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## The District of Columbia's "Firearms Control Regulations Act of 1975": The Toughest Handgun Control Law in the United States—Or Is It?

By EDWARD D. JONES, III

**ABSTRACT:** The District of Columbia's Firearms Control Regulations Act of 1975 went into effect on 24 September 1976. It was the outgrowth of three more restrictive legislative proposals that had been introduced in 1975 and had two legislative objectives: (1) to reduce the potential of firearms-related crimes and (2) to monitor more effectively firearms' trafficking. In July 1980, the U.S. Conference of Mayors' study reported its evaluation of the effectiveness of this act and stated that the act significantly reduced firearm and handgun crime. This report met largely with opposition. This article, in addition to relating the provisions and legislative history of the Firearms Control Regulations Act, analyses the deficiencies in the Conference of Mayors' research methods and assumptions and also discusses any beneficial effects and weaknesses of the act. However, it can only be concluded that further research on firearms control effectiveness in the District of Columbia is clearly needed to develop demonstrably effective public policies against criminal misuse of handguns.

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NOTE: Points of view or opinions expressed in this article are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice.

THIS article discusses the District of Columbia's "Firearms Control Regulations Act of 1975" and offers a critique of a recent United States Conference of Mayors' assessment of the act's effectiveness in reducing violent crime in the District. The next section describes the Firearms Control Regulations Act's provisions, legislative history, and objectives, as elaborated in the legislative debate, and continues with an examination of the appropriateness of the assumptions and research method of the U.S. Conference of Mayors' study. This section also presents additional evidence pertaining to the effectiveness of the Firearms Control Regulations Act. Finally, the concluding section offers several suggestions for future research on the effectiveness of the Firearms Control Regulations Act.

#### FIREARMS CONTROL REGULATIONS ACT

On 24 September 1976, the District of Columbia's (D.C.) Firearms Control Regulations Act of 1975 went into effect as D.C. Law 1-85. The purpose of the law was "[t]o protect the citizens of the District from loss of property, death, and injury, by controlling the availability of firearms in the community."<sup>1</sup> Toward this end, the Firearms Control Regulations Act prohibited the purchase, sale, transfer, and, with one exception, possession of handguns by D.C. residents other than law enforcement officers or members of the military. The exception with respect to possession involved owners of handguns and longguns—rifles and shotguns—who had registered their fire-

arms under the District's 1968 registration law.<sup>2</sup> To be in compliance with the Firearms Control Regulations Act, handgun and longgun owners were required to re-register their firearms within 60 days following the effective date of the act. After that date, handguns were "unregisterable," but longguns could be registered if they were newly acquired, in person, from a licensed dealer in the District.<sup>3</sup>

The Firearms Control Regulations Act also required all firearm registrants and future purchasers of rifles and shotguns to file with the Metropolitan Police Department an "Application for Firearms Registration Certificate" and be screened to determine eligibility to possess. An applicant was required to be 21 years of age or older, with the exception that an individual between 18 and 21 years of age could qualify if his parents or legal guardian assumed civil liability for damages resulting from the applicant's use of the prospectively registered firearm. In ad-

2. D.C. Code Ann. Tit. 22, §§3201-3217, Arts. 50-56 (D.C. Police Regulations).

3. Federal law provides that a nonresident may purchase a rifle or shotgun in a contiguous state if his home state has enacted "enabling legislation" permitting its residents to make such purchases. See U.S. Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, *Your Guide to Firearms Regulations, 1978* (Washington, DC: U.S. Government Printing Office, 1978), pp. 126-27. The District of Columbia has not enacted such legislation. Therefore, District residents may only purchase rifles and shotguns from licensed dealers in the District. The Firearms Control Regulations Act strengthened dealer license requirements, and in the 1976 Revenue Act, the annual dealer license fee was increased from \$29 to \$300. The result of these actions, along with the ban on handgun sales, according to an official of the Metropolitan Police Department's Firearm Registration Section, is that there are only five retail firearm dealerships in the District.

1. Council of the District of Columbia, "Notice: D.C. Law 1-85—'Firearms Control Regulations Act of 1975'" (Washington, DC, 24 Sept. 1976).

dition, an applicant was required not to have had a history of behavior—evidenced through conviction, indictment, or other official processing—that would enhance the likelihood of the firearm's misuse. Such behavior included crimes of violence, weapon offenses, use of narcotics or dangerous drugs, alcoholism, mental health problems, and negligence in a firearm mishap. Finally, a registrant was required to provide two full-face photographs and fingerprints, pass a vision test, evidence no physical disability that would preclude safe firearm use, and pass a written test pertaining to knowledge of firearms laws and the safe use of firearms.<sup>4</sup>

Finally, the Firearms Control Regulations Act established possession responsibilities for firearms registrants. The owner was required to have the certificate of registration in his possession whenever in possession of the registered firearm; to report immediately to the chief of police in writing, and to return within 48 hours the certificate to the Metropolitan Police Department whenever the firearm was lost, stolen, destroyed, or transferred; to maintain the firearm in his residence unloaded and disassembled or bound by a trigger-locking device; and not to transfer, for any reason, a firearm to anyone other than a licensed firearms dealer. The penalty for violation of these requirements or others of the Firearms Control Regulations Act is a fine of up to \$300 or a jail term of up to 10 days.<sup>5</sup>

4. The written test was not administered to re-registrants during the period of registration following the effective date of the Firearms Control Regulations Act because of budgetary considerations. An August 1977 amendment to the Firearms Control Regulations Act excused re-registrants from the written test requirement.

5. The penalty for a subsequent violation is a fine of \$300 and a jail term of not less than 10 days or more than 90 days.

### *Legislative history*

The Firearms Control Regulations Act, which amended Police Regulations of the District of Columbia, was passed by the Council of the District of Columbia on 29 June 1976 by a vote of 12 to 1 and was signed by Mayor Walter Washington on 23 July 1976. Under the provisions of the District's 1974 "Home Rule" charter, the Firearms Control Regulations Act had to be submitted to the Congress of the United States for a 30-legislative-day review, during which a "Resolution of Disapproval" could be introduced. If passed, then the Firearms Control Regulations Act would be overturned. In the absence of such a resolution, the Firearms Control Regulations Act would be law following the review period.

Apparently in an effort to disapprove the Firearms Control Regulations Act, but avoid a vote on the controversial issue of handgun control in an election year, both the House and Senate in late August 1976 passed an amendment to the District's Home Rule Charter, later signed by President Ford, that prohibited changes in the District's Police Regulations and Criminal Code until 1979.<sup>6</sup> However, because the District Council had enacted the Firearms Control Regulations Act prior to passage of the amendment and because the amendment did not include a retroactivity provision, the Congressional Research Service of the Library of Congress concluded in its legal opinion that the amendment did not cover the Firearms Control Regulations Act.<sup>7</sup> Because of

6. United States Conference of Mayors, Handgun Control Project, "Congress Kills D.C. Gun Control Bill and Avoids Controversial Vote," *Targeting in on Handgun Control*, 11(7):1(Aug. 1976).

7. United States Conference of Mayors, Handgun Control Staff, "D.C. Gun Control

election year unease, subsequent attempts in the Congress to disapprove the Firearms Control Regulations Act were not permitted by the leadership to come to a vote.

On 9 December 1976, 18 days after the 22 November deadline for re-registration, the National Rifle Association, nine D.C. residents, and two companies, as plaintiffs, were granted a preliminary injunction in D.C. Superior Court against enforcement of the Firearms Control Regulations Act, with Judge Fauntleroy finding that the plaintiffs were "threatened by or suffering from 'irreparable and immediate injury,'" and that the D.C. Council "had 'acted unlawfully' in legislating on gun control."<sup>8</sup> The effect of the preliminary injunction was to lift the prohibition on handgun possession as embodied in the Firearms Control Regulations Act and to reinstate the 1968 registration requirements as law.

On 7 February 1977, the Appeals Court for the District of Columbia lifted the preliminary injunction and reinstated the Firearms Control Regulations Act as law.<sup>9</sup> The law became effective on 21 February 1977, following a 14-day re-registration period for owners to register handguns that had been lawfully acquired and registered, under the 1968 registration law, prior to 24 September 1976, and between 8 December 1976 and 7 February

1977. Further, on 25 February 1977, D.C. Superior Court Judge Goodrich issued a summary judgment denying the challenge of the National Rifle Association to the Firearms Control Regulations Act and declared unconstitutional a provision of the Act that would have permitted non-residents of the District to bring handguns into D.C. for "any lawful recreational firearm related activity."<sup>10</sup> Finally, in August 1977, the Firearms Control Regulations Act was amended to permit licensed security agencies to register new handguns that are used during working hours by employees who are licensed to carry a handgun.<sup>11</sup> Since that time, the Firearms Control Regulations Act, as amended, has been law in the District of Columbia.

#### *Legislative intent*<sup>12</sup>

The Firearms Control Regulations Act was the outgrowth of three more restrictive legislative proposals that had been introduced in 1975.<sup>13</sup> The

10. *Ibid.*

11. United States Conference of Mayors, Handgun Control Staff, "D.C. Gun Law Amended to Exempt Security Guard Industry," *Targeting in on Handgun Control*, III(5):4(Sept. 1977); and Council of the District of Columbia, Committee on the Judiciary, "Report: Bill 2-194, the 'Firearms Control Regulations Act Technical Amendments Act of 1977'" (Washington, DC, 27 July 1977).

12. Information presented in this subsection is from Council of the District of Columbia, Committee on the Judiciary and Criminal Law, "Report: Bill No. 1-164, the 'Firearms Control Act of 1975'" (Washington, DC, 21 April 1976); and mimeographed transcripts of Legislative Meetings of the Council of the District of Columbia, dated 18 May 1976, 15 June 1976, and 29 June 1976, provided by Councilman David A. Clarke's office (hereafter cited as Council of the District of Columbia, "Transcript").

13. Bill No. 1-24, introduced by Councilman John Wilson on 11 Feb. 1975; Bill No. 1-42, introduced by Councilwoman Polly

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Bill Enacted Despite Congressional Blocks," *Targeting in on Handgun Control*, II(8):1 (Sept. 1976).

8. United States Conference of Mayors, Handgun Control Staff, "NRA Wins Injunction Against District Gun Law," *Targeting in on Handgun Control*, II(10):3 (Dec. 1976).

9. United States Conference of Mayors, Handgun Control Staff, "Nation's Strictest Gun Law Takes Effect in D.C.," *Targeting in on Handgun Control*, III(2):1(Feb. 1977).

decision of the Committee on the Judiciary of the Council of the District of Columbia to report a less restrictive legislative proposal apparently was based upon considerations of constitutional law, budget impact, and political feasibility.<sup>14</sup> Nevertheless, it is clear from a reading of the transcripts of the legislative debate that a majority of members would have supported the more restrictive legislative proposals had those considerations not been significant constraints.<sup>15</sup>

From a legislative perspective, the Firearms Control Regulations Act had two objectives. The first objective was to "reduce the potentiality" of firearm-related crime and

accidents,<sup>16</sup> and the second was to more effectively "monitor the traffic in firearms." The objectives were reflective of the failures of the 1968 registration law, most visible in a record number of homicides in 1974 and in the ease with which juveniles were obtaining access to handguns.<sup>17</sup>

The first objective was addressed in the Firearms Control Regulations Act by possession requirements that constrained the "easy availability" and enhanced the accountability of firearm owners, and by the ban on the future possession of the most frequently used firearm in crime, the handgun. Council members in the legislative debate were mindful of the fact that the proposed possession requirements generally would have more of an impact on law-abiding firearm owners than criminal users because criminal users likely would not attempt to re-register.<sup>18</sup> Nevertheless, they considered the possession requirements desirable because of their potential for reducing the number of easily accessible handguns that could be used in argumentative situations spontaneously by law-abiding citizens and with relatively greater lethal effect than other potential weapons. The requirement that residents maintain firearms in residences in an immediately inoperable condition, which was the subject of lengthy legislative

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Shackleton on 11 March 1975; and Bill No. 1-164, introduced by Councilman Wilson on 22 July 1975, in lieu of Bill No. 1-24. See Council of the District of Columbia, Committee on the Judiciary and Criminal Law, p. 1. Bill No. 1-24 would have banned totally all handguns in the District. Bill No. 1-42 also would have banned totally all handguns in DC, but residents would have been compensated for their handguns. Bill No. 1-164 would have licensed firearm owners and provided mandatory minimum sentencing of violators. See United States Conference of Mayors, "The Analysis of the Firearm Control Act of 1975: Handgun Control in the District of Columbia" (Washington, DC, July 1980) (hereafter cited as U.S. Conference of Mayors, "Handgun Control").

14. See Council of the District of Columbia, Committee on the Judiciary and Criminal Law, p. 2; and U.S. Conference of Mayors, "Handgun Control," pp. 1-2.

15. For example, the proposed Firearms Control Regulations Act, as reported out of the Committee on the Judiciary, provided that penalties be mandatory for violation of the Act. Because the D.C. Corporation Counsel advised the Committee that "the mandatory 10 day quality would effect [sic] the jurisdiction of the Court in such a manner to make the law inappropriate" under the Home Rule charter, Committee Chairman Clarke reluctantly offered an amendment, subsequently passed, that eliminated the mandatory quality of penalties. See Council of the District of Columbia, "Transcript" (15 June 1976), p. 12.

16. Fatal firearm accidents in the District of Columbia, in relation to all fatal home and occupational accidents, are relatively infrequent. Of 931 fatal home and occupational accidents during the period 1974-79, only 0.5 percent, or five, were firearm related. See Government of the District of Columbia, Department of Human Resources, Office of the Chief Medical Examiner, *Annual Report* (Washington, DC, 1974-79).

17. See Council of the District of Columbia, Committee on the Judiciary and Criminal Law, pp. 3, 5.

18. See Council of the District of Columbia, "Transcript," (18 May 1976), p. 87.

debate,<sup>19</sup> reinforces this consideration and the council's notion that a handgun or other firearm was not a desirable instrument for home protection.

The second objective of enhanced control over firearm traffic was addressed in the proposed Firearms Control Regulations Act by the more stringent possession requirements, particularly the owner's responsibility to report and the prohibition on his transferring of a firearm. In addition to increased accountability standards for owners, the Firearms Control Regulations Act, in its ban on future handgun sales, purchases, and transfers, permitted the freezing of the stock of permissible, registered handguns in the District. It also led toward the eventual diminution of that stock with the death of or moving from the District by D.C. residents owning registered handguns, and with the deterioration of or voluntary, "no questions asked" turn-in of registered or unregistered handguns to the Metropolitan Police Department.

#### THE U.S. CONFERENCE OF MAYORS' STUDY<sup>20</sup>

In July 1980, the U.S. Conference of Mayors reported on its evaluation of the effectiveness of the Firearms Control Regulations Act. Its staff report concluded that "[b]ased on the regression model employed in the analysis, it has been demonstrated that the Firearms Control Act, and not chance alone or other extraneous factors, has been responsible for the significant reduction in both firearm and handgun crime."<sup>21</sup>

This evaluation includes a brief description of the legislative history and provisions of the Firearms Control Regulations Act, an analysis of previous research pertaining to the effectiveness of firearm controls; a tabular presentation of annual data for 1974-79 on total rates of homicide, robbery, and aggravated assault for Washington, D.C., and eight control groups—United States, the South, all cities between 500,000 and 1,000,000 in population, Atlanta, Baltimore, Cleveland, San Antonio, and San Diego—a tabular presentation of annual data for 1974-79 on firearm-related rates of homicide, robbery, and aggravated assault for Washington, D.C., and three control groups—United States, the South, and all cities between 500,000 and 1,000,000 in population—a tabular presentation of annual data for 1974-79 on suicide and accident rates for Washington, D.C., and the United States; and an analysis of annual percentage changes in incidence rates for Washington, D.C., and control jurisdictions approximately three years before—1974-76—and three years after—1977-79—the effective date of the Firearms Control Regulations Act.

The Conference of Mayors' analysis and findings received prominent coverage in the metropolitan sections of the *Washington Post*<sup>22</sup> and *Washington Star*.<sup>23</sup> The *Post* and *Star* also reported in their coverage that the National Rifle Association and Metropolitan Police Department of Washington, D.C., questioned the accuracy of the Conference of Mayors' findings. The

19. See Council of the District of Columbia, "Transcript," (15 June 1976), pp. 17-33.

20. See U.S. Conference of Mayors, "Handgun Control."

21. *Ibid.*, p. 17.

22. Paul W. Valentine, "Study Cites Decline Over Last 3 Years in Handgun Crime," *Washington Post*, 28 June 1980, p. B1.

23. Charles McCollum, "Handgun Crimes Down Since New District Law," *Washington Star*, 28 June 1980, p. B1.

National Rifle Association contended that crime was "cyclical" and would have declined in the absence of the Firearms Control Regulations Act and that criminals would ignore the requirements of the Act and acquire handguns if they so chose.<sup>24</sup> The Metropolitan Police Department echoed the National Rifle Association's contention pertaining to the cyclical nature of crime and reportedly said through its spokesman that "gun-related crimes cannot clearly be attributed to gun registration" because the Conference of Mayors' study did not examine the effect of "new law enforcement tactics and programs."<sup>25</sup> Further, the Metropolitan Police Department spokesman noted the ease with which handguns could be obtained in neighboring jurisdictions. In particular, he reportedly said that "less than 1 percent of all firearms confiscated each year by police are registered here or elsewhere, 'so somehow or other, the illegal guns are still getting in here.'"<sup>26</sup>

In addition, in October 1980, Congressman John Ashbrook of Ohio reported on the findings of a Congressional Research Service evaluation of the Conference of Mayors' study that he had requested. The Congressional Research Service evaluation concluded that the study was "flawed by an inappropriate model" and "[a]lthough the Firearms Control Act may have affected the crime rate in the District of Columbia, it is our judgment, based on the information at hand,

that the study fails to establish such a relationship.'"<sup>27</sup>

#### FURTHER EVALUATION OF THE U.S. CONFERENCE OF MAYORS' ANALYSIS

Crucial factors in the sustainability of the U.S. Conference of Mayors' conclusion pertain to the appropriateness of assumptions and research method. The Conference of Mayors' study acknowledges that "confounding influences of exogenous socio-economic factors may impact the level of crime independently of any legislation"<sup>28</sup> and criticizes the methods of previous studies because they have not accounted for "differential enforcement policies, inaccuracy of reporting data, numbers of transient residents, interstate traffic in firearms and harshness of penalties among states and cities."<sup>29</sup> The U.S. Conference of Mayors' study also does not consider these "accountability" factors. Rather, the U.S. Conference of Mayors' study assumes "that violence in Washington, D.C. is subject to the same exogenous forces as is crime in other communities and regions of the country."<sup>30</sup>

For two reasons in particular, the U.S. Conference of Mayors' assumption is not sustainable. First, with respect to law enforcement that would have the potential of affecting firearm crime rates, three significant changes occurred in Washington, D.C., during the two years immediately preceding the February 1977 effective date of the Firearms

24. The latter contention was articulated by citizens nearly four years earlier as they stood for up to three hours in line waiting to reregister their handguns. See Jacqueline Bolder, "Gun Registry Goes Slowly in District," *Washington Star*, 16 Nov. 1976, p. B1.

25. Valentine.

26. *Ibid.*, p. B3.

27. Hon. John M. Ashbrook, "United States Conference of Mayors Should Release Data on District of Columbia Gun Law Study," *Congressional Record* (Extensions of Remarks), 1 Oct. 1980, p. E4705.

28. U.S. Conference of Mayors, "Handgun Control," p. 10.

29. *Ibid.*, p. 8.

30. *Ibid.*, p. 10.



Control Regulations Act. In February 1976, "the Sting," the first of several undercover fencing operations in the District of Columbia, was disclosed to the public. This operation resulted in the recovery of \$2.4 million in stolen property, including 52 illegal firearms, issuance of 196 arrest warrants, and the closure of more than 10,000 cases.<sup>31</sup> Also, in cooperation with the U.S. Attorney for the District of Columbia, the Metropolitan Police Department enhanced the efficiency with which it could process major criminal offenders, including those using firearms in the commission of offenses. Finally, the Bureau of Alcohol, Tobacco and Firearms (ATF) initiated an intensive federal enforcement effort known as Operation CUE, aimed at stemming regulatory and criminal abuses pertaining to the use of and transactions involving firearms.<sup>32</sup> Each of these changes in law enforcement could have had as significant an impact as the Firearms Control Regulations Act in reducing firearm-related crime in the District.

Second, with respect to interstate traffic in firearms, ATF data from Operation CUE and other investigations indicate that interstate traffic in firearms is a significant problem. For example, in a trace analysis of firearms used in crime in Washington, D.C., ATF found that in a three-month period—February through April 1976—prior to initiation of

Operation CUE, 82 percent of firearms successfully traced had been purchased interstate and that in a three-month period—February through April 1977—during Operation CUE, 79 percent had been so purchased.<sup>33</sup> The magnitude of those numbers, which are substantially higher than the comparable figures for the other Operation CUE cities of Boston and Chicago, and the ease with which handguns can be purchased in nearby Virginia,<sup>34</sup> albeit in violation of federal law, would dictate that interstate traffic in firearms be an important factor in an analysis of firearm control effectiveness in the District.

With regard to research method, the U.S. Conference of Mayors' study is deficient in its choice and use of control jurisdictions. The appropriate control for comparison of changes in D.C. crime rates are other urban jurisdictions.<sup>35</sup> The U.S. Conference of Mayors' study uses five such jurisdictions, but offers no choice criterion for the cities studied. Further, in its use of the control jurisdictions, it only employs the control cities for analysis of total crime rate changes, not firearm-related crime rate changes. As the following analysis of Washington, D.C., and other urban jurisdiction firearm-related crime rates shows, Washington, D.C. did not have "the greatest decrease in crime rates in all three categories."<sup>36</sup>

31. Metropolitan Police Department, *Fiscal Year 1976 Annual Report* (Washington, DC, 1977), p. 6; and Earl Byrd, "Area Drive Cuts Gun-Related Crime 24%," *Washington Star*, 26 Aug. 1977, p. C1.

32. U.S. Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, *Concentrated Urban Enforcement: An Analysis of the Initial Year of Operation CUE in the Cities of Washington, D.C.; Boston, Massachusetts; and Chicago, Illinois* (Washington, DC, 1978).

33. *Ibid.*, p. 107.

34. Michael Isikoff, "Gun Control Shot With Holes: Weapons Bought With Relative Ease in Virginia Gun Shops," *Washington Star*, 21 Dec. 1980, p. A1.

35. For a discussion on the desirability of analyzing cities in firearm effectiveness research, see Edward D. Jones, III, and Marla Wilson Ray, *Handgun Control: Legislative and Enforcement Strategies* (Washington, DC: National Institute of Justice, 1981).

36. U.S. Conference of Mayors, "Handgun Control," p. 4.

TABLE 1

FIREARM INCIDENTS AS A PERCENTAGE OF TOTAL INCIDENTS FOR SELECTED JURISDICTIONS,  
AVERAGES OF YEARS 1974-76 AND 1977-79

	ROBBERY		PERCENTAGE OF CHANGE	AGGRAVATED ASSAULT		PERCENTAGE OF CHANGE
	1974-76	1977-79		1974-76	1977-79	
United States	44.1	40.7	-7.7	24.6	22.9	-6.9
Washington, D.C.	50.5	44.1	-12.7	35.3	29.6	-16.1
Baltimore, Maryland	36.1	31.6	-12.5	23.9	22.6	-5.4
Boston, Massachusetts	28.0	24.0	-14.3	19.4	14.1	-27.3
Cleveland, Ohio	57.2	53.4	-6.6	61.3	59.1	-3.6
Denver, Colorado	44.2	46.4	+5.0	36.1	36.8	+1.9
Milwaukee, Wisconsin	60.3	51.4	-14.8	73.1	74.8	+2.3
New Orleans, Louisiana	61.8	60.1	-2.8	46.7	44.7	-4.3
St. Louis, Missouri	48.1	49.9	+3.7	26.6	26.3	-2.3
San Francisco, California	30.5*	30.7	+0.7	18.6*	14.0	-24.7
Seattle, Washington	38.9	29.1	-25.2	33.3	24.4	-26.7
Maryland						
Greenbelt	33.3	41.3	+24.0	30.6	20.0	-34.6
Hyattsville	70.7	56.7	-19.8	9.2	21.7	+135.9
Mount Rainer	40.9	35.3	-13.7	13.1	13.2	+0.8
Takoma Park	69.2	56.3	-18.6	13.5	9.0	-33.3
Virginia						
Alexandria	45.7	37.8	-17.3	15.5	12.1	-21.9
Arlington County	58.3	46.6	-20.1	13.2	15.7	+18.9
Falls Church	62.8	53.7	-14.5	10.1	3.8	-65.3
Fairfax County	54.8*	44.5	-18.8	21.7*	12.0	-44.7

SOURCE: Federal Bureau of Investigation, Uniform Crime Reporting, "Return A Record Card" (Washington, DC, 1974-79) (unpublished data).

\* 1975-76.

### Further evidence

Table 1 provides data on firearm-related robbery and aggravated assault for urban jurisdictions "comparable" to Washington, D.C., and for suburban jurisdictions proximate to Washington, D.C. The choice of urban jurisdictions shown was suggested by an analysis of the District of Columbia's Office of Budget and Management. It found that nine cities, comparable in size to Washington, D.C., all experiencing population declines between 1960 and 1975, were "more similar in terms of density, percent of the population on welfare, percent of housing built before 1940, the rate of increase in the daytime population, and the proportion of the total metropolitan population residing in the central city" than comparably sized cities

with population increases.<sup>37</sup> Because of their similarity to Washington, D.C., the set of urban jurisdictions shown is appropriate for comparison of changes in relative frequency of firearm use in robbery and aggravated assault.

Looking at urban jurisdictions, Boston, Milwaukee, and Seattle experienced greater percentage declines in the frequency of firearm use in robbery than did Washington, D.C., and Boston, San Francisco, and Seattle experienced greater percentage declines in the frequency of firearm use in aggravated assault. This contradicts the findings of the

37. Government of the District of Columbia, Office of Criminal Justice Plans and Analysis, Statistical Analysis Center, *Crime and Justice Profile: The Nation's Capital* (Washington, DC, Oct. 1979), pp. 46-47.

Conference of Mayors' study. However, each of the states in which these cities are situated, except for Washington state, also effected change in its firearm control laws during the period of analysis.<sup>38</sup> Certainly, each of these cities and Washington, D.C., evidenced impressive decreases in the percentage frequency of firearm use in robbery and aggravated assault. Nevertheless, a more thorough analysis than provided by the Conference of Mayors study, and one beyond the scope of this study, is required to sort out the relative effects of these different firearm control systems and changes on firearm-related robbery and aggravated assault incidents.

Looking at suburban jurisdictions, three Maryland jurisdictions<sup>39</sup> and all Virginia jurisdictions evidenced greater decreases in the frequency of firearm use in robbery than Washington, D.C., and two Maryland jurisdictions and three Virginia jurisdictions evidenced greater decreases in the frequency of firearm use in aggravated assault. Again, an explanation is beyond the scope of this study. The data illustrate the need for further research on the determinants of the incidence of firearm-related robbery and aggravated as-

sault in proximate jurisdictions of metropolitan areas.

Crime data measure very complex interactions between offender and victim. For analysis of firearm control effectiveness, the choice of total or firearm-related crime incidents or rates is important, reflecting consideration of issues pertaining to an offender's attack intentions, the substitutability of weapons, and the differences in weapon lethality. Studies by Cook and Nagin, Seitz, and Zimring<sup>40</sup> suggest that firearm accidents, homicides, and aggravated assault likely reflect "ambiguous" intentions of offenders, whereas robbery likely reflects "single-minded" intentions of offenders. This dichotomy is analytically important, especially when looking at the different circumstances of homicide.

Table 2 presents data on the circumstances of handgun homicide in Washington, D.C., and Baltimore, Maryland, for 1974 and 1978. Between the two years, the incidence of handgun homicides decreased by 35.8 percent in Washington, D.C., and by 46.1 percent in Baltimore. Note, for each city, the differences between the two years in the percentage of total handgun homicides accounted for by particular circumstances. In 1974, "within family" handgun homicides accounted for 9.8 percent of total handgun homicides. In 1978, this percentage decreased to 4.5 in Washington, D.C.,

38. In 1974, Massachusetts enacted a mandatory minimum sentence for unlawful carrying of a handgun; in the same year, Wisconsin enacted a two-day waiting period for handgun purchases; and in 1976, California increased its "waiting period" between purchase and acquisition of a handgun from 5 to 15 days. See Jones, III, and Ray, Appendix II.

39. Because of data constraints, the Maryland jurisdictions are relatively small. Prince Georges County, Maryland, which is slightly smaller than DC and contiguous to it, provided two years of data for robbery. Comparing 1974 and 1978, firearm robberies as a percentage of total robberies declined 20.9 percent; for the District for those two years, the decline was 14.6 percent.

40. See Philip J. Cook and Daniel Nagin, *Does the Weapon Matter: An Evaluation of a Weapons-Emphasis Policy in the Prosecution of Violent Offenders* (Washington, DC: Institute for Law and Social Research, Dec. 1979), pp. 6-8; Steven Thomas Seitz, "Firearms, Homicides, and Gun Control Effectiveness," *Law & Society Review*, 6(4): 595-613 (May 1972); and Franklin E. Zimring, "Is Gun Control Likely to Reduce Violent Killings?" *Univ. Chicago Law Review*, 35:721-37 (1968).

TABLE 2  
CIRCUMSTANCES OF HANDGUN HOMICIDE IN WASHINGTON, D.C., AND BALTIMORE,  
MARYLAND, 1974 AND 1978 (IN PERCENTAGES)

CIRCUMSTANCE	WASHINGTON, D.C.		BALTIMORE, MD	
	1974	1978	1974	1978
Within family	9.8	4.5	9.8	13.5
Outside family, total	44.3	37.5	29.0	28.8
Lovers and triangle	5.2	3.6	5.7	5.7
Argument over money and property	2.9	2.7	2.1	2.9
Other arguments	36.2	31.2	21.2	20.2
Crime-related murders, total	31.6	40.2	31.6	22.1
Felony murder	27.6	39.3	22.3	20.2
Suspected felony murder	4.0	0.9	9.3	1.9
Justifiable homicide, total	9.1	6.2	7.8	14.4
Felon killed by private citizen	3.4	0.9	2.6	5.8
Felon killed by police	5.7	5.3	5.2	8.6
Circumstances unknown	5.2	11.6	21.8	21.2
Grand total	100.0	100.0	100.0	100.0
Number of incidents, (not in percentages)	174	112	193	104

SOURCE: Federal Bureau of Investigation, Uniform Crime Reporting, "Supplementary Homicide Reports" (Washington, DC, 1974 and 1978) (unpublished data).

but increased to 13.5 percent in Baltimore. Washington, D.C., evidenced a greater percentage decline than Baltimore in "outside family," argumentative homicides. With respect to "crime-related murder," Washington's percentage increased by about nine points while Baltimore's fell by about nine points. Finally, Washington's percentage for "justifiable homicide" fell, primarily due to the decline in private citizen justifiable homicide, while Baltimore's almost doubled.

The results for Washington, D.C., are consistent with the hypothesis that the Firearm Control Regulations Act had a beneficial impact on handgun homicide. First, by constraining availability of handguns in the home and requiring registered handguns to be immediately inoperable, the act would tend to reduce the relative frequency of "within family" and "outside family" handgun homicides. This is consistent with the data. Second, for the same

reasons the act would tend to have the effect of reducing justifiable homicides involving private citizens. Finally, the act did not address per se felony murder, except to make it more difficult for criminals to re-register and eliminate one possible source of handguns—the federally licensed dealer in handguns in the District. However, other evidence suggests that criminal offenders easily acquire handguns through alternative sources, namely, private transfer and theft<sup>41</sup> or by

41. See D.E.S. Burr, "Handgun Regulation (Final Report)," prepared for Florida Bureau of Criminal Justice Planning and Assistance (Orlando, FL: Florida Technological University, 1977); and Mark H. Moore, *The Supply of Handguns: An Analysis of the Potential and Current Importance of Alternative Sources of Handguns to Criminal Offenders* (Cambridge, MA: Harvard University, May 1979). During the period 1974–79 there were 1613 reported offenses involving stolen firearms in the District of Columbia. Six percent of these offenses involved robbery, 34 percent burglary, and 60 percent larceny. See Metropolitan Police Department, "Monthly Return

interstate purchase.<sup>42</sup> Because a criminal in the District is unlikely to seek a private transfer involving a registered handgun and because the act affected directly neither the criminal's likely alternative sources for handguns nor his "single-minded" intention to engage in criminality, the impact of the act is not inconsistent with a higher percentage of handgun "crime-related murder."

### CONCLUSIONS

This article has described the provisions and legislative history of the Firearms Control Regulations Act and has offered a critique of its effectiveness as evaluated in a study by the U.S. Conference of Mayors. Because of deficiencies in its research method and its use of unrealistic assumptions, the U.S. Conference of Mayors' conclusion is questionable. This is not to say that the Firearms Control Regulations Act did not have a beneficial effect in reducing handgun crime in the District of Columbia. In fact, the homicide data presented in this article suggest that the Firearms Control Regulations Act may have been responsible, in part, for the reduction in handgun fatalities that

result from arguments among acquaintances and family members.

Nevertheless, these data also show, in the increase in the percentage of handgun homicides that are felony related, that the Firearms Control Regulations Act is no panacea for crime. This is illustrated further by the highly publicized December 1980 felonious handgun murder of Washington, D.C., cardiologist Dr. Michael Halberstam, for which the alleged assailant used a .38 caliber revolver taken in a burglary in nearby suburban Virginia.<sup>43</sup>

Further research on firearm control effectiveness in the District of Columbia is clearly needed for the development of public policies that will be effective in stemming the criminal misuse of handguns. Such research must analyze the effect of other factors, such as narcotics use, and their influence on the incidence of the use of firearms in crime. Further, it must identify sources of supply of illegal firearms to criminal offenders and develop tactics that will result in the successful interdiction of those sources. Finally, the challenge for public policymakers is to have the courage to implement demonstrably effective prevention tactics and to provide for tough sanctions that will deter the criminal misuse of handguns.

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of Offenses Known to Police: Return—A (Calendar Year City-wide Data)" and "Percentage of Property Stolen in Robbery, Burglary, and Larceny (Calendar Year City-wide Data)" (Washington, DC, 1974-79).

42. See Isikoff.

43. Benjamin Weigen, "Suspect in Halberstam Slaying is Ordered Held Without Bond," *Washington Post*, 11 Dec. 1980, p. B1.

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### [Footnotes]

<sup>40</sup> **Firearms, Homicides, and Gun Control Effectiveness**

Steven Thomas Seitz

*Law & Society Review*, Vol. 6, No. 4. (May, 1972), pp. 595-614.

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