual inadequacy or perversion.

The definitive analysis of American gun control literature was conducted for the National Institute of Justice by the Social and Demographic Research Institute. From that literature this study derived the following description of the way "anti-gun" advocates see gun owners—as "demented and blood-thirsty psychopaths whose concept of fun is to rain death on innocent creatures, both human and otherwise."² Such a view of gun owners is tantamount to bigotry—for it has no empirical basis in fact.³ Even so, it has helped to inspire a political (pg.33) program that has been articulated by, among others, Michael Dukakis. In 1986, while governor of Massachusetts, Dukakis clearly enunciated the program incited by the anti-gun view: "I do not believe in people owning guns. Guns should be owned or possessed only [by the] police and military. I am going to do everything I can to disarm this state."

Of course, disarmament is not the only possible control scheme. Nor are the anti-gun views that inform it the only policy basis for gun controls generally. But the anti-gun rhetoric remains the most important feature of the public debate over gun control. For it is the anti-gun rhetoric of so many gun control advocates that plays into the hands of their opponents. The gun lobby effectively uses that rhetoric to convince gun owners that gun control is synonymous with "disarmament," because the rhetoric of gun control advocates makes it appear as if this is really what *all* proponents of gun control have in mind when they propose any regulation and as if their agenda is entirely inspired by the conviction that owning a gun is morally wrong.

A THREE-SIDED DEBATE

The public debate over guns in the United States is often seen as having two sides. In fact, there are three. To the public, the debate appears monopolized and its agenda fixed by the conflict between the anti-gun view that dominates the active gun control movement and the pro-gun view characterized by hysterical opposition to any additional control proposal, however moderate or reasonable. But the debate's apparent monopolization by these highly vocal extremes obscures a single fact—that if the adherents on both sides were added together, their combined numbers would represent no more than a small minority of the American public. The vast majority—including a

² J. Wright, P. Rossi, K. Daly, *Under the Gun: Weapons, Crime and Violence in the United States* (N.Y., Adline: 1983): 4. This is the commercially published version of the analysis.

³ Studies undertaken to link rates of gun ownership to violence rates find either no relationship or a *negative* one; thus, cities and counties with high gun ownership suffer less violence than demographically comparable areas with lower gun ownership. See, e.g., Douglas Murray, "Handguns, Gun Control Law and Firearm Violence," *Social Problems* 23 (1975): 81; David Bordura and Alan Lizotte, "Patterns of Legal Firearms Ownership," *Law & Policy Quarterly* 2 (1979); Alan Lizotte and David Bordura, "Firearms Ownership for Sport and Protection: Two Divergent Models," *American Sociological Review* 45 (1980): 229, and *American Sociological Review* 46 (1981): 499; Gary Kleck, "The Relationship between Gun Ownership Levels and Rates of Violence in the United States" in D. Kates (ed.) *Firearms and Violence* (S.F., Pacific Institute for Public Policy Research: 1984); David McDowall, "Gun Availability and Robbery Rates: A Panel Study of Large U.S. Cities, 1974-1978," *Law & Policy Quarterly* 8 (1986): 135. See also C. W. Eskridge, "Zero-Order Inverse Correlations between Crimes of Violence and Hunting Licenses in the United States," *Sociology & Social Research* 71 (1986): 55.

majority of gun owners—espouse a markedly different view, one which I call "pro-control." It differs from the anti-gun view in that it recognizes the moral legitimacy of, and accords consideration to, the choice to own guns, particularly for reasons of self-defense. At the same time, the "pro-control" view, unlike the pro-gun view, recognizes the need to accommodate the legitimate interests of gun owners (pg.34) to the compelling social imperative to control a potentially dangerous instrument.

Unfortunately, the pro-control consensus has been undermined and frustrated over the past quarter century by extremist views hostile to compromise and accommodation. About half of all American households own guns. So, in order to marshal massive opposition against gun control proposals, the gun lobby needs only to capitalize on the terms of debate established by anti-gun luminaries. As one analyst notes,

prolonged exposure to this debate convinces America's handgun owners that they are a hated minority whose days are numbered by mortal enemies—enemies who hate *them* more than crime. With the die cast so, gun owners are made to think that *they have everything to lose* if those who loath [sic] them have any success at all. [Knowing this, the gun lobby actually] disseminate[s] the nastier [anti-gun] cartoons and vituperative op-ed pieces in publications read by gun owners to fan the flames of incipient paranoia.⁴

The last point is both remarkable in itself and telling in its implications: in reprinting anti-gun cartoons the gun lobby is actually paying anti-gun cartoonists royalties for penning those cartoons! This money is well spent. Mobilizing gun owner opposition requires that owners believe that every gun control proposal is bottomed on hatred for them—that however moderate and reasonable a control may seem, it is actually only a further step toward the fulfillment of the hatemongers' ultimate goal of banning and confiscating all guns. Only by thus convincing gun owners can the gun lobby move them to rabidly oppose controls, many of which they themselves would, in other circumstances, deem reasonable and sensible. In sum, indispensable to gun lobby success is an anti-gun discourse that suggests "gun control" is not a legitimate social imperative aimed at criminals but a matter of cultural or moral hatred directed at gun owners.

Of course gun owners are notorious for their hateful (and highly counterproductive) responses to anti-gun vituperation. Yet in the (pg.35) long run, anti-gun hatefulness is even more counterproductive. In a nation where more than 100 million potential voters live in households with 170-210 million guns, anti-gun advocates create almost insurmountable opposition to controls by presenting them in terms of hatred and contempt for gun owners. Furthermore, this contempt directed at gun owners ends up alienating those people and groups whose compliance is indispensable if gun laws are to work. The emotional satisfaction that anti-gun crusaders evidently find in portraying gun owners as "demented and blood-thirsty psychopaths whose concept of fun is to rain death upon innocent creatures both human and otherwise" must be weighed against the catastrophic effects this has upon the strength of the gun control cause.

The gun lobby's remarkable ability to defeat new controls is in large part due to the divisive effect which anti-gun discourse has on the public's pro-control consensus.

⁴ Lance Stell "Guns, Politics and Reason," *Journal of American Culture* 9 (1986): 71, 73 (emphasis in original). Compare the observation by the co-author of a Ford Foundation study of gun control: "[G]un owners believe (rightly in my view) that the gun controllers would be willing to sacrifice their interests even if the crime control benefits were tiny." Mark Moore, "The Bird in Hand: A Feasible Strategy for Gun Control," *Journal of Policy Analysis and Management*, (1983): 185, 187-8.

THE "GUN CONTROL PARADOX"

Fifty years of nationwide polls have documented a virtually universal consensus supporting some forms of "gun control."⁵ Moreover, polls that isolate gun owners as an opinion group find a majority of them also favor controls, many of which are anathema to the gun lobby. For example, in a poll of gun owners reported by *Time* in January 1990, 87 percent supported a waiting period/background check for handgun buyers; 73 percent supported registration of all "semiautomatic weapons"; 72 percent supported registration of all handguns; and 54 and 50 percent supported registration of all rifles and shotguns, respectively. Two 1975 Gallup Polls found that 55 percent of gun owners (and 76 percent of non-owners) supported registration of all guns and that 68 percent of gun owners (and 85 percent of nonowners) supported a permit requirement for possessing a gun outside the owner's own premises.⁶ Thus we have what has aptly been (pg.36) called the "gun control paradox," that is, the gun lobby's uncanny ability over the years to defeat legislative proposals which seem to be favored by the overwhelming majority of Americans including even gun owners themselves.

One might quibble with the concept of a "paradox," inasmuch as some of its proponents give credence to polls which purport to show general public approval of "gun control" yet which fail to clearly define this term to the person being polled. These polls are meaningless because it is impossible to divine from an affirmative answer whether respondents are expressing support for the 20,000 or so controls that already exist, for some undefined additional control, or for any specific kind of new control.

Indicative of the fatuity of such undefined questions is the fact that, when polls do focus on specific new control proposals, the most popular one is a law that *requires* judges to give severe prison terms to anyone found guilty of a gun crime. Despite its apparent uniform support across the spectrum of pro-gun, pro-control and anti-gun respondents, this proposal is the "gun control program" of the National Rifle Association. Conversely, with regard to an absolute ban on handguns—the measure that anti-gun advocates deem the primary goal for an acceptable gun control policy—polls consistently show that less than a majority of the public says it favors the idea.⁷

Nevertheless, it remains true that large majorities of the American populace support a variety of other control proposals that are disliked by the gun lobby. So the "gun control paradox" remains. And so does the explanation for the paradox: the divisive effect of a gun "control" movement that is ardently anti-gun upon the existing pro-control consensus. This division is registered in three ways.

⁵ Howard Schuman and Stanley Presser, "Attitude Measurement and the Gun Control Paradox," *Public Opinion Quarterly* 41 (1983): 345; and Hazel Erskine, "The Polls: Gun Control," *Public Opinion Quarterly* 36 (3) (Fall 1972): 455.

⁶ The *Time* poll found that 67 percent of gun owners expressed general agreement with the NRA and 63 percent did not think strict controls would reduce violence. But this does not sharply differentiate gun owners from most Americans; polls show substantial dubiety that gun laws can reduce crime and general disbelief that they will reduce crime. See "Attitudes Toward Gun Control: A Review," in *Federal Regulation of Firearms: A Report Prepared for the Use of the Committee on the Judiciary U.S. Senate (97th Cong., 2d sess.)* by the Congressional Research Service, Library of Congress (U.S. Gov't Printing Office, 1982).

⁷ *Id.* at 230. The only Gallup Poll showing majority support for a handgun ban was one taken in 1959. No polls on the issue seem to have been taken during the 1960s. But the approximate doubling of handgun ownership during that decade, and the average two million new handguns sold yearly since 1969 seem to have had an effect. As of 1975 when Gallup next plumbed the issue, majority sentiment had reversed. A Harris Poll taken the same year reached the same conclusion. Since 1980 Gallup has asked the same question in 1980, 1982, 1987 and twice in 1981 without ever finding a majority favoring a handgun ban.

First, the majority of Americans regards self-defense as the most compelling reason to have a gun, but anti-gun advocates see that as (pg.37) the most compelling reason to forbid them. Second, the pro-control concept rests on the need to accommodate the legitimate interests of gun owners to the social imperative of regulating deadly instruments; on the other hand, the anti-gun concept rests on the belief that owning a gun is not a legitimate choice and that the interests of those who would make that abhorrent choice deserve no consideration. Third, pejorative anti-gun advocacy actually helps the gun lobby convert gun owners from a rational pro-control stance to one of rabid and reflexive opposition at any mere mention of the words "gun control."

It should be noted that there is an alternative explanation of the "gun control paradox," one that emphasizes the differing levels of commitment between gun control supporters and opponents. Pollster George Gallup has argued that the extreme commitment level of gun owners frightens legislators into seeing gun control as too politically hazardous to embrace: though the great majority of Americans support gun control, few of them are fervent enough to vote against legislators who eschew it; whereas, he writes, citizens

who oppose any kind of gun control laws, though constituting a minority of the public, feel so strongly about this issue that they will do anything they can do to defeat such legislation. As a result they have succeeded in keeping strict gun laws from being adopted in most states and by the federal government.⁸

However, Gallup's thesis is based on the mistaken assumption that there are only two views on the issue—pro-gun and anti-gun. His conceptual error results in the misinterpretation of empirical data. Research shows that those holding anti-gun views are just as committed—to the point of being "single-issue voters"—as are fanatic pro-gunners. Gallup's thesis becomes empirically sustainable only when a third group is recognized—a pro-control majority less fanatic than either the pro- or anti-gun extremists.

Additional difficulties plague Gallup's explanation for the gun control paradox. In the first place, what does his phrase "strict gun laws" mean? From the anti-gun point of view, "strict gun laws" would, at a very minimum, include a general prohibition on handgun ownership. Yet, as we have seen, polls consistently show that only a minority of the American people supports such a prohibition. So there is nothing paradoxical about its nonenactment. Secondly, Gallup's hypothesis (pg.38) cannot explain how it is that poll after poll shows that a majority of gun owners also supports (at least in theory) controls which the gun lobby has consistently been able to defeat. It is difficult to believe that Congress and state legislators are being bullied by a fanatic minority so small that it does not even include a majority of gun owners.

GUN CONTROL PLEBISCITES

Gallup's hypothesis has been directly contradicted by the voting behavior of the American people. Gallup believes that the majoritarian sentiment in favor of controls is frustrated because it has to be implemented by legislators who are personally too timorous to translate it into law. If Gallup is right, it would seem that the voting public would enact "strict gun laws" when asked to do so. But voters have not done that. Consider the overwhelming rejections of sweeping anti-gun

⁸ George Gallup, *The Sophisticated Poll Watcher's Guide* (Princeton, N.J.: Princeton Opinion Press, 1972): 105.

initiatives put to the voters in Massachusetts in 1976 and California in 1982. Moreover, during the past fifteen years voters in nine other states—Idaho, Louisiana, New Hampshire, Nevada, West Virginia, Utah, Maine, North Dakota, and Nebraska—have amended their state constitutions to add provisions guaranteeing that every responsible, law-abiding adult may possess a gun. Obviously, actual tallies of the electorate provide much better evidence of the views of the electorate (in these states at least) than Gallup's polling of only 500-1000 citizens who supposedly represented the views of upwards of 215 million potential voters.

The Massachusetts and California initiatives are especially significant because the gun control movement itself chose those states as the ideal places to go on the offensive. Massachusetts and California were chosen because they had exhibited the nation's most "liberal" electoral record and because polls purported to show that urban electorates would support outlawing or, at least, radically limiting, handgun ownership. Of particular significance for the argument here is the change in the pattern of opinion in both states as the campaign progressed. Polls taken at the outset appeared to show that both initiatives would win by roughly the same (65 to 70) percent majorities by which they eventually lost. (Not coincidentally, at the outset the sponsors, particularly in California, sought to present the initiative simply as a handgun registration measure, downplaying its prohibition of new handgun sales.) Subsequent polls showed support steadily diminishing as the campaign went on. In other words, the more the proposals were debated—with accompanying exposition of their anti-gun premises—the more opposition they garnered, until, on voting day, both lost with landslide defeats.^(pg.39)

These results dovetail with findings from sophisticated, in-depth polls sponsored by both pro- and anti-gun groups using different independent polling organizations. Unlike the short Gallup and Harris polls, where the number of questions asked is severely limited, the sponsored polls involved more extensive questioning designed to reveal subtler and more precise patterns and attitudes. The results are highly consistent, despite the differing wording and the antagonism of the sponsors. They show that most Americans support permissive controls on guns similar to those now applied to automobiles and driving: specifically, a permit system designed to disarm felons, juveniles, and the mentally unstable while still allowing ordinary, responsible adults the freedom to choose to own guns for family defense.⁹

This analysis—and the thesis advanced here—are further confirmed by the gun lobby's defeat in the 1988 Maryland referendum. The referendum's subject was a law passed by the Maryland legislature to prohibit future sales of "Saturday Night Specials." The law incorporated standards expressly limiting the ban only to those handguns that were diminutive and too cheap and poorly made to be useful for self-defense or sport. The law created a commission to apply those standards; its membership included representatives of a gun company, pro- and anti-gun groups, and law enforcement.

Pro-gun extremists, believing the commission's powers would be abused to outlaw sale of most or all handguns, dragooned a reluctant National Rifle Association into mounting a referendum under Maryland's highly restricted referendum procedure. Far from offering a clear-cut referendum on guns in general, however, the campaign revolved around the fact that the standards embodied in the new law expressly guarantee every responsible, law-abiding adult's freedom to buy any handgun that would be useful for self-defense or sport.

⁹ James D. Wright, "Public Opinion and Gun Control: A Comparison of Results from Two Recent Surveys," *Annals of the American Academy of Political and Social Science* 455 (1981): 24; David Bordura, "Adversary Polling and the Construction of Social Meaning," *Law and Policy Quarterly* 5 (1983): 345.

This was confirmed by the denouement after voters finally ratified the statute by a 57 to 42 percent margin. Fifteen months later two anti-gun commission members were complaining bitterly that under the standards the commission had been compelled to approve almost 99 percent of handguns submitted to it (it rejected only ten out of almost 800 models submitted) and that the commission's list of approved weapons included a 36-shot "assault pistol." Within weeks of their complaint the approved list of handguns had grown to 930 and (pg.40) included the Mac-10 and 11 "assault pistols." This was particularly ironic, since one complaining commissioner, Baltimore Police Chief Cornelius Behan, had recently displayed a Mac-11 in a *New York Times* advertisement (sponsored by Handgun Control, Inc.) calling for a federal ban on such guns. Yet Behan and the other commissioners felt compelled to approve the Mac-11 because, as he explained to the *Baltimore Sun*, the Maryland law "is designed to take out of circulation [only] highly concealable, poorly manufactured, low-caliber weapons. The Mac-10 and 11 unfortunately don't fit into that category."

It typifies the mutually skewed perspectives of pro- and anti-gun advocates that both see the 1988 Maryland referendum as a great anti-gun victory. In fact, the referendum was a *pro-control* victory—at the expense of both extremes. Certainly, it was a defeat for the gun lobby's single-minded anti-regulatory stance. But for the anti-gun lobby it was a pyrrhic victory, attained at the cost of its implicit concession that the public would not accept its views. The fruits of that victory were meager. The commission approved every gun type submitted to it by every major domestic and foreign manufacturer. In the end, only about one percent of handgun models, representing perhaps 1/1000 of one percent of the handguns sold annually in the United States, were disapproved for future sale in Maryland. Furthermore, handguns currently owned in the state and long guns were not affected by the law at all. The victory itself was attainable only by embracing a law that expressly rejected both the ultimate goal of the anti-gun lobby of outlawing handguns as well as its underlying premises.

ON THE MORALITY OF PERSONAL SELF-DEFENSE

One of those premises is great dubiety about, or even flat rejection of, the legitimacy of self-defense against violence. A half century ago Herbert Wechsler could still justify the legal right of using deadly force to defend oneself in terms of the "*universal* judgment that there is no social interest in preserving the lives of the aggressors at the cost of those of their victims."¹⁰ That is not a universal judgment today. As of 1985, 13 percent of respondents to a Gallup Poll answered negatively the question, "If the situation arose, would you use deadly force against another person in self-defense?" Presumably some respondents were expressing only their personal repugnance at killing rather (pg.41) than any moral imperative. Yet, this does not account for the whole explanation, as is clear from responses to another Gallup question, posed to two groups at the height of the Bernhard Goetz controversy. In one survey, 23 percent of the respondents said that self-defense in terms of deadly force was "never" justified; in the other, 17 percent gave that response.

No less telling is the language in which the Gallup Poll put the question: "Do you feel that taking the law into one's own hands, often called vigilantism, is justified by circumstances?" The language is highly prejudicial; the question, so phrased, treats the right of self-defense as a moral, if not legal, wrong. But Gallup's use of it is itself evidence of how this notion is now widespread. Gallup also misuses the word "vigilantism." Today that word is constantly applied only to private

¹⁰ Herbert Wechsler, "A Rationale of the Law of Homicide," *Columbia Law Review* 27 (1937): 701, 736 (emphasis added).

citizens, suggesting that there is something illegal or wrong about private citizens who act to defend their lives and those of others. However, such conduct is clearly legal, and the misuse of this term not only distorts the historical meaning of vigilantism, but also directly contradicts it.¹¹

In contrast to the 17 to 23 percent of people who responded that self-defense is *never* justified, a great majority—71 to 80 percent—answered that self-defense may be justified under certain circumstances. Indeed, 3 to 8 percent *volunteered* the assertion that self-defense is always justified, despite Gallup's failure to offer that option. Such (pg.42) approval of the legitimacy of self-defense sharply distinguishes the majority of Americans from many anti-gun advocates, for the gun control movement in general disapproves of self-defense. Whenever a gun control proposal is debated—however moderate, even innocuous, it may be—its appearance sparks impassioned philippics such as: "the only purpose of a [gun, handgun, etc.] is to kill." The clear implication is that killing is *always* wrong—even when necessary to defend against violent felony—and that the purpose of gun control is to prevent such self-defense. Typical of this kind of speech is New York Gov. Mario Cuomo's assertion that Bernhard Goetz was *morally* wrong in shooting even if that was clearly necessary to resist robbery: "If this man was defending himself against attack with reasonable force, he would be legally [justified, but] not morally...."

Another illustration of anti-gun (but not pro-control) disapproval of self-defense is a May 1977 article on guns published in *Engage-Social Action Forum*, the magazine of the Board of Church and Society of the United Methodist Church. The editor of the magazine and author of the article, Rev. Allen Brockway, pleads that women should submit to rape rather than do anything that might imperil a rapist's life. Rhetorically posing the question, "Is the Robber My Brother," he answers in the affirmative, on the grounds that although the burglary victim or the

woman accosted in the park by a rapist is [not] likely to consider the violator to be a neighbor whose safety is of immediate concern ... [c]riminals are members of the larger community no less than are others. As such they are our neighbors or, as Jesus put it, our brothers.... [Though violent criminals act wrongfully,] it is equally wrong for the victim to kill, save in those extremely rare circumstances when the unambiguous alternative is one own's death.

Reverend Brockway's views are representative of the anti-gun movement and influential within it. Indeed, the most senior of the national gun control organizations, the National Coalition to Ban Handguns (NCBH) was created by the Board of Church and Society of the United Methodist Church in 1976 when gun lobby complaints to the Internal Revenue Service threatened the Church's tax exemption. (NCBH has recently changed its name to Coalition Against Gun Violence to facilitate its current emphasis on banning rifles and shotguns as well as handguns.)

¹¹ For a discussion of the law see Don B. Kates, Jr., and Nancy Engberg, "Deadly Force Self-Defense Against Rape," *University of California at Davis Law Review* 15 (1982): 873, 877-80. As to "vigilantism," accurately used it does not distinguish between private citizens and police, it does not necessarily imply deadly force, and it would never apply to any *defensive* use of force, even excessive force. Vigilantism defines a highly specific kind of wrongdoing: a citizen or police officer taking the law into his own hands by subjecting a "criminal" to violence as a means of imposing *punishment* without due process of law. The limitations of the concept may be illustrated by three alternative hypotheticals of the facts in the Goetz case: a) if Goetz shot in reasonable necessary defense against an attempt to rob him, the shooting was lawful and thus not vigilantism; b) if Goetz actually but unreasonably feared that mere panhandlers were menacing his life, the shooting was illegal, but still not vigilantism; c) the shooting was vigilantism only if Goetz used deadly force (or any force at all) knowing it was unnecessary and for the purpose of arrogating to himself the judicial function of punishing. Vigilantism is always illegal, whether engaged in by a private citizen or by an officer misusing his powers. Conversely, it is a contradiction to apply the term to lawful conduct either by private citizens or by officers.

Reverend Brockway's language concedes that a woman may shoot a rapist if she knows with certainty that he will kill her. Yet, another (pg.43) NCBH affiliate, the Presbyterian Church USA, disagrees. Its official position is that a victim may not take an attacker's life under *any* circumstance, even if she knows he will kill her. Testifying before a congressional gun control hearing a few years ago, a church representative stated: "The General Assembly [of the Presbyterian Church USA] has declared in the context of handgun control and in many other contexts, that it is opposed to 'the killing of anyone, anywhere, for any reason.'" The representative claimed that the Presbyterian position is moderate because it seeks to ban only handguns and not hunting guns. Rifles and shotguns are not condemned because the church sees them as owned, as he put it, "by sports people." However, when it comes to handguns, the Presbyterian Church USA makes no distinction between murderers and victims who lawfully defend themselves and categorically condemns handguns as "weapons of death ... that are designed only for killing." In the church's view, "There is no other reason to own a handgun (that we have envisioned, at least) than to kill someone with it."¹²

Some secular opponents go farther, rejecting even sport as a legitimate purpose of gun ownership. In a 1968 editorial, for instance, the *Detroit Daily Press* said:

No private citizen has any reason or need at any time to possess a gun. This applies to both honest citizens and criminals. We realize the Constitution guarantees the "right to bear arms" but this should be changed.

The belief that self-defense is atavistic and morally repugnant is a constant theme running through statements of anti-gun advocates. Typical of this is the remark by University of Chicago Prof. Robert Replegle, M.D. (founder and leader of several Illinois anti-gun organizations) in congressional testimony: "The only legitimate use of a handgun that I can understand is for target shooting." Prof. Morris Janowitz objects to even that: "I see no reason ... why anyone in a democracy should own a weapon."

The natural outgrowth of this point of view is the law that NCBH succeeded in having adopted by the District of Columbia City Council in 1976. Under it, householders may not buy handguns, and guns (of any type) may not be kept assembled or loaded, even for self-defense. While Handgun Control, Inc. claims to be more moderate than NCBH, it too supports this as the ideal gun control law.^(pg.44)

Gun control proposals presented in these terms are flatly unacceptable to people who own guns. Though the attitudes and psychological profiles of gun owners are not generally distinguishable from those of the rest of the population, they do differ in that gun owners are even more likely than nonowners to approve the use of defensive force against violent felons.¹³ This approval transcends political differences: analysis of another national poll reveals that, while liberals

¹² House Judiciary Committee, Subcommittee on Crime, Hearings on Legislation to Modify the 1968 Gun Control Act, 1985-1986, Vol. I:127-128.

¹³ Alan Lizotte and Jo Dixon, "Gun Ownership and the 'Southern Subculture of Violence,'" *American Journal of Sociology* 93 (1987): 383. This approval of "defensive force" must be distinguished from generally "violent attitudes" (as defined by approval of violence against social deviants or dissenters). Gun owners are no more likely to have generally violent attitudes than are nonowners. Indeed, the holders of violent attitudes were less likely than the average gun owner to approve of defensive force (perhaps perceiving it would be directed against violent people like themselves).

are less likely to own guns than the general populace, those that do are nevertheless just as willing as other gun owners to use them, if necessary, to repel a burglar.¹⁴

But belief in the legitimacy of self-defense is not confined solely to gun owners. Though this belief may no longer be "universal," it was still shared by the 78 percent of the respondents in the 1985 Gallup Poll, who agreed that, if the situation arose, they would themselves use deadly force against an attacker. Even if we assume that 50 of those 78 percentage points reside in the roughly 50 percent of households that have guns, that leaves at the very least another 28 percentage points (well over half of nongun owners) who concur in the legitimacy of using deadly force in self-defense. It is little wonder that public enthusiasm for a gun control proposal fades when its proponents express an attitude toward self-defense which is disagreeable to the large majority of the public.

KILLED BY THEIR OWN ARGUMENTS

Why do "anti-gun" advocates insist on portraying gun owners as "demented and blood-thirsty psychopaths whose concept of fun is to rain death upon innocent creatures both human and otherwise"? While this may partially reflect mere political or cultural antagonism against gun owners, it also involves a genuine, ethically based hatred (pg.45) of self-defense and, consequently, of gun owners and guns as symbols of it. To recall some of the quotations given earlier:

No private citizen has any reason at any time to possess a gun ... the need that some homeowners and shopkeepers believe they have for weapons to defend themselves [represents] the worst instincts in the human character ... I see no reason ... why anyone in a democracy should own a weapon ... [W]eapons of death ... designed only for killing ... There is no other reason to own a handgun (that we have envisioned, at least) than to kill someone with it ... [Armed] against their own neighbors, ... gun nuts [are] anti-citizens, traitors, enemies of their own *patriae*....

Anti-gun insistence on this kind of discourse is indispensable to the gun lobby's success in defeating control proposals that, in principle, enjoy overwhelming support. Instead of dealing with the merits of the proposals, the gun lobby uses this rhetoric to mobilize gun owners' opposition by portraying all "control" as a hate-inspired scheme designed to systematically multiply controls until gun ownership eventually becomes impossible. It is this discourse which convinces gun owners that "gun control" is not a legitimate social imperative aimed at criminals but an expression of moral or ethical hatred directed at them.

Recognizing this, most gun control organizations usually refrain from officially endorsing anti-gun rationales. Unfortunately, they are unable to restrain the more or less unofficial chorus of anti-gun champions who hail even the most moderate proposals as steps toward an eventual ban on all guns, which would then in turn suppress the abhorrent phenomenon of self-defense. Ideally, gun control organizations could defuse such counterproductive advocacy by disavowing it. But anti-gun advocates are so numerous and influential among gun control organizations that it is impossible for those who are merely pro-control to repudiate anti-gun ideology and disassociate their proposals

¹⁴ John T. Whitehead and Robert H. Langworthy, "Gun Ownership and Willingness to Shoot: A Clarification of Current Controversies," *Justice Quarterly* 6 (2) (June 1989): 263.

from it. The failure to do this makes it impossible to convince skeptical gun owners that a restriction, championed by those who revile them, does not really do, or imply, what their enemies claim.

Thus, the key to understanding the "gun control paradox"—the gun lobby's ability to defeat gun control proposals which seem to have almost universal support—lies in the recognition that, first, anti-gun discourse has made fanatic opponents out of gun owners who would otherwise have been supporters, and second, that this discourse also serves to alienate a substantial proportion of nongun owners who ^(pg.46) would otherwise support moderate controls. Though polls show that most Americans support "gun control" (undefined), what it means to them and why they support it are very different from what it means to anti-gun activists and why they support it. Close analysis of recent state plebiscites demonstrates this and the harmful effect that the language used by anti-gun advocates has had upon gun control efforts which otherwise might have enjoyed overwhelming support. The intense debate in these campaigns exposes how different the public's "pro-control" pragmatism really is from the extremists' "anti-gun" moralism.

It is not the innate strength of the gun lobby that defeats gun control proposals. Rather it is anti-gun zealots whose extreme proposals, and extremist arguments even for moderate controls, alienate a public that is open to ideas for rational control of firearms.

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[...]

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