

*From Garden State to Gun Control State:**New Jersey's 1966 Firearms Law and the NRA's Rise as a Political Lobby***By Chris Rasmussen****DOI: <https://doi.org/10.14713/njs.v6i2.214>**

*In 1966, the New Jersey legislature passed An Act Concerning Firearms and Other Dangerous Weapons, which imposed significant regulations on gun buyers and dealers. Two years later, members of Congress frequently cited the Garden State's tough gun control law as a model for the Gun Control Act of 1968. Although New Jersey's 1966 firearms law has received little attention from scholars, the battle over gun control in New Jersey marked a significant turning point in the nationwide debate between supporters and opponents of gun control and exposed political fissures that endure today. The National Rifle Association (NRA) mobilized its membership to pressure New Jersey legislators to reject gun control. In its effort to oppose gun control in New Jersey, the NRA honed its arguments that gun control infringed upon citizens' Second Amendment right "to keep and bear arms," contended that gun laws would not reduce crime, and charged that keeping records of gun sales would ultimately lead to confiscation of firearms. The NRA's fight against gun control in Trenton revealed the organization's enormous influence and signaled its emergence as one of the most effective political interest groups in the United States.*

Debates over gun violence, gun control, and the Second Amendment right to keep and bear arms have roiled American politics since the 1960s.<sup>1</sup> The assassinations of President John

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<sup>1</sup> David B. Kopel, "The Great Gun Control War of the Twentieth Century—and its Lessons for Gun Laws Today," *Fordham Urban Law Journal*, 39 (2012):1527-1616; Robert J. Spitzer, *The Politics of Gun Control*, 7<sup>th</sup> ed. (Abingdon: Routledge, 2018); Franklin E. Zimring, "Firearms and Federal Law: The Gun Control Act of 1968," *Journal of Legal Studies* 4, no. 1 (January 1975): 133-98; George D. Newton, Jr., and Franklin E. Zimring, *Firearms & Violence in American Life: A Staff Report Submitted to the National Commission on the Causes & Prevention of Violence* (Washington: US Government Printing Office, 1969); Adam Winkler, *Gunfight: The Battle over the Right*

Kennedy, his brother Robert, and Reverend Martin Luther King, Jr. led many legislators and citizens to call for regulating the sale and possession of firearms, and the Gallup Poll consistently throughout the 1960s recorded widespread public support for gun control legislation.<sup>2</sup> A marked rise in the violent crime rate in the 1960s worried many Americans, and “law and order” became a significant issue in both state and national politics. Urban riots erupted in Harlem in 1964, in Watts in 1965, and in dozens of cities in 1967 and 1968, alarming many white Americans. The militant rhetoric of the Black Power movement worried some whites and galvanized some black Americans. Amidst the political, racial, and cultural upheaval of the 1960s, guns and gun rights generated enormous controversy, as some Americans advocated strict gun control laws and others insisted on their Constitutional right to own firearms.<sup>3</sup>

Concerned about the growing number of weapons imported into the US and guns purchased by mail order, Congress began to consider stricter firearms laws in 1963, and the issue gained urgency after President Kennedy was assassinated in November of that year. However, legislation proposed by Senator Thomas Dodd of Connecticut remained stymied in committee for years. While firearms regulation stalled in Washington, in 1966 the New Jersey legislature passed the most significant gun control legislation written in decades, An Act Concerning Firearms and Other Dangerous Weapons, which tightened regulations on gun dealers and required would-be gun buyers to obtain a permit from their local police chief in order to purchase a weapon.<sup>4</sup> Debate over

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*to Bear Arms in America* (New York: W.W. Norton, 2011); Patrick J. Charles, *Armed in America: A History of Gun Rights from Colonial Militias to Concealed Carry* (Amherst, NY: Prometheus Books, 2019).

<sup>2</sup> A Gallup Poll dated January 12, 1964 reported that 79 percent of Americans supported requiring gun buyers to obtain a permit from their local police department. A Gallup Poll dated February 7, 1965, recorded 73 percent support for requiring such permits, as did a Gallup Poll in August 1966. See 90<sup>th</sup> Congress, 1<sup>st</sup> Session, US Senate, Subcommittee to Investigate Juvenile Delinquency, Committee on the Judiciary, Hearings, Federal Firearms Act (Washington: US Government Printing Office, 1967), 523-25. On Americans’ support for gun control in the 1960s and 1970s, see Hazel Erskine, “The Polls: Gun Control,” *Public Opinion Quarterly* 36, no. 3 (Autumn 1972): 455-69.

<sup>3</sup> Kopel, “Great Gun Control War,” 1537-1550.

<sup>4</sup> “A Gun-Toting Nation,” *Time*, August 12, 1966, 15

gun control divided both legislators and citizens, generating ardent support and vehement opposition. As statehouse reporter Edward Mullin observed, gun control was “probably the most emotion-provoking” political issue confronted by New Jerseyans in 1966.<sup>5</sup>

Two years later, as Congress debated the issue of gun control, *Time* magazine praised the Garden State’s “tough, comprehensive gun-control law” and predicted that it would “serve as a model for federal action.”<sup>6</sup> In 1968, Congress passed the Omnibus Crime Control and Safe Streets Act and the Gun Control Act, both of which regulated the interstate sale of firearms.<sup>7</sup> While these Federal laws are well-known, New Jersey’s firearms law has received little attention from scholars. The leading historian of gun control in the US, Robert J. Spitzer, traces Americans’ contemporary debate over firearms to the Gun Control Act of 1968, but neglects the political battle that convulsed New Jersey two years earlier.<sup>8</sup> In both Trenton and Washington, gun control bills encountered opposition from the moment legislators introduced them, and the National Rifle Association (NRA), which had opposed gun control measures for decades, strove to defeat gun control in the New Jersey legislature and in Congress. The NRA’s ability to mobilize its members to oppose the New Jersey gun control bill contributed to its transformation from an association of gun owners and sportsmen into a powerful political organization, one capable of rallying its vast membership to pressure legislators. As it fought to defeat the New Jersey gun control law, the NRA honed its arguments that gun control infringed upon citizens’ Second Amendment right “to keep and bear arms,” contended that gun laws would not reduce crime, and charged that gun registration would ultimately lead to confiscation. Although the NRA failed to stop enactment of the New Jersey

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<sup>5</sup> Edward Mullin, “Gun Control Measure Faces Senate Fight,” *Herald-News* (Passaic, NJ), May 17, 1966, 1.

<sup>6</sup> “New Jersey’s Model Gun Law,” *Time*, June 21, 1968, 17.

<sup>7</sup> Omnibus Crime Control and Safe Streets Act of 1968, Pub. L. 90–351, 82 Stat. 197, § 922; Gun Control Act of 1968, Public Law 90–618, 82 US Statutes, 1213, § 922.

<sup>8</sup> Spitzer, *Politics of Gun Control*, esp. 186–91.

firearms act in 1966, it succeeded in persuading legislators to amend this legislation and quashed the prospect of the state establishing a registry of firearms and gun owners. More important, the NRA worked hard to persuade Americans that the Second Amendment to the US Constitution protected individual citizens' right to own a gun, and was not restricted to a collective right to serve in a state militia. By rallying its members, influencing legislators, and framing public debate over guns as a matter of fundamental Second Amendment rights, the NRA demonstrated its considerable political clout, and the organization deployed the same tactics in its effort to persuade Congress to weaken the Gun Control Act of 1968 and block a nationwide registry of firearms. The NRA's fight against gun control in New Jersey signaled an important turning point in its emergence as one of the most effective political lobbies in the United States, one capable of mobilizing its members to oppose gun control measures in spite of Americans' general support for firearms regulation.<sup>9</sup> The fierce debate over gun control in New Jersey in 1966 marked a significant escalation in the nationwide debate between supporters and opponents of gun control, demonstrated the growing influence of the NRA, and exposed deep political fissures that persist today.<sup>10</sup>

Americans have debated gun control legislation for decades. New York State's Sullivan Law, passed in 1911 and still in effect, precedes the controversy over gun control in the 1960s by more than a half-century, and established New York as the nation's pioneering gun control state. The Sullivan Law requires citizens to obtain a license to own a handgun, and prohibits private citizens from carrying a concealed firearm in public.<sup>11</sup> The National Firearms Act of 1934 imposed

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<sup>9</sup> On Americans' support for gun control in the 1960s and 1970s, see Erskine, "The Polls: Gun Control," 455-69.

<sup>10</sup> For an excellent account of the high tide of liberal reform and challenges to it in the 1960s, see Allen J. Matusow, *The Unraveling of America: A History of Liberalism in the 1960s* (Athens: University of Georgia Press, 2009; orig. pub. 1984), 3-13.

<sup>11</sup> See Winkler, *Gunfight*, 205-210.

a stiff excise tax on machine guns, short-barreled rifles, and short-barreled shotguns, and required owners to register these weapons with the Federal government. The Federal Firearms Act of 1938 required gun dealers who shipped firearms across state lines to obtain a license, maintain a record of their sales, and prohibited them from selling guns to those convicted of committing a violent crime or otherwise barred by state law from owning a gun.<sup>12</sup>

But the 1960s marked the turning point in Americans' debate over gun control, as political assassinations, a rising crime rate, and urban riots combined to make gun control a highly visible and controversial issue. After the assassination of President Kennedy in November 1963, the NRA's magazine, *American Rifleman*, stated that too many Americans had engaged in a "hysterical" and "highly emotionalized reaction" to the president's death. As a result, "anti-firearm feeling" and calls for sweeping gun control legislation had suddenly reached an all-time high. (The NRA was stung by the disclosure that Lee Harvey Oswald purchased the rifle he used to murder President Kennedy via mail order from a gun dealer's advertisement in *American Rifleman*.) Opposed to registration of firearms or requiring gun owners to obtain a firearms license, the NRA worried not only about the prospect of Federal legislation, but warned its members that "it is certain that many state legislatures will attempt solutions of one kind or another."<sup>13</sup> Opponents of gun control successfully blocked Senator Dodd's efforts from 1963 through 1965. But, as the NRA warned its members, gun control had not been vanquished, but only kept at bay. As NRA vice president Franklin L. Orth put it in December 1965, gun rights advocates were in the eye of a hurricane, and should expect the lull to be brief.<sup>14</sup>

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<sup>12</sup> National Firearms Act of 1934, 48 Stat. 1236; Federal Firearms Act of 1938, 52 Stat. 1250; Kopel, "Great Gun Control War," 1532-1534.

<sup>13</sup> "Realistic Firearms Controls," *American Rifleman*, January 1964, 14.

<sup>14</sup> Franklin L. Orth, "A Report to Members on Federal Gun Legislation," *American Rifleman*, December 1965, 17-18.

Horrified by President Kennedy's murder and concerned about New Jersey's rising crime rate, Democratic Governor Richard J. Hughes and Attorney General Arthur J. Sills advocated gun control during the 1965 legislative session, but their efforts languished in the Republican-led legislature.<sup>15</sup> Hughes forcefully advocated gun control in his 1965 re-election campaign against Republican Wayne Dumont, Jr., and gun control became one of the central issues in the campaign. Dumont supported a weaker gun control bill, which would bar criminals and mentally ill persons from owning a gun, but opposed Hughes's proposed legislation as an infringement on citizens' rights and a needless imposition on thousands of law-abiding gun buyers.<sup>16</sup>

In November, Hughes won re-election, and Democrats also gained majorities in both houses of the state legislature. Hughes and Democratic legislators embarked on an ambitious legislative agenda in 1966, which included a proposed state income tax and sales tax, both of which generated considerable opposition from legislators and voters. Court-ordered legislative redistricting also compelled legislators to oversee redrawing the state's malapportioned legislative and Congressional districts.<sup>17</sup> New Jersey's demography and politics were changing rapidly in the decades after World War II. For decades, New Jersey politics had been dominated by a bargain struck between political machines in the state's largest cities and its rural areas, which were over-represented in the state legislature. In the 1950s and 1960s, cities and rural areas were losing political power to the almost explosive growth of the state's suburbs, as New Jersey became a quintessentially suburban state. Between 1940 and 1960, the state's population grew almost 50 percent, from 4.1 million to 6.1 million; by 1970 it neared 7.2 million. Nearly all of this growth

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<sup>15</sup> "Hughes Backs Whittled Down Gun Law to Halt Heavy Barrage from Sportsmen," *The News* (Paterson, NJ), May 25, 1965, 15.

<sup>16</sup> "Dumont Backs Guns Control," *The Record* (Hackensack, NJ), October 13, 1965, 1; "Hughes Raps Dumont's Stance on Gun Controls," *Herald-News* (Passaic, NJ), October 20, 1965, 2; "Dumont Berated on Gun Controls," *The Record* (Hackensack, NJ), October 21, 1965, 29.

<sup>17</sup> John O. Davies, "Lawmakers Face Busy Agenda," *Courier-News* (Plainfield, NJ), June 4, 1966, 2.

was in the suburbs, and most of the state's largest cities actually lost population. As political scientists Barbara and Stephen Salmore observe, suburban voters typically rejected the ethnic-centered, racialized, and highly partisan politics of cities, focusing instead on maintaining a high quality of life. As the nation's violent crime rate rose in the 1960s, many suburban voters began to view cities warily at best, and considered gun control a means to prevent crime and preserve safe neighborhoods. The riots that convulsed Newark and other New Jersey cities in 1967 only hastened white residents' exodus to suburbia and intensified their distrust of the state's urban areas.<sup>18</sup>

Governor Hughes and Attorney General Sills made gun control a top priority during the 1966 legislative session, and Sills became so closely associated with the issue that the gun control bill was widely known as the Sills bill.<sup>19</sup> Hughes and Sills favored strong legislation that would require the registration of all firearms, but gun rights advocates' ability to stop the gun bill in 1965 had persuaded them that any bill mandating a statewide registry of guns and gun owners faced near-certain defeat in the state legislature, despite Democrats' newly won majorities in both the Assembly and the Senate.<sup>20</sup> When the New Jersey legislature convened in January 1966, Assembly member Maurice Brady, a Democrat from Hudson County, introduced Sills's bill for regulating firearms sales and purchases.<sup>21</sup>

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<sup>18</sup> On the growth of suburbs and suburban politics in New Jersey, see Barbara G. Salmore and Stephen A. Salmore, *New Jersey Politics and Government: The Suburbs Come of Age*, 3<sup>rd</sup> ed. (New Brunswick: Rutgers University Press, 2008), 48, 57-58, 370-74; Lizabeth Cohen, *A Consumers' Republic: The Politics of Mass Consumption in America* (New York: Vintage, 2003), 197-200; Howard Gillette, Jr., "Suburbanization and the Decline of the Cities," in Maxine N. Lurie and Richard Veit, eds., *New Jersey A History of the Garden State* (New Brunswick, NJ: Rutgers University Press, 2012), 264-74, 279-82.

<sup>19</sup> "Hughes Victory Gives Sills New Hope on Gun Registration Law," *Daily Home News* (New Brunswick, NJ); John B. Wefing, *The Life and Times of Richard J. Hughes: The Politics of Civility* (New Brunswick: Rutgers University Press, 2009), 140-41. Unfortunately, Attorney General Sills retained his papers when he left office in 1970, and his papers are not held by the New Jersey State Archives or by the law firm he founded, Sills Cummis & Gross.

<sup>20</sup> Testimony of Louis A. Benton, 54-55.

<sup>21</sup> Assembly Minutes (1966), 85.

Sills's gun control bill required residents who wanted to purchase a firearm to apply at their local police station. Notably, residents were *not* required to obtain a permit for firearms they already owned. Applicants who sought to purchase a handgun were required to complete a separate permit form for each pistol or revolver, although the bill set no limit on the number of weapons a resident could own.<sup>22</sup> Those seeking to buy a rifle or shotgun had to obtain a "firearms purchaser identification card," which enabled them to purchase long guns without the need to complete a separate application for each gun. In order to obtain either a handgun permit or an ID card, applicants had to complete a form on which they listed their name, address, age, occupation, and physical description. Further, they were required to have their fingerprints taken and placed on file with their local police department, disclose to the police any history of mental health issues, list any criminal convictions, supply character references, and pay a \$2.00 fee. Gun dealers were required to keep a detailed record of handgun sales, including "the name, age, date of birth, complexion, occupation, residence and a physical description" of handgun buyers, as well as the make, model, and serial number of each gun sold. Gun dealers were required to send a list of buyers of handguns to the police chief in the buyer's hometown and to the Superintendent of the State Police. Further, dealers were required to allow law enforcement officials to inspect their register of buyers of handguns and long guns. Gun rights advocates considered these provisions of the law tantamount to allowing state and local governments to compile a registry of firearms.<sup>23</sup> The bill made obtaining a permit to carry a gun extremely difficult, requiring the applicant to demonstrate a "need" to carry a weapon, although the statute did not specify the criteria for "need."<sup>24</sup> Ostensibly, the bill enabled any adult resident of New Jersey "of good character and who

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<sup>22</sup> An Act Concerning Firearms and Other Dangerous Weapons, New Jersey Legislature, Acts (1966), 497, 489.

<sup>23</sup> New Jersey Legislature, Acts (1966), Ch. 60, pp. 490-91. The \$2.00 fee is specified on p. 496.

<sup>24</sup> New Jersey Legislature, Acts (1966), 501.

is of good repute in the community in which he lives” to obtain a permit to buy a handgun or an identification card to buy a long gun (commonly known as a “shall issue” law, in which governments were compelled to issue a license to qualified applicants). Minors were prohibited from obtaining a firearms permit, as were applicants with a felony record, a history of drug or alcohol abuse, mental instability, severe physical handicaps, or past and present members of subversive organizations. But the statute also allowed police chiefs to deny a permit “To any person where the issuance would not be in the interest of the public health, safety or welfare,” an ill-defined “may issue” provision that alarmed many gun owners. Local police departments had ten days within which to approve or deny applications for handgun permit or an ID card. Applicants who were denied a permit could appeal the police chief’s decision in County Court.<sup>25</sup>

The gun control bill generated strong support and equally fervent opposition, provoking what one reporter called “one of the bitterest legislative struggles in years.”<sup>26</sup> Some gun owners staunchly opposed the bill, and its passage was by no means assured. When the legislative session opened in January, opponents of gun control immediately deluged legislators and the state’s newspapers with letters criticizing the bill. Arthur Gaskill of Hilltop wrote that the prospect of gun control evoked “memories of what happened to Poland, Czechoslovakia, and all of the European countries when Hitler overpowered these nations.” John B. Cavagnaro of Vineland warned that passage of the bill would spell “the end to the freedoms for which many brave men fought and died.”<sup>27</sup> Legislators reported receiving upwards of 300 letters on the Sills bill, the overwhelming majority of them adamantly opposed to it.<sup>28</sup> Supporters of the bill also weighed in. Camden’s

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<sup>25</sup> New Jersey Legislature, Acts (1966), 496, 493-94; “What the Lawmakers are Doing,” *American Rifleman*, July 1966, 21-22.

<sup>26</sup> “Hughes Signs New Jersey Gun Law,” *Courier-News* (Plainfield, NJ), June 4, 1966, 2. See also Mullin, “Gun Control Measure Faces Senate Fight.”

<sup>27</sup> Arthur Gaskill to *CourierPost* (Camden, NJ), January 19, 1966, 14; John B. Cavagnaro to *Daily Journal* (Vineland, NJ), February 24, 1966, 14.

<sup>28</sup> “Letters Pour in on New Gun Bill,” *Daily Register* (Red Bank, NJ), March 14, 1966, 1.

*Courier-Post* supported the Sills bill, and *The Record*, one of northern New Jersey's most influential newspapers, called for "a tough, highly-restrictive gun control bill."<sup>29</sup>

Assembly committee hearings on the bill in early March immediately became rancorous, as opponents of gun control, many wearing buttons that read "Preserve Your Heritage," filled the gallery to boo the bill's advocates and applaud its critics.<sup>30</sup> Attorney General Sills, who led the bill's supporters, stated that the law was designed solely to keep firearms "out of the hands of misfits," such as criminals, alcoholics, drug users, and psychologically troubled individuals. He regaled the legislators with heart-rending tales of murders, accidental shootings, and suicides, and cited statistics indicating that the gun homicide rate in New Jersey had risen in recent years. Gun owners loudly jeered Sills during the Assembly's hearing on the bill, Sills concluded his testimony with an emotional appeal, asking:

...how many more children will be murdered by deranged parents using a weapon they should not have been able to purchase? How many more policemen will be murdered by ex-convicts who were able to purchase a firearm with no questions asked? How many more people will be killed in their homes, their cars, or in a crowded place by a sniper's bullet from a high-powered rifle? How many more children will kill themselves with a shotgun given to them as a gift? In fact, how many Presidents must we lose before we come to our senses?<sup>31</sup>

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<sup>29</sup> "For Sills Law on Guns," *Courier-Post* (Camden, NJ), January 10, 1966, 16; "The Sportsmen State Their Case," *The Record* (Hackensack, NJ), March 7, 1966, 48.

<sup>30</sup> "Gun-Control Bill Booed in Jersey," *New York Times*, March 3, 1966, 35.

<sup>31</sup> New Jersey Assembly, Committee on Government, Public Hearing on Assembly Bill 165, Regulation of Sale and Purchase of Firearms, March 2, 1966, 4, 16.

"Sills Jeered at Hearing on Gun Control," *Courier-Post* (Camden, NJ), March 3, 1965, 1, 8; "Sills Sticks to His Guns Despite Heavy Fire," *Daily Home News* (New Brunswick, NJ), March 3, 1966, 1; "Sills Opens Fight for Tougher Gun Law," *Asbury Park Press*, March 3, 1966, 1; Ed Conklin, "Objectors Against Gun Legislation Fill Assembly," *Herald-News* (Passaic, NJ), March 9, 1966, 34.

In the committee's afternoon session, Sills responded to questions about the bill. Protestors continued to boo and hiss his remarks, provoking him to respond angrily that opponents of gun control "prefer to roam the streets and make a jungle of the United States."<sup>32</sup>

Opposition to the gun control bill was led by the National Rifle Association, along with a handful of shooting clubs and hunters' organizations. Founded in 1871 to foster marksmanship, the NRA became a staunch defender of gun owners' rights in the 20<sup>th</sup> century and emerged as a potent political force nationally and in New Jersey in response to growing number of legislative efforts to regulate firearms in the 1960s and 1970s. The NRA immediately opposed the Sills gun control bill, issuing a "Legislative Bulletin" to its members in February 1966, and urging its members to deluge legislators with telegrams and letters opposing the bill.<sup>33</sup> L. Arthur Burton, Secretary of the Citizens Committee for Firearms Legislation (CCFL), an NRA-backed organization founded in 1965 to counter Gov. Hughes's support for gun control, testified next.<sup>34</sup> Burton stated that if the hearing had been held in the evening or during the weekend, thousands of members of his organization would have attended to rally against gun control.<sup>35</sup> He stated that the Citizens Committee supported efforts to prevent irresponsible people from buying guns, but considered the bill a misguided attempt "to make firearms a dirty word," and charged that the bill, if passed, "makes all firearms ownership illegitimate until cleared by the state."<sup>36</sup> He predicted that

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<sup>32</sup> New Jersey Assembly, Committee on Government, Public Hearing on Assembly Bill 165, Regulation of Sale and Purchase of Firearms, March 2, 1966, 12A. (Page numbers that include the letter A record the committee's afternoon session, and follow page 60 in the hearing transcript.) See also "The Sportsmen State Their Case."

<sup>33</sup> NRA to All NRA Members and Clubs in New Jersey, February 18, 1966, in 90<sup>th</sup> Cong., 1<sup>st</sup> Sess., US Senate, Subcommittee to Investigate Juvenile Delinquency, Committee on the Judiciary, Hearings, Federal Firearms Act (Washington: US Government Printing Office, 1967), 1012-1016; Richard Benfield, "Hughes Prods Senate on Gun Controls," *The Record* (Hackensack, NJ), May 17, 1966, 1.

<sup>34</sup> The Citizens Committee for Firearms Legislation (CCFL) comprised the NRA, the Association of New Jersey Rifle and Pistol Clubs, New Jersey State Federation of Sportsmen's Clubs, New Jersey Arms Collectors, Private Detective Association of New Jersey, American District Telegraph (a company that sold home security systems), New Jersey Firearms Dealers, National Muzzle-Loading Association, National Shooting Sports Foundation, and other organizations. Public Hearing on Assembly Bill 165, 18.

<sup>35</sup> Public Hearing on Assembly Bill 165, 18-19.

<sup>36</sup> Public Hearing on Assembly Bill 165, 20, 28.

requiring dealers to keep a record of gun sales would culminate in the registration of all firearms, which would in turn facilitate the state's ability to confiscate citizens' weapons.<sup>37</sup> Similarly, requiring gun purchasers to apply for a permit would be tantamount to creating a registry of firearms and gun owners.<sup>38</sup> When Burton concluded his testimony, gun rights advocates in the audience erupted in cheers.

Louis A. Benton of Middlesex Borough, a member of the NRA's Board of Directors and chairman of the Citizens Committee, testified that the bill was "absolutely unacceptable," and stated that legislators were mistakenly blaming "an inanimate object of wood and steel" for crime.<sup>39</sup> Benton warned darkly that restricting law-abiding citizens' right to own a weapon would lead to "sinister and unpredictable changes in the nature our society and our government."<sup>40</sup> Thomas Harrigan, President of the Fort Lee Arms Collectors, raised the specter of Nazism, warning that registering guns would enable the government to disarm citizens if a totalitarian regime ever gained control of the United States.<sup>41</sup> The Citizens Committee for Firearms Legislation proposed an alternative bill that would require the New Jersey State Police to maintain a list of convicted felons and other residents whose right to own a firearm had been revoked, but created a streamlined process for purchasing a handgun and allowed residents to buy a long gun without applying for a permit or an ID card.<sup>42</sup>

Gun rights advocates denounced the Sills bill as a violation of their Second Amendment rights and predicted that it would fail to reduce the crime rate. Assembly member Alfred Beadleston, a Republican from Monmouth County, led Republican opposition to the bill in the

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<sup>37</sup> Public Hearing on Assembly Bill 165, 21, 38.

<sup>38</sup> Public Hearing on Assembly Bill 165, 38.

<sup>39</sup> Public Hearing on Assembly Bill 165, 55-56.

<sup>40</sup> Public Hearing on Assembly Bill 165, 56.

<sup>41</sup> Public Hearing on Assembly Bill 165, 48A.

<sup>42</sup> Assembly Bill 789, Assembly Minutes, May 16, 1966, p. 675; Senate Bill 436, Senate Journal, May 31, 1966, 695.

lower chamber of the legislature, and claimed that gun control advocates' real objective was not to regulate firearms, but "to keep guns out of the hands of everybody."<sup>43</sup> John White of Gloucester County accused Attorney General Sills of ordering the State Police to conduct background investigations of residents who had written letters and telegrams opposing the measure. And John W. Davis of Salem County scoffed that the bill "makes good reading for nice little housewives who abhor violence, but it's absolutely worthless."<sup>44</sup> Opponents of the bill sought to block its passage or at least water down its provisions by adding twelve pages of amendments.<sup>45</sup> In the upper house, State Senator William Ozzard castigated the bill as "panic legislation brought about by the assassination of the late President Kennedy."<sup>46</sup> Some newspapers and columnists also opposed the bill. Ed Conklin, who covered hunting and fishing for the Passaic *Herald-News*, called the proposed legislation "a police state bill," likening its violation of citizens' rights to the tactics of the Nazi Gestapo and the Soviet NKVD.<sup>47</sup>

Law enforcement officials, on the other hand, overwhelmingly backed the proposed law. Middlesex County Prosecutor Edward J. Dolan testified that the bill "does not go far enough," and called for registration of all firearms.<sup>48</sup> Dominick J. Spina, Director of Public Safety in Newark, supported the Sills bill and accused its opponents of succumbing to "hysteria" when they predicted that gun control would trample citizens' rights. John J. Heffernan of the New Jersey State

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<sup>43</sup> Mullin, "Gun Control Measure Faces Senate Fight."

<sup>44</sup> Quotations from "Gun Control Bill Heads for Senate," *Evening Times* (Trenton), May 17, 1966, 1, 10; see also "Assembly Passes Gun Bill Following Spirited Debate," *Asbury Park Press*, May 17, 1966, 6.

<sup>45</sup> Mullin, "Gun Control Measure Faces Senate Fight."

<sup>46</sup> Ronald Sullivan, "Jersey Gun Control Bill Passed over Opposition of Republicans," *New York Times*, June 1, 1966, 44; "Sills Jeered at Hearing on Gun Control."

<sup>47</sup> "A Police State Bill," *Herald-News* (Passaic, NJ), March 5, 1966, 10. See also Frank W. Swoboda, "Against Gun Controls," *Daily Journal* (Vineland, NJ), February 24, 1966, 14; Conklin, "Objectors Against Gun Legislation Fill Assembly."

<sup>48</sup> Public Hearing on Assembly Bill 165, 32A.

Policemen's Benevolent Association testified that police officers favored the bill.<sup>49</sup> On May 4, while the legislature was in the midst of considering the gun control bill, State Trooper Anthony Lukis was shot to death while conducting a routine traffic stop on the New Jersey Turnpike. The bill's supporters cited Lukis's murder as evidence that stricter gun laws were urgently needed, and several police chiefs, sheriffs, and leading officers of the State Police publicly endorsed gun control.<sup>50</sup>

Ultimately, the bill's supporters narrowly prevailed in the legislature. The Assembly approved the bill 34 to 23 (31 of the Assembly's 60 members were required for passage) on May 16, and the Senate passed it by a vote of 16 to 12 on May 31. (In the Assembly, 34 Democrats voted for the bill, while 17 Republicans and 6 Democrats voted nay. In the Senate, 16 Democrats supported the bill, while 10 Republicans and 2 Democrats voted against it.)<sup>51</sup> The bill's passage marked the culmination of one of the most hard-fought political battles waged in the New Jersey legislature in years.<sup>52</sup> Elated by the bill's passage, Gov. Hughes praised the Democratic legislators who supported the bill for standing up to "the vehement and often abusive opposition to this measure."<sup>53</sup> Hughes later wrote that the NRA had pressured several legislators who had previously supported gun control to change their minds and vote against the bill, and blasted the nation's leading gun rights organization as "an evil lobby devoted to the principle of murder for profit."<sup>54</sup>

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<sup>49</sup> Public Hearing on Assembly Bill 165, 40A; Spina quoted on page 51; see also William Caldwell, "But a Gun Cannot Select its Friends," *The Record* (Hackensack, NJ), March 7, 1966, 48.

<sup>50</sup> "State Trooper Slain on the Jersey Pike; Brooklyn Man Held," *New York Times*, May 5, 1966, 49; Assembly Minutes, May 9, 1966, 573-574.

<sup>51</sup> "Gun Bill Passes Assembly after Bitter Battle," *Daily Home News* (New Brunswick, NJ), May 17, 1966, 1; Sullivan, "Jersey Gun Control Bill Passed;" "Gun Control Bill Heads for Senate;" Assembly Minutes, May 16, 1966, 695-696; Senate Journal, May 31, 1966, 704. On the amendments to the bill, see the Assembly Minutes, May 9, 1966, 581-592.

<sup>52</sup> "Hughes Signs New Jersey Gun Law."

<sup>53</sup> "Jersey Gun Law Praised; US Hopes to Follow Suit," *Star-Ledger* (Newark), June 4, 1966, 1.

<sup>54</sup> Richard J. Hughes, letter to Rep. Peter W. Rodino, Jr., July 16, 1985. Quoted in Wefring, *Life and Times of Richard J. Hughes*, 140. One legislator who changed his position on the bill was Republican Joseph Azzolina of Monmouth County. See "Assembly Passes Gun Bill Following Spirited Debate."

Attorney General Sills proudly declared that New Jersey would have the toughest gun restrictions in the United States.<sup>55</sup> Gov. Hughes signed the bill on June 3, then immediately flew to Washington, where he presented a copy of the statute to Attorney General Nicholas Katzenbach. Hughes was keenly aware that New Jersey's firearms law could not curb the availability of guns as long as buyers could simply order them from dealers in other states, and urged Congress to ban the interstate sale of weapons. Katzenbach, a New Jersey native, praised the law as "first-rate," and predicted that the US Congress would soon pass similar legislation.<sup>56</sup> Several of New Jersey's major newspapers also hailed the gun control statute. New Brunswick's *Daily Home News* saluted the legislature for taking a "forward step in gun control," and praised the "great stamina and courage" of Gov. Hughes and Attorney General Sills. The Trenton *Evening Times* stated that legislators had "acted wisely and courageously" in passing the bill in the face of intense opposition.<sup>57</sup>

Gun rights advocates furiously denounced the law and warned that gun control measures would likely be introduced in other states and in Congress. Ashley Halsey, Jr., editor of *American Rifleman*, objected to the statute's "strangulation" of Americans' Second Amendment right to keep and bear arms. Halsey warned NRA members that the New Jersey law "has assumed national significance," because the gun control advocates considered the statute a model for other states and the Federal government to copy. Halsey, who became *American Rifleman*'s editor in 1966, trained the magazine's sights on gun control bills in the states and in Washington and forcefully

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<sup>55</sup> "Gun Bill Goes to Hughes," *Asbury Park Press*, June 1, 1966, 1.

<sup>56</sup> "Jersey Gun Law Praised; US Hopes to Follow Suit;" "Hughes Gives Katzenbach Copy of Gun-Control Law," *The Record* (Hackensack, NJ), June 4, 1966, 2; "Hughes Signs Gun-Control Bill," *The Record* (Hackensack, NJ), June 4, 1966, 19.

<sup>57</sup> "Forward Step in Gun Control," *Daily Home News* (New Brunswick, NJ), June 2, 1966, 26; "Good Work in the Assembly," *Evening Times* (Trenton), May 18, 1966, 24. Other newspapers endorsed the bill prior to its passage. See "For Sills Law on Guns," *Courier-Post* (Camden, NJ), January 10, 1966, 16; "The Sportsmen State Their Case."

opposed virtually any state or Federal proposal to regulate firearms.<sup>58</sup> Criticism of the new gun law also came from an editorialist who was undoubtedly familiar with the relationship between guns and crime rates: an unsigned editorial in *The Dome*, a monthly magazine published by inmates at Rahway State Prison, warned that gun control laws would not reduce the violent crime rate, because criminals “will find a way to get guns if they need them.”<sup>59</sup>

Opponents of gun control fought to reverse the new law in both the legislature and the courts. On the day the New Jersey Senate passed the bill, members of both the Assembly and the Senate introduced bills to repeal it immediately, but Democrats tabled these measures in committee.<sup>60</sup> Gun rights advocates filed suit to obtain a restraining order or an injunction against the law’s enforcement, but Attorney General Sills’s request to lift the restraining order was granted, and Sills began implementing the law on schedule on August 2. On August 11, Judge Milton B. Conford of the New Jersey Superior Court rejected opponents’ motion for an injunction and upheld the statute.<sup>61</sup> In a grim coincidence, on August 1, one day before the new law took effect, Charles Whitman climbed to the top of the bell tower on the campus of the University of Texas at Austin and murdered 14 people and wounded 31 more with a high-powered rifle, a horrifying crime that marked the beginning of a series of mass shootings in the US and further inflamed the nation’s already heated debate over firearms.<sup>62</sup>

The Citizens Committee for Firearms Legislation filed a lawsuit seeking to have the law struck down as unconstitutional. The New Jersey Constitution, written in 1947, contained no

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<sup>58</sup> Arthur Halsey, Jr., “Strangulation by Law in New Jersey,” *American Rifleman*, December 1966, 17-19.

<sup>59</sup> “Inmates Say Gun Law Misfires,” *Morning Call* (Paterson, NJ), August 11, 1966, 3.

<sup>60</sup> Assembly Bill 864, Assembly Minutes (1966), 902-903; Senate Bill 464, Senate Journal (1966), 812-13.

<sup>61</sup> “Court Test May Delay Gun Date,” *Herald-News* (Passaic, NJ), July 26, 1966, 2; “Jersey Law in Effect,” *New York Times*, August 3, 1966, 21. At the end of the month, police arrested the first New Jersey resident accused of violating the law, when they booked Richard Skoba of Edison for purchasing a rifle without a permit from a seller from Maplewood. “Jersey Makes First Arrest Under New Gun Control Law,” *New York Times*, August 28, 1966, 48.

<sup>62</sup> “Johnson Urges Gun Curbs to Prevent New ‘Tragedy,’” *New York Times*, August 3, 1966, 1.

explicit protection of citizens' right to possess firearms, making it one of only six state constitutions that did not guarantee gun rights. Arguing on behalf of the Citizens Committee, State Sen. William Ozzard contended in New Jersey Superior Court in December that the law violated citizens' right to keep and bear arms. Ozzard invoked a right to self-defense, citing Article I of the state constitution, which declared that "All persons are by nature free and independent, and have certain natural and unalienable rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing, and protecting property, and of pursuing and obtaining safety and happiness."<sup>63</sup> In *Burton v. Sills* (1968), the New Jersey Superior Court's appellate division upheld the statute. Judge Victor S. Kilkenny's opinion called the law a reasonable exercise of the state's police power to regulate citizens' safety and forcefully dismissed the plaintiffs' claim that requiring citizens to obtain a permit in order to buy a gun infringed on fundamental rights:

We find no substantial merit in the claim that this law wrongfully infringes upon the individual's constitutional rights under any of the provisions specified. Under the State's police powers, the common good takes precedence over private rights.... Our basic freedoms may be curtailed if sufficient reason exists therefor. Only in a very limited sense is a person free to do as he pleases in our modern American society. Regulation by the government is the price we pay for living in an organized community. From the day we are born, when a birth certificate must be filed, until the day we die, when official certification thereof must be recorded, we spend the intervening years obtaining licenses to marry, to drive a motor vehicle, to sell alcoholic beverages, to operate a barbershop, to practice the learned professions and to do countless other things, including the obtaining of a license to hunt and fish. These burdens we assume for the good that flows therefrom. We find no basic difference in a requirement to obtain a gun purchaser's identification card.<sup>64</sup>

Judge Kilkenny even predicted that other states and the Federal government would similarly restrict firearms ownership, stating that, "New Jersey had led the way and it may be reasonably anticipated that others will follow."<sup>65</sup> In December 1968, the New Jersey Supreme

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<sup>63</sup> Constitution of New Jersey (1947), Art. I, § 1. NJ.gov, <https://www.nj.gov/state/archives/docconst47.html>.

<sup>64</sup> *Burton v. Sills* 99 NJ Super. 459 (1968), pp. 461-62. Justia.com, <https://law.justia.com/cases/new-jersey/appellate-division-published/1968/99-n-j-super-459-0.html>.

<sup>65</sup> *Burton v. Sills* 99 NJ Super. 459 (1968), 462. Justia.com, <https://law.justia.com/cases/new-jersey/appellate-division-published/1968/99-n-j-super-459-0.html>.

Court unanimously affirmed the Superior Court's ruling. Writing for the Court, Justice Nathan Jacobs declared that the statute served a legitimate public purpose by seeking to reduce violent crime, and wrote that the Second Amendment protected a collective right of the people to bear arms in their state militia, not an unrestricted individual right to own a firearm. The gun control statute, Jacobs wrote, was undeniably a legitimate exercise of the state's police power, and did not result in "the deprivation of any basic right."<sup>66</sup> Burton appealed the ruling to the US Supreme Court, which dismissed the plaintiffs' appeal, stating that the New Jersey law raised no substantial Federal question.<sup>67</sup>

Although their effort to overturn the firearms law failed, gun owners continued to challenge particular aspects of it in court. Walter Marvin of Middletown contended that the law violated the Fifth Amendment right against self-incrimination by requiring applicants for firearms permits to disclose whether they belonged to "subversive" organizations. The New Jersey Supreme Court ruled that the state could require citizens to complete a questionnaire in order to obtain a gun permit, and that the questionnaire could ask whether applicants belonged to any organization that advocated the violent overthrow of the governments of New Jersey or the United States.<sup>68</sup> In 1971, Michael Siccardi challenged the law's strict requirements for obtaining a license to carry a firearm. Owner of a movie theater in Plainfield, Siccardi explained that he had to carry large sums of cash from his theater to the local bank, and stated that the city's high crime rate caused him to fear for his safety. After the local police chief and county court rejected his application for a permit to

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"Gun Control Law is Upheld in Jersey," *New York Times*, January 10, 1968, 40.

<sup>66</sup> *Burton v. Sills* 53 NJ 86 (1968), 248. Justia.com, <https://law.justia.com/cases/new-jersey/supreme-court/1968/53-n-j-86-0.html>.

"Jersey Gun Law Upheld by Court," *New York Times*, December 17, 1968, 39; "Jersey Guns Under Control," *New York Times*, December 30, 1968, 30.

<sup>67</sup> *Burton v. Sills*, 394 US 812 (1969).

<sup>68</sup> *In re Marvin*, 53 NJ 147 (NJ 1969). See also *In re Marvin*, 97 NJ Super. 62 (App. Div. 1967). Marvin appealed the New Jersey Supreme Court's ruling to the US Supreme Court, but the high court refused to hear his appeal. "High Court Refuses to Act on Provision in Jersey Gun Law," *New York Times*, October 14, 1969, 49.

carry a pistol, Siccardi appealed the judge's ruling, but the New Jersey Supreme Court unanimously upheld the denial of a permit to carry. The Court cited the testimony of several chiefs of police and other law enforcement officials who objected to private citizens carrying weapons in public. Justice Nathan Jacobs, author of the Supreme Court's opinion in *Burton v. Sills*, rejected Siccardi's claim that the law violated his rights, and upheld the state's police power to regulate firearms in order to protect public safety. If Siccardi and every other businessperson who handled large amounts of cash carried a gun, Jacobs concluded, Jersey City would resemble Dodge City: "Surely such widespread handgun possession in the streets, somewhat reminiscent of frontier days, would not be at all in the public interest."<sup>69</sup>

Two years after the Sills Act became law, 59,000 New Jersey residents had obtained a permit to own a rifle or shotgun, 30,000 had received a permit to own a handgun, and 1,600 had been denied permission to purchase a firearm.<sup>70</sup> To gun control supporters' dismay, though, violent crime did not diminish, but continued to increase despite stricter gun control.<sup>71</sup> Advocates of gun rights, who had insisted that gun control laws would not deter criminals from obtaining guns or reduce the crime rate, claimed vindication, calling the 1966 law "a total failure."<sup>72</sup> Opponents of gun control pointed out that the gun control law had harmed the state's economy and undercut tax revenues by leading many would-be gun buyers to travel to Pennsylvania, New York, or other states to purchase firearms. The Passaic *Herald-News* reported in December 1966 that New Jersey gun dealers had immediately suffered a "sharp sales drops under the state's new gun control law."

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<sup>69</sup> *Siccardi v. State of New Jersey* 59 NJ 545 (1971). Justia.com, <https://law.justia.com/cases/new-jersey/supreme-court/1971/59-n-j-545-0.html>.

<sup>70</sup> Zimring, "Firearms and Federal Law," 148, 167-74.

<sup>71</sup> Uniform Crime Reporting Statistics, Federal Bureau of Investigation, US Department of Justice, <https://www.ucrdatatool.gov/Search/Crime/State/StatebyState.cfm>. Zimring, "Firearms and Federal Law," fn. 2, 133.

<sup>72</sup> Gerhard F. Kastler, "Jersey's Arms Law," *New York Times*, January 14, 1969, 44; Ashley Halsey, Jr., "Guns and Riots," *American Rifleman*, September 1967, 33.

A survey of ten major gun dealers indicated sales losses ranging from 33 percent to a whopping 96 percent over the same period in 1965.<sup>73</sup>

The nation's rising crime rate—gun homicides in the US increased by 89 percent between 1964 and 1968<sup>74</sup>—and the urban rebellions during the “long, hot summer” of 1967 added enormous urgency to the debate over gun control. Concern about the crime rate, coupled with the riots that swept through more than one hundred cities in 1967, intensified Americans' debate over gun violence and gun rights, leading some Americans to support tighter gun laws and others to purchase guns for self-defense. Gun control laws remained an important issue to many voters and legislators, and Congressional debate over gun control, which had largely stalled since 1964, regained momentum in 1967 and 1968.

New Jersey's gun control law contributed to Congress's debate over firearms regulation. Supporters of gun control hailed the New Jersey law as a model statute and urged Congress to pass similar legislation, while opponents criticized it as a failure at best and a violation of Americans' constitutional rights at worst. Gov. Hughes testified extensively before the US Senate on August 1, 1967, only two weeks after rioting in Newark and police officers' efforts to quell it had left 26 people dead, the overwhelming majority of whom were black, and smaller protests had shaken several other New Jersey cities. Hughes informed senators that no statewide gun law, however strict, could be effective as long as Americans could purchase weapons from sellers in other states, and even buy them via mail order. He urged Congress to pass Federal gun control legislation and

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<sup>73</sup> John McLaughlin, “NJ Gun Sales Plunge but Dealers Across Line Report 100% Increase,” *Herald-News* (Passaic, NJ), December 1, 1966, 45. A gun dealer in Trenton reported a 96 percent decline in sales over the previous year, while George Schielke, a gun dealer in Washington Crossing, reported a 75 percent decrease. Ray Ludecke of Scotch Plains, the state's largest independent gun dealer, stated that his sales had declined 33 percent from the corresponding period in 1965.

<sup>74</sup> Zimring, “Firearms and Federal Law,” 148. Zimring cites the FBI Uniform Crime Reports, 1964 (page 104) and 1968 (page 108).

harshly criticized the NRA for pressuring lawmakers and placing the profits of gun manufacturers and dealers ahead of the safety of American citizens.<sup>75</sup>

Gun control legislation was pending in Congress in 1968 when the assassinations of Reverend Martin Luther King, Jr. and Senator Robert Kennedy added new urgency to the issue for supporters and opponents alike.<sup>76</sup> A ban on interstate sales of handguns, passed by the Senate in May 1968, was approved by the House the day after Kennedy's murder in early June, and became part of the Omnibus Crime Control and Safe Streets Act of 1968.<sup>77</sup> In the aftermath of Kennedy's assassination, Governor Hughes charged that the Federal government refused to enact stringent firearms laws because "Congress represents the National Rifle Association, and not the people of the country."<sup>78</sup> The NRA, on the other hand, warned its members that the murders of the Kennedy brothers and Reverend King had provoked "unrestrained public emotionalism" that might pressure legislators to restrict or even eliminate citizens' Second Amendment rights. The magazine responded to these murders by asking, "Can three assassins kill a civil right?"<sup>79</sup>

Sen. Dodd introduced two bills, one to prohibit mail order sales of long guns, and another to require the registration of all firearms. The *New York Times* endorsed these gun control measures, stating that, "What is good for New Jersey in this respect would be good for the United States."<sup>80</sup> President Lyndon Johnson supported Dodd's bills, and advocated registering all guns

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<sup>75</sup> 90<sup>th</sup> Cong., 1<sup>st</sup> Sess., US Senate, Subcommittee to Investigate Juvenile Delinquency, Committee on the Judiciary, Hearings, Federal Firearms Act (Washington: US Government, 1967), 100. Hughes's testimony runs from page 997-1030. On the NRA's political clout, see Robert Sherrill, "A Lobby on Target," *New York Times Magazine*, October 15, 1967, 27, 122-32.

<sup>76</sup> Zimring, "Firearms and Federal Law," 145-47. Congress had previously regulated guns under the Firearms Act of 1934, which regulated interstate commerce of automatic weapons and short-barreled shotguns and rifles. National Firearms Act, 73<sup>rd</sup> Congress, Sess. 2, Ch. 757, 48 Stat. 1236. For an excellent account of the Newark riot, see Kevin Mumford, *Newark: A History of Race, Rights, and Riots in America* (New York: New York University Press, 2007).

<sup>77</sup> Omnibus Crime Control and Safe Streets Act of 1968, 82 Stat. 197, § 922, 228.

<sup>78</sup> "Hughes Criticizes Congress on Guns," *New York Times*, June 12, 1968, 32.

<sup>79</sup> "Can Three Assassins Kill a Civil Right?" *American Rifleman*, July 1968, 16-17.

<sup>80</sup> "A Call Against Arms," *New York Times*, June 11, 1968, 46. See also Fred P. Graham, "Gun Controls: City vs. Country," *New York Times*, July 14, 1968, E6.

and licensing gun owners.<sup>81</sup> The NRA staunchly opposed almost any form of gun control, especially gun registration, and rallied its members to pressure senators and representatives to vote against the bills.<sup>82</sup> Ultimately, as Franklin Zimring points out, the Gun Control Act passed by Congress in October 1968 was a compromise measure, which curbed interstate commerce in firearms and the importation of guns, unless the Secretary of the Treasury deemed them “particularly suitable for sporting purposes,” but did not require gun registration.<sup>83</sup> In his remarks upon signing the bill, President Johnson lamented that stricter gun control legislation had been thwarted by “a powerful lobby, a gun lobby, that has prevailed for the moment in an election year.”<sup>84</sup>

Passage of the Gun Control Act did not end political controversy over gun control, which became steadily more divisive in American politics, as gun violence persisted, weapons became more numerous and more deadly, and the NRA became one of the nation’s most influential political lobbies. Legal scholars, criminologists, and statisticians contributed enormously to Americans’ debate over guns in the 1960s, analyzing the relationship between gun control, crime, and violence. Economist Alan S. Krug argued in 1968 that the growing number of firearms in the US had not caused the increase in violent crime, and claimed that gun control laws correlated with an increase, rather than a decrease, in crime rates. Krug’s studies were frequently cited by the NRA

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<sup>81</sup> President Lyndon B. Johnson, Statement by the President on His Gun Control Proposals, and President Lyndon B. Johnson, Special Message to the Congress: “The People’s Right to Protection,” June 24, 1968. The American Presidency Project, Online by Gerhard Peters and John T. Woolley, <https://www.presidency.ucsb.edu/node/236948>.

<sup>82</sup> John W. Finney, “Rifle Group Mounts Drive Against Gun Controls,” *New York Times*, June 15, 1968, 1, 18.

<sup>83</sup> Zimring, “Firearms and Federal Law,” 147, 150-151; Gun Control Act of 1968, Public Law 90-618, 82 Stat. 1217; US Code § 925(d)(3).

<sup>84</sup> Gun Control Act of 1968, Public Law 90-618, 82 Stat. 1213-1236; President Lyndon B. Johnson, Remarks Upon Signing the Gun Control Act of 1968, The American Presidency Project, <https://www.presidency.ucsb.edu/node/237026>.

and opponents of gun control in Congress.<sup>85</sup> Gun rights advocates cited data indicating that the Crime Control and Gun Control Acts failed to reduce either the number of firearms in the US or the violent crime rate, leading the NRA and other critics of the law to charge that the law was not only an unconstitutional infringement of Americans' rights, but a failure.<sup>86</sup> On the other hand, economists Martin S. Geisel and Richard Roll, and legal scholar R. Stanton Wettick, Jr. disputed Krug's conclusions, contending in 1969 that New Jersey's strict gun law had already demonstrably saved lives by reducing the state's murder rate.<sup>87</sup> Franklin E. Zimring, perhaps the nation's most influential scholar on gun control in the 1960s, also questioned Krug's statistics.<sup>88</sup>

Gun control has provoked political controversy for more than a half century. In 1975, the NRA formalized its status as a political lobby by founding its Institute for Legislative Action (NRA-ILA), which became highly effective in thwarting gun control legislation at the Federal and state level.<sup>89</sup> The US Supreme Court rulings in *District of Columbia v. Heller* (2008) and *McDonald v. Chicago* (2010) reached a different conclusion than the New Jersey Supreme Court decision in *Burton v. Sills* (1968), declaring that the Second Amendment protected individual citizens' right to own firearms for self-defense.<sup>90</sup> The Court's opinions in both *Heller* and *McDonald* left some latitude for states and cities to regulate firearms, but prohibited them from enacting outright bans or imposing excessive restrictions on citizens' right to own a gun. The spate

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<sup>85</sup> Alan S. Krug, "The Misuse of Firearms in Crime—The Extent of the Problem," and "The Relationship between Firearms Licensing Laws and Crime Rates," in Krug, *The True Facts on Firearm Legislation—Three Statistical Studies* (National Shooting Sports Foundation, 1968), 114.

<sup>86</sup> Michael Knight, "Illegal Firearms Still Widespread," *New York Times*, September 13, 1970, 57. For a detailed and critical assessment of the Gun Control Act of 1968, see Zimring, "Firearms and Federal Law."

<sup>87</sup> Martin S. Geisel, Richard Roll, and R. Stanton Wettick, Jr., "The Effectiveness of State and Local Regulation of Handguns: A Statistical Analysis," *Duke Law Journal* 18(1969), 647-676; see esp. 647, 652, 666, 673.

<sup>88</sup> Franklin E. Zimring, "Games with Guns and Statistics," *Wisconsin Law Review* (1968), 1113-1126.

<sup>89</sup> Many New Jersey politicians have remained supportive of gun control. Twenty years after New Jersey passed its landmark gun control legislation, State Senate President John F. Russo of Toms River observed that the state's murder rate remained high, and called for a ban on handguns. John F. Russo, "Our Tough Gun Laws Are Not Tough Enough," *New York Times*, Apr. 17, 1988, NJ12.

<sup>90</sup> *District of Columbia v. Heller* 554 US 570 (2008); *McDonald v. City of Chicago* 561 US 742 (2010).

of mass shootings, including school shootings, in the past two decades has provoked sharp debate over guns, just as the rising crime rate and political assassinations of the 1960s contributed to the passage of the New Jersey and Federal gun control laws. More than a half-century after the New Jersey firearms act of 1966 and the Federal Gun Control Act of 1968, New Jersey law still requires citizens to apply for a permit to purchase a handgun or long gun, and the state maintains some of the strictest gun laws in the United States. The state's stringent gun laws doubtless contribute to its comparatively low rate of gun ownership, which has in recent years been approximately 11 percent of households, considerably below the national average of 30 to 40 percent. The Garden State, which played a pivotal role in Americans' debate over firearms legislation in the 1960s, remains a gun control state.<sup>91</sup>

*Chris Rasmussen is Professor of History at Fairleigh Dickinson University in Teaneck, NJ. He is author of "A Web of Tension: The 1967 Protests in New Brunswick, NJ" (Journal of Urban History, 2014), and "Creating Segregation in the Era of Integration: School Consolidation and Local Control in New Brunswick, New Jersey, 1965–1976" (History of Education Quarterly, 2017). He is completing Automatic Age, a history of coin-operated machines. The author would like to thank Jennifer M. Jones and the anonymous reviewers for New Jersey Studies, who improved this article immeasurably by offering suggestions big and small.*

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<sup>91</sup> New Jersey has the second-strictest gun laws in the US according to the Giffords Law Center to Prevent Gun Violence, <https://lawcenter.giffords.org/scorecard2017/#NJ>. On the state's gun ownership rate, see Michael C. Monuteaux, Lois K. Lee, David Hemenway, Rebekah Mannix, and Eric W. Fleegler, "Firearm Ownership and Violent Crime in the US: An Ecologic Study," *American Journal of Preventive Medicine* 49, no. 2(2015): 207-14; Spitzer, *Politics of Gun Control*, 15-16. The debate over gun control in New Jersey is ongoing. See Brent Johnson and Matt Arco, "Murphy Just Made NJ's Gun Laws Even Tougher," NJ.com, July 16, 2019, <https://www.nj.com/politics/2019/07/murphy-just-made-njs-gun-laws-even-tougher.html>; Brent Johnson, "Murphy Cracks Down on NJ Doing Business with Careless Gun Dealers and Banks," NJ.com, September 10, 2019, <https://www.nj.com/politics/2019/09/gun-dealers-face-new-pressure-in-nj-under-murphy-order.html>; Nick Corasaniti, "A Novel Gun Control Strategy: Pressure Banks and Retailers," *New York Times*, September 10, 2019, <https://www.nytimes.com/2019/09/10/nyregion/nj-gun-control.html>. For an overview of gun control today, see William J. Vizzard, "The Current and Future State of Gun Policy in the United States," *Journal of Criminal Law and Criminology* 104, no. 4(Fall 2015): 879-904.