Woodrow Wilson School  
Fall Term, 2000  

WWS 401c  
Stanley N. Katz  

**Gun Control in the United States**  
Tuesdays, 7:30-10 p.m.

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**General Approach of the PTF:**
The United States seems divided between a significant number of people, represented by the National Rifle Association, who believe that it is their Second Amendment right to possess firearms, and a much larger group who believe that the dangerousness of such weapons requires government regulation of the purchase and use of guns. The tide seems to be turning slightly in favor of the latter group, and in 1993-94 the Congress passed the first important federal gun control legislation. Efforts at further federal and state regulation are being vigorously pursued – and contested. Over the years there have been a number of different strategies behind attempts to reduce or eliminate gun violence. Certain classes of weapons have been made illegal; gun purchasers can be forced to register or undergo a waiting period while their criminal records are checked, guns can be manufactured to be safer, and so on.

A few years ago, however, a new strategy for gun control emerged. State and local governments have begun to sue firearms manufacturers for damages on the theory that gun violence imposes large medical, police (and other) costs upon governments. A similar technique (based on the alleged costs to the states of medical care for citizens afflicted with tobacco-related diseases) forced the tobacco companies to the table a few years ago, and resulted in a huge settlement paid by the manufacturers to many states. Efforts are now underway to litigate against gun manufacturers in the hope that the prospect of successful tort verdicts will force them to change their manner of doing business – and reduce the availability of hand guns.

The Task Force will examine this litigation strategy with particular care, and in the context of alternative strategies. We will also evaluate the constitutional and other claims of the right to gun ownership community, as well as the variety of grounds for opposition to gun ownership, including public health claims. Our immediate task will be to advise the Attorney General of New Jersey as to the promise of litigation (as opposed to alternative strategies) for gun control in this state.
PTF Procedures:
The Policy Task Force will meet every Tuesday evening for discussion sessions. Limited reading assignments (mainly from materials on reserve in the Woodrow Wilson School Library) will be made for the first few weeks in order to orient members of the Task Force to general background on gun control and the Second Amendment. These assignments are, however, exemplary, and you are encouraged to read on their own for fuller information and deeper understanding. Several outside experts will also visit the Task force, presenting the points of view of their organizations. They will further inform you, but you must take into account their personal and institutional biases.

The most important work you will do this term is the research you undertake for your own JP. I hope that each of you will make a proposal to me for a paper topic before the end of the third week of term. We will negotiate individual topics and the range of topics for the group, to be sure that most important bases are touched by one student or another. But of course each of you will also work, along with me and the Senior Commissioner, on the Task Force report. This will be a joint effort, led by the Senior Commissioner, that will take up much of our time at the end of term. Class discussions will be crucial not only to your own progress, but to that of the PTF as a whole. You will be graded on your performance in all of these activities, but I will give primary attention to your JP.

As you will see from the schedule below, we will spend the first few weeks reading and talking our way into the subject. For the next several weeks the emphasis will be on researching (and then drafting) your JP. Each of you will then make an oral presentation of your draft to the Task Force, and set about revising it – a task that will probably take you into the Winter Recess. The last phase of the PTF will be trying to work out a common policy recommendation as the basis for the Task Force report.

A word to the wise: Each of you must formulate a precise question to be answered as the basis of your JP. It is essential that the policy question you address be well thought out before you begin your final research. The entire paper should be a concise, well-organized response to the policy question. The final paper should be no longer than 25 pages (a rule strictly enforced, since I will stop reading after page 25). Remember Dr. Johnson’s response when asked why his most recent book was so long: “It would have been shorter if I had had more time.” Less is more in writing an essay, but less is more difficult than more.

Finally, we will establish a web page for the PTF, using the Courseinfo software supported by the University. This will contain the information in this syllabus, and other material posted later in the term. It will also be the vehicle for our PTF listserv. I encourage general discussion on the listserv. I am always available for individual queries and discussions personally or by e-mail. I do not hold regular office hours, but I work in 428 Robertson with my door open, and you should feel free to stop by at any time I am in the office. I am in my office most weekends. I will also be happy to make individual appointments with you.
Reading:

2. Books on reserve in WWS Library:
Canada, Geoffrey, Fist, Stick, Knife, Gun: A Personal History of Violence (Boston, 1995)
Phillip Cook and Jens Ludwig, Guns in America (Washington, D.C., 1996)
Saul Cornell, ed., Whose Right to Bear Arms did the Second Amendment Protect? (Boston, 2000)
Davidson, O.S., Under Fire: the NRA and the Battle for Gun Control (New York, 1993)
Dizard, Jane, Robert Merrill Muth and Stephen P. Andrews, Guns in America: A Reader (New York, 1999)
Final Report, WWS 304 Task Force on Gun Safety, Spring, 2000
Kleck, Gary, Point Blank: Guns and Violence in America (New York, 1991)
________, Targeting guns: Firearms and their Control (New York, 1997)
________, and Don B. Kates, The Great American Gun Debate (Lanham, MD, 1997)
Reiss, Albert J. and Jeffery A. Roth, eds., Understanding and preventing Violence (Washington, D.C. 1993)
Sherrill, Robert, The Saturday Night Special (New York, 1973)
Windlesham, Lord, Responses to Crime (New York, 1987)
________, Politics, Punishment and Populism (New York, 1998)
__________, and George D. Newton, Firearms and Violence in American Life (Washington, D.C., 1969)
3. Websites on gun control:
There is a wealth of information on gun control (and the Second Amendment) on the Web. Despite the apparent richness of sources available on the Web, however, you must be alert to the difficulties of determining the provenance and authority of electronic texts. Every advocacy group with an interest in gun control or the freedom to own firearms is on the Web. Be aware of who is creating and promoting the information you access. This is very much part of the larger policy problem we will be studying. The first site noted below appears to be the most comprehensive source of information on all aspects of the problem we are studying.

Comprehensive bibliography of websites, annotated:
http://guncite.com
On the litigation strategy:
http://www.firearmslitigation.org
Johns Hopkins Center for Gun Policy and Research:
http://infosys.jhsph.edu/centers/gunpolicy
Violence Policy Center:
http://www.vpc.org
Note the comprehensive information on litigation filed against the industry:
http://www.vpc.org/litigate.htm
Center to Prevent Handgun Violence (the Brady organization):
http://www.handguncontrol.org
Bureau of Alcohol, Tobacco and Firearms:
http://www.atf.treas.gov
Note the new publication: Following the Gun: Enforcing Federal Laws Against Firearms Traffickers:
http://www.atf.treas.gov/pub/#Firearms
National Center for Injury Prevention and Control:
http://www.cdc.gov/ncipc
Smith-Wesson agreement:
http://www.smith-wesson.com/misc/agreement.html
National Rifle Association:
http://nra.org
New Jersey gun control organization:
Meeting Schedule and Reading: (Speakers to be announced later)
19 September: Discussion Session
   Reading: Zimring handout from Scientific American
   Read in one or more of: Gregg Carter, The Gun Control Movement
   Jan Dizard, ed., Guns in America: A Reader
   or another survey of gun control

26 September: Discussion Session
   Reading: Zimring and Hawkins, Crime Is Not the Problem

3 October: Discussion Session
   Reading in one or more of: Gary Kleck, Point Blank: Guns and Violence in America
   Gary Kleck, Targeting Guns: Firearms and Their Control
   Robert Spitzer, The Politics of Gun Control
   JP topics finalized by consent of instructor.

10 October: Discussion Session

17 October: Discussion Session

24 October: Discussion Session

31 October: Fall Break

7 November: Discussion Session
   (Election Day – I will bring a TV to class for updates.)

14 November: Student oral presentations
   Draft JPs due.

21 November: Student oral presentations

28 November: Discussion session

5 December: General discussion of PTF group report and recommendations
   (led by Senior Commissioner).

12 December: Final discussion of group report
   (led by Senior Commissioner).

8 January: Dean’s Date: Final JPs due

16 January: PTF Report due (Senior Commissioner)
The gun control debate in the United States goes back to the nation's founding, when the framers of the Constitution first wrote the Second Amendment, allowing private citizens to "keep and bear arms." Gun control became a much bigger topic shortly after the November 22, 1963 assassination of President John F. Kennedy. Kennedy's death increased public awareness of the relative lack of control over the sale and possession of firearms in America. Until 1968, handguns, rifles, shotguns, and ammunition were commonly sold over the counter and through mail-order catalogs and magazines. The first piece of national gun control legislation was passed on June 26, 1934. The National Firearms Act (NFA) was part of President Franklin Delano Roosevelt's "New Deal for Crime". It was meant to curtail gangland crimes of that era such as the St. Valentine's Day Massacre. The NFA imposed a tax on the manufacturing, selling, and transporting of firearms listed in the law, among them short-barrel shotguns and rifles, machine guns, firearm mufflers and silencers. Due to constitutional flaws, the NFA was modified several times. In 1939 the U.S. Supreme Court heard the case United States v. Miller, ruling that through the National Firearms Act of 1934, Congress could regulate the interstate selling of a short barrel shotgun. The gun-control debate in the United States also necessarily concerns the proper interpretation of the Second Amendment to the U.S. Constitution, which reads, "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed." In keeping with the first clause of the amendment (the preamble), most U.S. courts, until the early 21st century, had understood it to guarantee the right of states to maintain militias or the right of individuals to keep and bear arms in connection with their service in a state militia, an