The Cowboy Subculture

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The twentieth-century image of the cowboy, the most evocative of America's mythic figures, is that of a hero, a knight-errant with a horse and a gun. The gun, and his skill with it, make the cowboy a deadly antagonist, but only against rustlers, bandits, and renegades. In formulaic narratives the cowboy hero may shoot more people than all the outlaws combined, but his killings are justified and self-confidently right.

The men behind the heroic myth were less appealing figures. Journalists in western towns described cowboys as dependable and hard-working when sober but vicious menaces when drunk. Cowboys on sprees shot up towns, terrorized tenderfeet, squandered their wages on gambling and whores. "Nobody then thought of them as romantic," recalled a Montana rancher's wife. "They were regarded as a wild and undesirable lot of citizens." President Chester A. Arthur, in his annual message to Congress in 1881, complained that "a band of armed desperadoes known as 'Cowboys' " was making trouble in the Arizona Territory, "committing acts of lawlessness and brutality which the local authorities have been unable to repress." "Morally, as a class," the *Cheyenne Daily Leader* commented the following year, "they are foulmouthed, blasphemous, drunken, lecherous, utterly corrupt."[1]

The more candid memoirs are equally unflattering. The rancher Bruce Siberts remembered that most of the itinerant cowhands he saw in South Dakota in 1894 "were burned out with bad whiskey and disease." During the winter about half "were pimps, living off some cheap prostitute in Pierre. . . . Most of them had a dose of clap or pox and some had a double dose. All in all, most of the old-time cowhands were a scrubby bunch." Even the cowboys' celebrated freedom has been dismissed. "The cowboy in practice," observes the western writer Wallace Stegner, "was and is an overworked, underpaid hireling, almost as homeless and dispossessed as a modern crop worker, and his fabled independence was and is chiefly the privilege of quitting his job in order to go looking for another just as bad. That, or go outside the law, as some did."[2]

The realistic image of the cowboy as a hired hand with a borrowed horse, a mean streak, and syphilis may be at odds with the heroic myth. But it is not at odds with the argument that the age and gender characteristics of a place or group in conjunction with its social institutions and norms determine the amount of violence and disorder. The cowboys of the Great Plains were young, male, single, itinerant, irreligious, often southern-born, and lived, worked, and played in male company. In the most expansive and violent years of the range cattle industry, the late 1860s and 1870s, many cowboys were combat veterans and almost all carried firearms. The nature of their work precluded drinking on the job, but they made up for it in payday binges. Those who survived the bad liquor and shooting scrapes found themselves back in the saddle, penniless, doing a job that was almost as dangerous as the whiskey mills themselves and in which few lasted for long.

Cowboys, in short, were lower-class bachelor laborers in a risky and unhealthful line of work. They were members of a disreputable and violent subculture with its own rules for appropriate behavior. The word "subculture" is, I realize, a loaded one, connoting to some a radical rejection of all values and virtues of the dominant culture. That was not true of cowboys. Their politics were usually conventional, as were the courtesy and deference they showed to respectable women. And they certainly worked hard. But much else in the cowboy code was unconventional, and therein lies the point of the term. The unwritten rules which governed their lives and which they passed on to new hands were often at odds with the norms of the Protestant core culture. For the cowboy to become a symbol of the American experience required an act of moral surgery. The cowboy as mounted protector and risk-taker was remembered. The cowboy as dismounted drunk sleeping it off on the manure pile behind the saloon was forgotten or transmogrified into a rough-edged, heart-of-gold fellow who liked an occasional bit of fun.

Origins and Character

The American cowboy subculture, like most frontier cultures, blended elements from different ethnic groups. Its deepest roots, however, were Spanish. It was the Spanish who introduced horses and cattle into the Americas and who perfected the techniques of mounted ranching, such as lassoing cattle from horseback. And it was the Spanish who first brought cattle to Texas and Alta California, two remote provinces on their northern frontier. Americans who settled in Texas in the nineteenth century combined Carolina cattle traditions with Spanish ranching techniques, equipment, and stock and added a few innovations like the chuck wagon. After the Civil War they spread themselves and their cattle into the vast grasslands formerly occupied by the bison, whose great herds were being systematically destroyed by professional buffalo hunters. The expansion of the range cattle industry reached its peak in 1885, with perhaps 7.5 million head feeding on the Great Plains north of Texas and New Mexico. The

industry thereafter rapidly declined, owing to a combination of overgrazing, harsh winters, westward expansion of farming, and barbed-wire fences. By the early twentieth century the cowboys were fast diminishing, surviving more in the realm of legend than in occupational fact.

The tasks associated with the range cattle industry—rounding up cows, branding calves, castrating bulls, breaking horses, and trail drives to railheads or northern pastures—required youth, strength, endurance, and cool courage. Texas cattle were easily spooked creatures whose impressive horns and heft could kill a man in seconds. Cowboys on the trail had to be constantly alert not only for stampedes but for human and animal predators. They made do with little sleep and indifferent food, were continually exposed to foul weather, and, like soldiers in the field, had to learn to live with discomfort and minor injuries. That, or quit. Of the roughly 35,000 men who accompanied herds up the trails from 1867 through the 1880s, only a third participated in more than one drive.[3] As in gold mining, disillusionment and accidents quickly thinned their ranks. The constant attrition kept cattle herding a young man's game. The average age of cowboys in 1880 was twenty-three or twenty-four years.[4]

Many of the early cowboys were Texans or Texas immigrants, typically Confederate veterans ("TNT dressed in buckskin") or their sons who migrated to the state after the Civil War. The majority of cowboys were Anglos, though by some accounts a seventh were black men, mainly ex-slaves from Texas ranches. Perhaps another seventh were Mexicans. White southern, African-American, and Mexican-American cowboys had at least one thing in common, apart from mutual dislike. All came from cultures that stressed the desirability of decisive action to redress insult or injury. Texas-born cowboys were particularly notorious for their willingness to resort to guns to settle personal disputes, a trait which contributed to the high level of homicidal violence (32 per 100,000 in 1878) in the state in the decades after the Civil War.[5]

If cowboys were concerned with their standing in the eyes of their peers, they cared little for conventional social institutions. Few had wives or lived with their parents, unless they happened to be working on the family ranch. Their outlook was this-worldly, not so much antireligious as irreligious. "After you come in contact with nature you get all that stuff knocked out of you," explained "Teddy Blue" Abbott. "You could pray all you damn pleased, but it wouldn't get you to water where there wasn't water."[6]

A preacher who could "get to water," who could rope a calf or face down a bully, commanded the cowboys' respect. After Daniel Tuttle, the Protestant Episcopal Bishop of the Diocese of Utah, thrashed a stage driver for swearing in the presence of a woman, ranchers, miners, and even an occasional sporting man traveled from miles around to have a look at the fighting clergyman. Pugilistic Christianity was fine with cowboys. They were indifferent to the more peaceable sort and regarded regular churchgoing as unequivocally in the feminine realm. Though a few professed to worship in the "outdoor church of nature" and others claimed to have "got religion," orthodox Christianity was fundamentally at odds with the cowboys' masculine self-image.[7]

What was in keeping with their self-image was a gun. With the exception of professional hunters, cowboys were the most heavily armed civilians anywhere in post–Civil War America. They carried repeating rifles and revolvers, typically large-bore, military-issue weapons whose .44- or .45-caliber bullets did considerable and often fatal damage. Prior to 1880 these weapons were a necessary evil, given the possibility of encountering hostile Indians, robbers, rustlers, rattlesnakes, bears, and the like. But whatever the cowboys' guns bought in the way of deterrence and emergency use was paid for by an increase in accidental death and injury. Cowboy and noncowboy alike died when guns tipped over, dropped from pockets, or fell from blankets. The *Caldwell Post*, a Kansas cattle-town newspaper, estimated that five cowboys were killed by accidental gun discharges for every one slain by a murderer. Those who survived accidents were often horribly injured, living out their lives with shattered knees or shot-away faces.[8]

The other evil associated with gun toting was the increased incidence of unpremeditated homicide. "I always carried a gun because it was the only way I knew how to fight," Abbott admitted. "That was the feeling among the cowpunchers. They didn't know how to fight with their fists. The way they looked at it, fist fighting was nigger stuff anyhow and a white man wouldn't stoop to it." Abbott, whose memoirs are unusually self-revealing, explained how his trigger-happiness led to a shooting:

> I was really dangerous. A kid is more dangerous than a man because he's so sensitive about his personal courage. He's just itching to shoot somebody in order to prove himself. I did shoot a man once. I was only sixteen, and drunk. A bunch of us left town on a dead run, shooting at the gas lamps. I was in the lead and the town marshal was right in front of me with his gun in his hand calling, "Halt! Halt! Throw 'em up!" And I throwed 'em up all right, right in his face. I always had that idea in my head—"Shoot your way out." I did not go into town for a long time afterwards, but he never knew who shot him, because it was dark enough so he could not see. He was a saloon man's marshal anyway and they wanted our trade, so did not do much about it. That was how us cowboys got away with a lot of such stunts. Besides, the bullet went through his shoulder and he was only sick a few days and then back on the job. But they say he never tried to get in front of running horses again.

Here youthful irresponsibility and intoxication combined with the need to demonstrate courage to produce a violent confrontation, the standard formula for a male group disaster. Had the bullet entered a few centimeters in and down, the hapless marshal would have been killed, dead because a drunken boy was acting out a subcultural fantasy of shooting his way out of trouble.[9]

Cowboys used their guns to act out any number of roles, the deadliest of which was *nemo me impugnit*, "no one impugns me." Harry French, a Kansas railroad brakeman, witnessed a fight between cowboys riding in the caboose of his cattle train. It began during a card game when one man remarked, "I don't like to play cards with a dirty deck." A cowboy from a rival outfit misunderstood him to say "dirty neck," and when the shooting was over one man lay dead and three were badly wounded.[10]

This was a classic scenario for homicide. Then as now most killings arose spontaneously in a group situation involving alcohol, gambling, or some other vice in which socially marginal men suddenly turned on one another with deadly weapons in response to an insult, curse, jostle, or dispute over a small sum of money. From our vantage the disputes seem trivial, though the cowboys undoubtedly viewed them differently, as crucial if dangerous tests of their mettle. "That was one thing that got many a man," Abbott conceded, "that foolish sensitiveness about personal courage."[11]

Cattle-Town Sprees

This sort of hot-tempered gunplay seldom erupted when cowboys were on the trail. Drinking and rambunctious behavior were not tolerated in a situation where an impulsive act could kill or maim innocent men and destroy thousands of dollars worth of cattle. Cowboys in the saddle were sober employees who assumed large responsibilities and discharged them well.[12] Journalists and writers who knew this side of their life often defended the cowboys from their detractors, publishing favorable accounts of their colorful and sometimes heroic activities—breaking broncos, turning a stampeding herd, thwarting rustlers. These stories of cowboy competence and courage, suitably embellished, formed the basis for the heroic myth.

Journalists and writers who only saw the cowboys when they came to town formed a very different impression. Like sailors in port, a simile that often occurred to them, they saw young men mad to spend their accumulated wages. This was especially true at the end of long cattle drives, around which rituals of pent-up consumption, pleasure, and status developed. First a visit to the barber to remove several months' growth of hair and beard, then a trip to the dry goods store for a new hat, clothes, and fancy boots. Then a meal featuring delicacies unavailable on the trail: oysters, celery, eggs. Then on to the saloon, gambling room, theater, dance hall, and brothel, perhaps ending the night by shooting out the street lights or "taking the town." The latter was a sure way to impress peers and earn a reputation, a large consideration for the greenest cowboys, who seem to have been more prone than the experienced hands to go wild.[13]

Cowboy sprees had three important consequences, all undesirable from the standpoint of individual well-being and social order. They made the cowboy's life even more dangerous and unhealthful. They kept many cowboys impoverished, dependent, and unable to marry. And they attracted vice predators, who, as on the mining frontier, heightened the level of violence and disorder.

In the heroic myth cowboys are the very picture of sinewy health. The geologist David Love, who grew up in Wyoming in the early twentieth century, recalled that they were "lean, very strong, hard-muscled, taciturn bachelors," mostly in their twenties or early thirties, who worked without complaint from daylight to dark. But he also saw something else, something left out of the myth:

> Most were homely, with prematurely lined faces but with lively eyes that missed little. . . . Many were already stooped from chronic saddle-weariness, bowlegged, hip-sprung, with unrepaired hernias that required trusses, and spinal injuries that required a "hanging pole" in the bunkhouse. This was a horizontal bar from which the cowboys would hang by their hands for 5–10 minutes to relieve pressure on ruptured spinal disks that came from too much bronc-fighting. Some wore eight-inch-wide heavy leather belts to keep their kidneys in place during prolonged hard rides.

The damage done by bucking animals, accidents, frostbite, and lightning storms was compounded by a monotonous and inadequate diet. Cowboy grub was long on meat, flour, and beans. It was short on fresh fruit and, ironically, dairy products. In the early years the cowboys did not even have milk for coffee, which they called "blackjack" or "bellywash" and drank hot and strong. This imbalanced, calcium-deficient diet may have contributed as much to their celebrated bow-leggedness as did long hours in the saddle.[14]

When these rickety young men rode into town they hit the saloons, false-fronted palaces full of smoke, gamblers, tubercle bacilli, and spittoons. There they used their hard-earned wages to treat themselves and their comrades to round after round of drinks, or what they took to be drinks. Liquor dealers commonly watered whiskey to maximize profits, concealing their chicanery and restoring the kick by adding stimulants like strychnine and tobacco. Cowboys drank this stuff neat and became extravagantly intoxicated, not so much drunk as on a polypharmaceutical jag, their bodies full of several different kinds of poisons.[15]

The end-of-trail binges often ended in the red-light district. The name originated in Dodge City from the railroad brakemen's custom of leaving their red lanterns outside the door to avoid interruption. Cowboys were equally avid customers of cattle-town prostitutes, some of whom were as young as fourteen years. Commercial prostitution was tolerated because of its profitability and because of the common belief that it provided a safety valve for working-class men who might otherwise sexually assault respectable women—which assaults were, in fact, rare.[16]

The social rationalizations on behalf of prostitution did nothing to alter the fact that it was a leading cause of venereal disease. Studies undertaken in the early twentieth century showed that the majority, in some instances 90 percent or more, of prostitutes harbored gonorrhea or syphilis; that prostitution was a prolific source of venereal infection; and that unmarried men were more likely to be infected than married men. The greatest venereal risk to cowboys who visited prostitutes was undoubtedly syphilis. Known to doctors as "the great imitator," the disease often returned later in life in the form of paresis, locomotor ataxia, or aortic aneurism, fatal souvenirs of their youthful encounters with whores.[17]

Sprees destroyed savings as well as health, reinforcing what was transparently a two-class system. A cattle*man* was a capitalist and employer, generally married,

who lived in a ranch house built on his own land. A cow*boy* was an employee, unmarried, who tended cattle marked with another man's brand and who lived in a bunkhouse ("doghouse," "shack," "dump," or "ram pasture") built on another man's land.[18] The bunkhouse was not destiny. Cowboys who saved their wages, a dollar or at most two a day, could eventually acquire a small ranch and herd, slender but sufficient means for starting their own families. But those who kept spending their money on liquor, gamblers, and prostitutes could not achieve the stake necessary to escape their status as hirelings. Without property of their own they were not in a financial or social position to marry, potential brides being scarce and choosy about their suitors. And the absence of a wife and family made it more likely that they would continue to spend their earnings on in-town sprees. The result was a literally vicious circle.

Among those who profited from the cowboys' recurring dissipation were the gamblers and prostitutes who flocked to the cattle towns during the shipping season, moving on during the winter or when the trade was slack. Prostitutes earned their money directly while gamblers relied on a combination of skill, house odds, and cheating to separate cowboys from their wages. One New York firm specialized in selling marked or "advantage" decks to professional gamblers for $10 a dozen or $85 a gross. Loaded ivory dice were sold in sets of nine (three high, three low, three square) for $5 apiece. Why cowboys kept coming back to the saloon gaming tables against men so equipped is puzzling, though some showed clear signs of being compulsive gamblers, easy marks for a card sharp. Other cowboys, shrewder perhaps, quit the saddle and became professional gamblers themselves.[19]

Few gamblers retired to a life of luxury. The money was sometimes good but they spent it every bit as fast as the cowboys they fleeced. The prostitutes, who often lived or associated with gamblers, spent just as recklessly. A few made money and quit the trade. Some married out, though it is hard to know how many, for they covered their tracks. But the prostitutes' more usual fate was a miserable existence copulating with sweaty strangers, earning less for their trouble as they aged. The alms-house was a common end, as was suicide by overdose or poison.[20] Many sought solace in alcohol and other drugs, typically opiates in the 1870s and 1880s and cocaine and opiates from the 1890s on.

As on the mining frontier, arguments over women and cards could quickly turn into deadly confrontations. Abbott, who witnessed several shooting scrapes in bars and sporting houses, recalled that saloon men and tinhorn gamblers were as apt to get themselves killed as cowboys. The historian Robert Dykstra, who studied newspaper reports of homicides in five booming Kansas cattle towns, confirmed Abbott's impression. He found that precisely as many cowboys were victims of homicide as men identified as gamblers.

Dykstra also found that the average incidence of homicide in the five municipalities—Abilene, Ellsworth, Wichita, Dodge City, and Caldwell—was 1.5 per town per year. This may seem a small number, but so was the average population, which did not exceed 3,000. The resulting homicide rate was quite high, 50 or more per 100,000 persons per year. Someone living in (or more likely

visiting) a Kansas cattle town was ten times as likely to be murdered as a person living in an eastern city or in a midwestern farming county.

Actually, more than ten times as likely. Because Dykstra did not count all homicides outside town limits or before the towns existed as municipalities (when, at least in the case of Dodge City, there were even more killings) and because the newspaper series he used had one significant gap, the true rate was undoubtedly higher. Roger McGrath, who has reexamined Dykstra's methods and data, thinks it likely that Dodge City's actual homicide rate was in the range of that of the California mining town of Bodie, 116 per 100,000. Fort Griffin, Texas, another frontier town frequented by cowboys, buffalo hunters, and soldiers, had an even higher rate, 229 per 100,000 during its boom years in the 1870s.[21]

Fort Griffin is the perfect illustration of what happens when the biological, demographic, cultural, and social forces conducive to violence intersect in one place and time. In the 1870s the town was in the middle of the Central Texas frontier zone, an exceptionally violent region in an unusually violent state. It had a hunting, grazing, and military economy and therefore a large surplus male population, including many southern-born men who were combat veterans, sensitive about personal honor, and deeply contemptuous of other races. Family and religious life were inchoate for the transient, lower-class men, who lived and took their recreation in male groups. That recreation involved the consumption of large amounts of liquor, often in a spree pattern, and vices that could trigger sudden conflict. The conflicts were settled with deadly weapons that the combatants routinely carried. Given these circumstances, it is hardly surprising that the homicide rate was so high.

Legal Ambivalence

When differences in lethal violence are of this magnitude, homicide in Fort Griffin in the 1870s being nearly forty times as common as homicide in Boston, one is prompted to ask why the citizens put up with it. It was obvious that the spree pattern and the local vice industry were among the primary sources of violence and disorder. It was equally obvious who the culprits were. Why was the problem allowed to fester?

On this point, at least, historians are unanimous. The answer is money. A cowboy at the end of a drive had perhaps $50–$90 in his pocket, a large sum in a cash-short region. Some of his wages were bound to go to the vice parasites, but local merchants, barbers, and restaurant and hotel operators knew they would get their share, either directly from the cowboys or from the gamblers and prostitutes, who were as free-spending as their victims. Jacob Karatofsky, an immigrant dry-goods merchant who operated the Great Western Store in the heart of Abilene, understood the situation well. He sold blankets, boots, and hats to the cowboys and "fancy dress goods" to the town's prostitutes, who had expensive tastes and the wherewithal to satisfy them. When the cattle trade left

Abilene Karatofsky went with it, first to Ellsworth and then to Wichita, where business was sufficiently brisk to open two stores.[22]

The profitability of such commerce made it inexpedient to have too much law and order. The disorderly behavior of their drunken visitors was a chronic problem, but businessmen knew that if the town marshal came down too heavily the cowboys would take their cattle and their wages elsewhere. The same logic applied to the suppression of vice. Cowboys would not come to town if they could not have a good time. To deny business to the local saloons and brothels was to deny it to the dry-goods stores and banks as well.

The best that could be done was to fashion a police and court system designed to keep the lid on. Cattle-town justice, to use the term loosely, was aimed at controlling, segregating, and profiting from cowboy vice sprees, not at discouraging them. It was intended to minimize both taxpayer expense and ancillary violence, though its inconsistencies—one is tempted to call them the cultural contradictions of capitalism—made control of violence difficult.

The task fell to some of the most legendary figures in frontier history, Wild Bill Hickok, Wyatt Earp, and Bat Masterson, as well as a host of less well known peace officers. The theory was to hire someone with the pluck to stand up to criminals and drunken cowboys and the lethal skill to stop them if lesser means of coercion failed. The fight-fire-with-fire approach was reasonable enough, though it sometimes failed in application, as when Wild Bill mistakenly shot and killed another Abilene policeman. And it was of no particular use during the slack season, when the saloons were empty and the gamblers and prostitutes had gone elsewhere. Marshals were then expected to serve the taxpayers in less dramatic ways, inspecting chimneys, rounding up stray swine, and, in the improbable case of Wyatt Earp, repairing the town's sidewalks.[23]

The marshals and local judges were also expected to raise money by taxing vice. Cattle-town judicial records are full of prosecutions for operating disorderly houses, but these were merely the means of securing revenue in the form of fines. In the town of Canada, Texas, creditable prostitutes were permitted to pay deposits on their fines and then were returned to the streets to earn the balance. In Fort Worth madams simply paid up and returned to their parlor houses, regardless of the number of previous convictions. Dodge City judges afforded equally lenient treatment to prostitutes for reasons of both municipal revenue and political expediency. We know, through the voyeuristic device of manuscript census records, that several of the prostitutes were living with prominent Dodge citizens, including the mayor, two policemen, and the vice president of the local bank.[24]

Gambling arrests, another source of revenue, produced their share of politically delicate moments. A sweep of gamblers in Coffeyville, Kansas, turned up a majority of the town council. Kansas saloon owners were not subject to the indignity of fines but had to pay a substantial licensing fee, which amounted to the same thing. In Wichita the saloon license fees and other vice fines produced so much revenue that in August 1873 the city treasurer announced that no further taxation would be required to support the local government.[25]

Cattle-town courts may not have been expected to stamp out vice, but they were expected to do something about serious personal and property crime. Yet even here commercial considerations intruded upon the exercise of justice. No cowboy or cattleman was ever executed for murder in the five towns Dykstra studied. Acquittals were common, as was a form of plea bargaining in which the offender pled guilty to a lesser offense, such as assault and battery instead of attempted murder. "Under the influence of liquor" was often offered, and sometimes accepted, as an extenuating circumstance. Business calculations were paramount. When in 1874 a group of Texas cowboys deliberately killed a black laborer in Wichita, no attempt was made to apprehend them. A newspaper editor criticized the inactivity of city and county officials only to have the wrath of the town's businessmen descend upon his head. They feared that the editor would stir up the citizens against the cowboys, provoking a retaliatory boycott. Or, as Abbott put it, "They wanted our trade. That was how us cowboys got away with a lot of such stunts."[26]

Vigilantism

Lax enforcement against drunken cowboys was one thing; lax enforcement against real outlaws was quite another. Cowboy sprees were dangerous but primed the local economy. Horse thieves, cattle rustlers, and highwaymen took property and lives without conferring any offsetting benefit. The official frontier justice system, inadequate and underfunded when not actually duplicitous, failed to deter such hardened criminals. They often escaped arrest or, if apprehended, the makeshift jails in which they were detained. In 1877 some five thousand men were on the wanted list in Texas alone, not a very encouraging sign of efficiency in law enforcement.[27]

The result was extralegal movements against outlaws. Most vigilante actions were limited in scope and controlled by elites, targeted thieves who would otherwise have escaped punishment, and symbolically affirmed the values of order and property. They were, in a word, socially constructive. But vigilante actions could and did miscarry, as when they were used to arbitrarily punish racial minorities or settle personal grudges. The latter form of abuse sometimes triggered private warfare, with friends and relatives of lynch victims seeking revenge against the vigilante faction.[28]

The Central Texas range country was the epicenter of vigilantism in the two decades after the Civil War. Most of these vigilante actions (known in Texas as "mob" actions) were summary executions of accused horse and cattle thieves who were hanged or simply shot down in their jail cells. Cowboys and ranchers generally played the role of executioner, but if they were caught or accused of rustling they might be executed in turn.

Vigilantism was easily abused. The "Old Law Mob," a group active in the Fort Griffin area in the early 1870s, included a rancher who was having problems with his wife. She hired an attorney to secure a divorce. The rancher warned the

attorney to leave town within twenty-four hours. The attorney demurred and was found several days later with an "O.L.M." note pinned to his dangling body. No one troubled, or perhaps dared, to bury his remains, which were still visible a year later.[29]

Vigilantism, in short, was a dangerous substitute for professional police and regular courts. It is interesting that Canada's western provinces, which had both, experienced far less violence and lynching than the American frontier states. Canadian criminals were left to the North-West Mounted Police, an efficient and highly regarded force. The Mounties were aided in the their task by the prevailing Canadian attitude toward violence, which was condemned as an American aberration having no place in the realm of peace, order, and good government.[30]

Cowboy Gun Control

The Canadian frontier had something else that was initially lacking in American cattle towns: effective gun control. It was obvious to everyone that a drunken cowboy with a pistol was a good deal more dangerous than one without. Western newspaper editors and civic leaders supported laws forbidding the carrying of pistols and other deadly weapons, mainly dirks and Bowie knives. By the early 1870s most American cattle towns had nominally outlawed the practice. Cowboys were expected to "check" their guns when they entered town, typically by exchanging them for a metal token at one of the major entry points or leaving them at the livery stable before they hit the saloons.[31]

The gun laws were a good idea but poorly enforced, especially during the 1870s, the worst decade of killing on the cattle frontier. Cowboys persisted in wearing their pistols or took to concealing them, which was even more dangerous. Their defiance of the law was both a cause and an effect of the prevailing violence: as long as there were other armed men and outlaws about, it was hard to persuade them to surrender their weapons. Their resistance was as much emotional as rational. Guns were central to the subculture, objects of ritual significance to which the cowboys had been introduced in early youth. The idea that tin-star marshals (Yankees, no less) could take them away did not sit well.[32]

The situation changed in the 1880s and 1890s. As the threat of Indians and outlaws receded and the regular police system gradually became more professional and efficient, it was harder to justify carrying personal weapons for self-defense. Responsible cattlemen like Colonel R. G. Head, the superintendent of the Prairie Land and Cattle Company, began urging their hands to forgo gun toting, which he denounced as "a pernicious and useless habit," both illegal and foolish. "If you cannot freely and finally give up your pistol," he added, "then take it off, leave it at camp or rolled up in your bedding; by doing this I am inclined to the belief that you will soon learn to appreciate the absence of such an appendage." Head's successor, Murdo McKenzie, was equally adamant against firearms, and made it a point never to carry a gun himself.[33]

Gun control, enforced by determined employers, was probably the single most

potent check on homicidal violence among cowboys, more effective than the specter of the lynch mob or even Wild Bill Hickok and Wyatt Earp. Getting hanged for shooting someone was a remote prospect, but getting the sack from an angry foreman was not. Head, McKenzie, and other cattlemen who insisted that cowboys lay aside their pistols understood that their men were not usually thinking straight when they pulled the trigger and that most shootings were either accidental or due to drunkenness, gambling, or hot-headed impulse. Better, then, that they should have no gun to reach for. It was a simple and obvious means of prevention and one that seems to have worked. By 1900 most cowboys had never seen a killing, much less participated in one. Many still owned guns—they were, after all, cowboys—but kept them out of sight, stowed in a bedroll or under the bunk.[34]

The emphasis on gun control, part of the larger rationalization of the range cattle industry, was complemented by a gradual change in the composition of its employees. By the 1880s the Texans, who of all the cowboys and cattlemen were the most predisposed to use firearms and to take the law into their own hands, were gradually being replaced by easterners, midwesterners, and European immigrants. The trend was especially marked on the northern ranges, where a new class of cowboys was helping to bring greater organization and discipline to the business. The newcomers were not as inclined to use their guns promiscuously or to insist on wearing them in town.[35]

If the South exported violence as its inhabitants moved to the frontier, what happened on the northern plains during and after the 1880s was the reverse, a northern order transplant. Once again, the level of violence was not simply a function of age and gender but was influenced by the immigrants' attitudes. Any population with a surplus of young men had a built-in tendency toward trouble. But the tendency was lessened if the surplus consisted, as in this case, of an increasing number of Europeans, easterners, and farm boys trying their hand at ranching and a decreasing number of heavily armed southern men.

Cowboy Myth

The gun-toting cowboy may have been declining in numbers and influence by the 1880s, but his career as a mythic hero was only beginning. It commenced in earnest with Buffalo Bill's Wild West, a popular rodeo and historical reenactment featuring cowboys racing horses, riding steers, and lassoing broncos. When not occupied with wild animals, Buffalo Bill's cowboys repulsed Indian attacks on wagon trains and mail coaches. Allied with scouts and soldiers, the cowboys were presented as the advance troops of white civilization, heroic "rough riders" who shot it out with the exotic but menacing Indians.

William F. Cody, the show's creator and manager, was a frontier jack-of-all-trades who had achieved fame as an actor and a pulp fiction protagonist. Alert to the commercial possibilities of the public's fascination with frontier adventures, Cody launched his Wild West as a touring show in 1883. By the time of

his death in 1917 the Wild West had been seen by an estimated 50 million people in a dozen countries in North America and Europe. That is, 50 million people saw the cowboy portrayed as a trick roper and Indian-fighting hero rather than a spree-prone hireling in a shrinking industry.

Buffalo Bill's Wild West was only the most spectacular vehicle of cowboy myth-making, a flourishing business that ran the gamut from hack writers like Prentiss Ingraham and Ned Buntline to real talents like the novelist Owen Wister and the painters Frederic Remington and Charles Russell. Cody's success inspired no fewer than 116 competing shows. Most were short-lived but at least one, the Miller Brothers' 101 Ranch Wild West Show, managed to last until the Great Depression. By that time the myth-making enterprise had shifted to a new and more cost-efficient medium, the motion picture.[36]

Western themes figured in movies as far back as 1903, when Edwin S. Porter released his innovative *The Great Train Robbery*. By the early 1920s Hollywood had a stable of western stars, among them William S. Hart and Tom Mix, a veteran of the Miller Brothers' show. The popularity of the western declined somewhat during the 1930s when star actors like Gene Autry were confined to "B" movies, but in 1939, Hollywood's *annus mirabilis*, the western film began a renaissance with big-budget features like *Dodge City* and *Union Pacific*. The epic westerns of the 1940s were not simply cowboy movies. They portrayed an array of frontier characters, although cattlemen and cowboys, whose colorful clothing, horses, and guns and penchant for deeds over words made them ideally suited to the action-oriented medium, remained stock figures. In films such as *American Empire* (1942) and *Red River* (1948) they were accorded central roles.[37]

The western film continued its dominance through the 1950s. Between 1950 and 1961 Hollywood studios churned out more than 1,200 films about the past, over half set in the years between 1866 and 1890. This chronological imbalance—audiences must have thought American history synonymous with the late nineteenth century—was due to the mass production of westerns. Competing media were also saturated. Publishers sold an average of 35 million paperback westerns a year. The new television networks reprised countless western movies and were soon producing their own western programs. By 1959 there were thirty running in prime time, including eight of the top ten shows. The most enduringly popular of these, *Gunsmoke*, had begun as a successful radio drama, making its television premiere in 1955. When it went off the air in 1975 it was the longest-running series in television history.[38]

Gunsmoke was the genre's last hurrah. Westerns declined in the 1960s and 1970s, becoming progressively fewer in number, more self-referential, and darker in tone. But they continued to have at least one thing in common with their predecessors: they apotheosized male violence and marginalized women and children. The mise-en-scène was a town, outpost, or ranch on the high-gender-ratio frontier, not a family farm in a demographically normal region. The basic plot, even if morally ambiguous and sympathetic to Indians, was still that of masculine corporate adventure. Individual men came together, fought for a common cause against a group of opposing men, and then went their separate ways,

unless killed or snared by a woman in a romantic interlude. Gunfire and wedding bells were functionally equivalent in westerns. They both signaled that a man was about to be taken out of action, honorably in the one instance, prosaically in the other.[39]

Did the mass exposure of three generations of audiences to violent male adventurers in the guise of cowboys and other gun-toting western characters influence the level of actual violence in American society? This is an important yet frustrating question. Important because there are psychological reasons to suppose that such exposure made a difference. Frustrating because effects of mass media are difficult to isolate and measure.

Experimental studies of varying scope and ingenuity have shown the viewing of violent characters to be positively correlated with aggressive behavior, although the effect is not necessarily strong, permanent, or universal. The most pronounced effect (though weak in comparison to those of variables like alcohol abuse and family disruption) has been observed in less academically talented boys who are already relatively aggressive but who become more so after viewing rough-and-tumble episodes. Media violence, in other words, appears to serve as a trigger or an exacerbating influence rather than a primary cause of violent behavior.[40]

It may also reach deeper into our psyches. Our personalities emerge from the interaction of our genes, which are fixed and predispose us in some ways, and our social situations, which are fluid and present many possibilities for development and change. We become ourselves in no small part by emulating positive or negative figures in our social environment, something that has already been noted in connection with the behavior of men in barracks, saloons, mining camps, and other male preserves.

In the electronic age the social environment has come to mean more than flesh-and-blood people. It includes a thousand or so media personalities, the Elvis Presleys and Arnold Schwarzeneggers and Madonnas whom most of us have never met but whose images we nevertheless carry in our heads. Communication researchers have discovered that, for many people, these celebrities are socially real. People act like them, dress like them, talk like them, talk about them, talk *to* them, and even make love to them in their fantasies. As Wallace Stegner puts it, "We are not so far from our models, real and fictional, as we think."[41]

The dominant screen model for moviegoing and television-watching Americans in the mid-twentieth century was the frontier action hero, often though not always the mythic cowboy. He was personified by John Wayne, a cult star familiar to every American born before 1960. Wayne symbolized, and in his political statements explicitly affirmed, the belief that lethal means are necessary and appropriate to righteous ends. The cinematic personae of Wayne and other western stars not only legitimated gun carrying and violence, they fixed in the consciousness of an increasingly urbanized nation the whole mythic apparatus of the western range in the two decades after the Civil War. Though this realm was a sometimes violent and disproportionately male world, it became in its

screen reincarnation ultraviolent and hypermasculine. The cattle frontier never closed. It just came back in technicolor.[42]

Or possibly in Southeast Asia. In many ways the best (though also the strangest) illustration of the pervasiveness of frontier myth in postwar America was the Vietnam War. The language of Vietnam GIs, young men who were more imbued with frontier imagery than any other group of Americans before or since, brimmed with cinematic clichés and western allusions. Nineteen-year-olds ate John Wayne cookies and John Wayne crackers out of C-rations they opened with their John Waynes (P-38 can openers). A John Wayne rifle was a .45-caliber service pistol—nobody could hit anything with it, but the Duke could mow them down at 300 meters. To "John Wayne it" was to attempt any foolish act of heroism. Stock short-timer advice to a cherry: Don't pull a John Wayne on me.

In Vietnam military operations had code names like Texas Star, Cochise Green, or Crazy Horse, the last featuring the Seventh Cavalry in helicopters. The deluxe Seabee bunker at Khe Sahn was called the Alamo Hilton. To "saddle up" was to head out on patrol against "the bad guys" in "Indian country" beyond the perimeter. "Dodge City" referred variously to the military complex at Tan Son Nhut; the contested valley between Charlie Ridge and Hill 55 in I Corps; or, for Navy pilots, Hanoi. "To get out of Dodge" was, generally, to leave any hostile or dangerous area.

"Cowboy" had a multiplicity of uses, usually ironic or pejorative. "The Cowboy" was Nguyen Cao Ky, the flamboyant South Vietnamese Air Force officer who served as prime minister and later as vice president. "Cowboys," plural, referred to draft-age male Vietnamese civilians; more specifically to the hoodlums and black marketeers who roamed Saigon on motorcycles, sometimes accompanied by prostitutes ("cowgirls"); or more specifically still to members of the ARVN Special Forces (LLDB) or to a new breed of U.S. Special Forces troopers who arrived after 1968. In Laos ("across the fence") cowboys were CIA paramilitary operatives, a secret Air Force helicopter unit the "Pony Express." FACs (forward air controllers) logged twelve hours a day "in the saddle." One FAC showed up dressed entirely in black—black cowboy hat, shirt, jeans, and boots—and announced that his reason for volunteering was that Laos seemed a good place to die. This was a man who had seen too many movies.[43]

Whatever their social consequences may have been, movie cowboys were very different from the genuine item. The historical cowboy was not a heroic gunfighter-avenger but an unmarried lower-class laborer who led a Jekyll-and-Hyde existence. He was a hard worker on the trail, loyal to his outfit and friends, and usually open, honest, and generous. But when he was on a spree, "drunk and dressed up and don't give a damn," he was a menace to himself and those around him.[44]

Cattle-town marshals did their best to keep serious trouble from erupting, though they were handicapped by the moral contradiction at the heart of the economic system. Open vice was profitable to their towns but attracted criminal elements along with thirsty young cowboys eager to shoot their pistols and blow

their wages. The price of separating them from their money was a relatively high level of violence and disorder. Everyone in the real Dodge City understood this trade-off, which the location of the jail made explicit. It was on Front Street immediately opposite the cowboy saloons.[45]

NOTES

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2. Siberts with Walker D. Wyman, *Nothing but Prairie and Sky: Life on the Dakota Range in the Early Days* (Norman: University of Oklahoma Press, 1954), 100–101; Wallace Stegner, "Who Are the Westerners?" *American Heritage* 38 (December 1987): 36.

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4. E. C. "Teddy Blue" Abbott, *We Pointed Them North: Recollections of a Cowpuncher* (New York: Farrar and Rinehart, 1939), 42.

5. *TNT: Workin' on the Railroad: Reminiscences from the Age of Steam*, ed. Richard Reinhardt (Palo Alto: American West Publishing, 1970), 95; [Stout], "Cowboy," 268; Philip Durham and Everett L. Jones, *The Negro Cowboys* (New York: Dodd, Mead, 1965), chs. 1–4. The one-seventh estimate for blacks may have been true in southeastern Texas in the years immediately after the Civil War, but if so the proportion shrank substantially during the 1870s. Cf. Jordan, *North American Cattle-Ranching Frontiers*, 214–215. Texas rate: Robert M. Ireland, "Homicide in Nineteenth Century Kentucky," *Register of the Kentucky Historical Society* 81 (1983): 134.

6. Dary, *Cowboy Culture*, 107, 209; Abbott, *We Pointed Them North*, 33.

7. Augustus L. Chetlain, *Recollections of Seventy Years* (Galena, Ill., 1899), 130–131; John E. Baur, "Cowboys and Skypilots," in *The American West and the Religious Experience*, ed. William Kramer (Los Angeles: Will Kramer, 1974), 41–70.

8. Charles Askins, *Texans, Guns and History* (New York: Winchester Press, 1970), 3, 7; *Trailing the Cowboy*, ed. Westermeier, 70–71, 72; George E. Goodfellow, "Cases of Gunshot Wound of the Abdomen Treated by Operation," *Southern California Practitioner* 4 (1889): 209–217; "The Fatal Six-Shooter Again," *Caldwell Post*, 20 July 1882, cited in *Trailing the Cowboy*, ed. Westermeier, 117; Donald Curtis Brown, "The Great Gun-Toting Controversy, 1865–1910" (Ph.D. diss., Tulane University 1983), 19, 89–91, 130, 152–153.

9. Abbott, *We Pointed Them North*, 247, 31–32.

10. *Workin' on the Railroad*, ed. Reinhardt, 96.

11. Abbott, *We Pointed Them North*, 251; Marvin E. Wolfgang, *Patterns in Criminal Homicide* (Philadelphia: University of Pennsylvania Press, 1958), 188–192, 196–197.

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13. Joseph G. McCoy, *Historic Sketches of the Cattle Trade of the West and Southwest* (Kansas City, 1874), 138–142; Abbott, *We Pointed Them North*, 256–257; *Trailing the Cowboy*, ed. Westermeier, ch. 5; W. C. Holden, "Law and Lawlessness on the Texas Frontier, 1875–1890," *SHQ* 44 (1940): 190–191; Dary, *Cowboy Culture*, 209.

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15. Abbott, *We Pointed Them North*, 145–146; Richard Erdoes, *Saloons of the Old West* (New York: Knopf, 1979), 87, 89, 150–151.

16. Dary, *Cowboy Culture*, 217; Richard F. Selcer, "Fort Worth and the Fraternity of Strange Women," *SHQ* 96 (1992): 74; Neil Larry Shumsky, "Tacit Acceptance. Respectable Americans and Segregated Prostitution, 1870–1910," *Journal of Social History* 19 (1986): 673–674.

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18. *Trailing the Cowboy*, ed. Westermeier, 33; Dary, *Cowboy Culture*, 258, 284.

19. Loaded dice: Philip D. Jordan, *Frontier Law and Order* (Lincoln; University of Nebraska Press, 1970), 54–55. Compulsive gambling: e.g., John Brown, *Twenty-Five Years a Parson in the Wild West:Being the Experience of Parson Ralph Riley* (Fall River, Mass., 1896), 55–56. Became gamblers: Julian Ralph, "A Talk with a Cowboy," *Harper's Weekly* 36 (16 April 1892): 375–376.

20. [Robert Schick], "Prostitution," *Reader's Encyclopedia of the American West*, 973; Anne M. Butler, *Daughters of Joy, Sisters of Misery: Prostitutes in the American West, 1865–90* (Urbana: University of Illinois Press, 1985), 67–68; C. Robert Haywood, *Victorian West: Class and Culture in Kansas Cattle Towns* (Lawrence: University Press of Kansas, 1991), 29–30.

21. Robert Dykstra, *The Cattle Towns* (New York: Knopf, 1968), 113, 142–148; Roger D. McGrath, "Violence and Lawlessness on the Western Frontier," in *Violence in America*, vol. 1: *The History of Crime*, ed. Ted Robert Gurr (Newbury Park, Ca.: Sage, 1989), 134–135; Robert Tyrus Cashion, "An Examination of Frontier Violence at Fort Griffin, Texas" (master's thesis, University of Texas at Arlington, 1989), 17, 55. The most commonly cited source, Don H. Biggers, *Shackelford County Sketches*, ed. Joan Farmer (Albany and Fort Griffin: Clear Fork Press, 1974), 41, reports at least fifty-five killings, including twelve lynchings, at Fort Griffin over a period of twelve years. Cashion reports "a population of approximately one-thousand and almost as many transients." I have combined the two and rounded upward to two thousand for purposes of computing the rate. A work

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22. Dary, *Cowboy Culture*, 201; Dykstra, *Cattle Towns*, 89–90.

23. Dykstra, *Cattle Towns*, 116–124, 131–132, 143; Cashion, "Frontier Violence," 36.

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25. [Alfred T. Andreas,] *History of the State of Kansas* (Chicago, 1883), 1574; Dykstra, *Cattle Towns*, 127–128, 257–259; Leonard and Wallimann, "Prostitution," 39–40.

26. Dykstra, *Cattle Towns*, 128–131; C. Robert Haywood, "Cowtown Courts: Dodge City Courts, 1876–1886," *Kansas History* 11 (1988): 24, 31–32; Abbott, *We Pointed Them North*, 31.

27. Robert M. Utley, *High Noon in Lincoln: Violence on the Western Frontier* (Albuquerque: University of New Mexico Press, 1987), 172–173; C. C. Rister, "Outlaws and Vigilantes on the Southern Plains," *Mississippi Valley Historical Review* 19 (1933): 544.

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31. Brown, "Gun-Toting Controversy," 17; Clark C. Spence, "The Livery Stable in the American West," *Montana* 36 (1986): 39.

32. Yankee marshals: Abbott, *We Pointed Them North*, 28.

33. Brown, "Gun-Toting Controversy," 152–164, quotations 163–164.

34. Ibid., 435–440.

35. Joseph Nimmo Jr., "The American Cow-Boy," *Harper's New Monthly Magazine* 57 (1886): 880–884; Abbott, *We Pointed Them North*, 231.

36. Don Russell, *The Lives and Legends of Buffalo Bill* (Norman: University of Oklahoma Press, 1960), 21–32; John G. Blair, "Buffalo Bill and Sitting Bull: The Wild West as Media Event," in *The American West, as Seen by Europeans and Americans*, ed. Rob Kroes (Amsterdam: Free University Press, 1989), 262–281; Richard Slotkin, *Gunfighter Nation: The Myth of the Frontier in Twentieth-Century America* (New York: Atheneum, 1992), ch. 2; Dary, *Cowboy Culture*, 333.

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39. John H. Lenihan, *Showdown: Confronting Modern America in the Western Film* (Urbana: University of Illinois Press, 1980), ch. 7; Schatz, *Hollywood Genres*, 53–54, 58–63; Michael Wood, *America in the Movies or "Santa Maria, It Had Slipped My Mind"* (New York: Delta, 1975), 42–43.

40. See James Q. Wilson and Richard J. Herrnstein, *Crime and Human Nature* (New York: Simon and Schuster, 1985), ch. 13.

41. John L. Caughey, *Imaginary Social Worlds: A Cultural Approach* (Lincoln: University of Nebraska Press, 1984); Stegner, "Who Are the Westerners?" 39.

42. The John Wayne cult is discussed in Slotkin, *Gunfighter Nation*, 512ff.

43. Paraphrasing Michael Herr, *Dispatches* (New York: Knopf, 1977), 209. Language from Herr and Charles Mohr, "U.S. Special Forces: Real and on Film," *New York Times*, 20 June 1968, 49; S. L. A. Marshall, *Crimsoned Prairie: The Wars between the United States and the Plains Indians during the Winning of the West* (New York: Charles Scribner's Sons, 1972), 155; Philip D. Beidler, *American Literature and the Experience of Vietnam* (Athens: University of Georgia Press, 1982); *Dictionary of the Vietnam War*, ed. James S. Olson (Westport, Conn.: Greenwood Press, 1988); Gregory R. Clark. *Words of the Vietnam War* (Jefferson, N.C.: McFarland, 1990); Christopher Robbins, *The Ravens: The Men Who Flew in America's Secret War in Laos* (New York: Crown, 1987); and personal communication with John Olson, Lydia Fish, and Larry Wright.

44. "Festive Cowboy," in *Trailing the Cowboy*, ed. Westermeier, 53.

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A Nation of Cowards

Jeffrey R. Snyder

Our society has reached a pinnacle of self-expression and respect for individuality rare or unmatched in history. Our entire popular culture—from fashion magazines to the cinema—positively screams the matchless worth of the individual, and glories in eccentricity, nonconformity, independent judgment, and self-determination. This enthusiasm is reflected in the prevalent notion that helping someone entails increasing that person's "self-esteem"; that if a person properly values himself, he will naturally be a happy, productive, and, in some inexplicable fashion, responsible member of society.

And yet, while people are encouraged to revel in their individuality and incalculable self-worth, the media and the law enforcement establishment continually advise us that, when confronted with the threat of lethal violence, we should not resist, but simply give the attacker what he wants. If the crime under consideration is rape, there is some notable waffling on this point, and the discussion quickly moves to how the woman can change her behavior to minimize the risk of rape, and the various ridiculous, non-lethal weapons she may acceptably carry, such as whistles, keys, mace or, that weapon which really sends shivers down a rapist's spine, the portable cellular phone.

Now how can this be? How can a person who values himself so highly calmly accept the indignity of a criminal assault? How can one who believes that the essence of his dignity lies in his self-determination passively accept the forcible deprivation of that self-determination? How can he, quietly, with great dignity and poise, simply hand over the goods?

The assumption, of course, is that there is no inconsistency. The advice not to resist a criminal assault and simply hand over the goods is founded on the notion that one's life is of incalculable value, and that no amount of property is worth it. Put aside, for a moment, the outrageousness of the suggestion that a criminal who proffers lethal violence should be treated as if he has instituted a new social contract: "I will not hurt or kill you if you give me what I want." For years, feminists have labored to educate people that rape is not about sex, but about domination, degradation, and control. Evidently, someone needs to inform

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the law enforcement establishment and the media that kidnapping, robbery, carjacking, and assault are not about property.

Crime is not only a complete disavowal of the social contract, but also a commandeering of the victim's person and liberty. If the individual's dignity lies in the fact that he is a moral agent engaging in actions of his own will, in free exchange with others, then crime always violates the victim's dignity. It is, in fact, an act of enslavement. Your wallet, your purse, or your car may not be worth your life, but your dignity is; and if it is not worth fighting for, it can hardly be said to exist.

The Gift of Life

Although difficult for modern man to fathom, it was once widely believed that life was a gift from God, that to not defend that life when offered violence was to hold God's gift in contempt, to be a coward and to breach one's duty to one's community. A sermon given in Philadelphia in 1747 unequivocally equated the failure to defend oneself with suicide:

> He that suffers his life to be taken from him by one that hath no authority for that purpose, when he might preserve it by defense, incurs the Guilt of self murder since God hath enjoined him to seek the continuance of his life, and Nature itself teaches every creature to defend itself.

"Cowardice" and "self-respect" have largely disappeared from public discourse. In their place we are offered "self-esteem" as the bellwether of success and a proxy for dignity. "Self-respect" implies that one recognizes standards, and judges oneself worthy by the degree to which one lives up to them. "Self-esteem" simply means that one feels good about oneself. "Dignity" used to refer to the self-mastery and fortitude with which a person conducted himself in the face of life's vicissitudes and the boorish behavior of others. Now, judging by campus speech codes, dignity requires that we never encounter a discouraging word and that others be coerced into acting respectfully, evidently on the assumption that we are powerless to prevent our degradation if exposed to the demeaning behavior of others. These are signposts proclaiming the insubstantiality of our character, the hollowness of our souls.

It is impossible to address the problem of rampant crime without talking about the moral responsibility of the intended victim. Crime is rampant because the law-abiding, each of us, condone it, excuse it, permit it, submit to it. We permit and encourage it because we do not fight back, immediately, then and there, where it happens. Crime is not rampant because we do not have enough prisons, because judges and prosecutors are too soft, because the police are hamstrung with absurd technicalities. The defect is there, in our character. We are a nation of cowards and shirkers.

Do You Feel Lucky?

In 1991, when then–Attorney General Richard Thornburgh released the FBI's annual crime statistics, he noted that it is now more likely that a person will be the victim of a violent crime than that he will be in an auto accident. Despite this, most people readily believe that the existence of the police relieves them of the responsibility to take full measures to protect themselves. The police, however, are not personal bodyguards. Rather, they act as a general deterrent to crime, both by their presence and by apprehending criminals after the fact. As numerous courts have held, they have no legal obligation to protect anyone in particular. You cannot sue them for failing to prevent you from being the victim of a crime.

Insofar as the police deter by their presence, they are very, very good. Criminals take great pains not to commit a crime in front of them. Unfortunately, the corollary is that you can pretty much bet your life (and you are) that they won't be there at the moment you actually need them.

Should you ever be the victim of an assault, a robbery, or a rape, you will find it very difficult to call the police while the act is in progress, even if you are carrying a portable cellular phone. Nevertheless, you might be interested to know how long it takes them to show up. Department of Justice statistics for 1991 show that, for all crimes of violence, only 28 percent of calls are responded to within five minutes. The idea that protection is a service people can call to have delivered and expect to receive in a timely fashion is often mocked by gun owners, who love to recite the challenge, "Call for a cop, call for an ambulance, and call for a pizza. See who shows up first."

Many people deal with the problem of crime by convincing themselves that they live, work, and travel only in special "crime-free" zones. Invariably, they react with shock and hurt surprise when they discover that criminals do not play by the rules and do not respect these imaginary boundaries. If, however, you understand that crime can occur anywhere at anytime, and if you understand that you can be maimed or mortally wounded in mere seconds, you may wish to consider whether you are willing to place the responsibility for safeguarding your life in the hands of others.

Power and Responsibility

Is your life worth protecting? If so, whose responsibility is it to protect it? If you believe that it is the police's, not only are you wrong—since the courts universally rule that they have no legal obligation to do so—but you face some difficult moral quandaries. How can you rightfully ask another human being to risk his life to protect yours, when you will assume no responsibility yourself? Because that is his job and we pay him to do it? Because your life is of incalculable value, but his is only worth the $30,000 salary we pay him? If you believe it reprehensible to possess the means and will to use lethal force to repel a criminal assault, how can you call upon another to do so for you?

Do you believe that you are forbidden to protect yourself because the police are better qualified to protect you, because they know what they are doing but you're a rank amateur? Put aside that this is equivalent to believing that only concert pianists may play the piano and only professional athletes may play sports. What exactly are these special qualities possessed only by the police and beyond the rest of us mere mortals?

One who values his life and takes seriously his responsibilities to his family and community will possess and cultivate the means of fighting back, and will retaliate when threatened with death or grievous injury to himself or a loved one. He will never be content to rely solely on others for his safety, or to think he has done all that is possible by being aware of his surroundings and taking measures of avoidance. Let's not mince words: He will be armed, will be trained in the use of his weapon, and will defend himself when faced with lethal violence.

Fortunately, there is a weapon for preserving life and liberty that can be wielded effectively by almost anyone—the handgun. Small and light enough to be carried habitually, lethal, but unlike the knife or sword, not demanding great skill or strength, it truly is the "great equalizer." Requiring only hand-eye coordination and a modicum of ability to remain cool under pressure, it can be used effectively by the old and the weak against the young and the strong, by the one against the many.

The handgun is the only weapon that would give a lone female jogger a chance of prevailing against a gang of thugs intent on rape, a teacher a chance of protecting children at recess from a madman intent on massacring them, a family of tourists waiting at a mid-town subway station the means to protect themselves from a gang of teens armed with razors and knives.

But since we live in a society that by and large outlaws the carrying of arms, we are brought into the fray of the Great American Gun War. Gun control is one of the most prominent battlegrounds in our current culture wars. Yet it is unique in the half-heartedness with which our conservative leaders and pundits—our "conservative elite"—do battle, and have conceded the moral high ground to liberal gun control proponents. It is not a topic often written about, or written about with any great fervor, by William F. Buckley or Patrick Buchanan. As drug czar, William Bennett advised President Bush to ban "assault weapons." George Will is on record as recommending the repeal of the Second Amendment, and Jack Kemp is on record as favoring a ban on the possession of semiautomatic "assault weapons." The battle for gun rights is one fought predominantly by the common man. The beliefs of both our liberal and conservative elites are in fact abetting the criminal rampage through our society.

Selling Crime Prevention

By any rational measure, nearly all gun control proposals are hokum. The Brady Bill, for example, would not have prevented John Hinckley from obtaining a gun to shoot President Reagan; Hinckley purchased his weapon five months before

the attack, and his medical records could not have served as a basis to deny his purchase of a gun, since medical records are not public documents filed with the police. Similarly, California's waiting period and background check did not stop Patrick Purdy from purchasing the "assault rifle" and handguns he used to massacre children during recess in a Stockton schoolyard; the felony conviction that would have provided the basis for stopping the sales did not exist, because Mr. Purdy's previous weapons violations were plea-bargained down from felonies to misdemeanors.

In the mid-sixties there was a public service advertising campaign targeted at car owners about the prevention of car theft. The purpose of the ad was to urge car owners not to leave their keys in their cars. The message was, "Don't help a good boy go bad." The implication was that, by leaving his keys in his car, the normal, law-abiding car owner was contributing to the delinquency of minors who, if they just weren't tempted beyond their limits, would be "good." Now, in those days people still had a fair sense of just who was responsible for whose behavior. The ad succeeded in enraging a goodly portion of the populace, and was soon dropped.

Nearly all of the gun control measures offered by Handgun Control, Inc. (HCI) and its ilk embody the same philosophy. They are founded on the belief that America's law-abiding gun owners are the source of the problem. With their unholy desire for firearms, they are creating a society awash in a sea of guns, thereby helping good boys go bad, and helping bad boys be badder. This laying of moral blame for violent crime at the feet of the law-abiding, and the implicit absolution of violent criminals for their misdeeds, naturally infuriates honest gun owners.

The files of HCI and other gun control organizations are filled with proposals to limit the availability of semiautomatic and other firearms to law-abiding citizens, and barren of proposals for apprehending and punishing violent criminals. It is ludicrous to expect that the proposals of HCI, or any gun control laws, will significantly curb crime. According to Department of Justice and Bureau of Alcohol, Tobacco, and Firearms (ATF) statistics, fully 90 percent of violent crimes are committed without a handgun, and 93 percent of the guns obtained by violent criminals are not obtained through the lawful purchase and sale transactions that are the object of most gun control legislation. Furthermore, the number of violent criminals is minute in comparison to the number of firearms in America—estimated by the ATF at about 200 million, approximately one-third of which are handguns. With so abundant a supply, there will always be enough guns available for those who wish to use them for nefarious ends, no matter how complete the legal prohibitions against them, or how draconian the punishment for their acquisition or use. No, the gun control proposals of HCI and other organizations are not seriously intended as crime control. Something else is at work here.

The Tyranny of the Elite

Gun control is a moral crusade against a benighted, barbaric citizenry. This is demonstrated not only by the ineffectualness of gun control in preventing crime, and by the fact that it focuses on restricting the behavior of the law-abiding rather than apprehending and punishing the guilty, but also by the execration that gun control proponents heap on gun owners and their evil instrumentality, the NRA. Gun owners are routinely portrayed as uneducated, paranoid rednecks fascinated by and prone to violence, i.e., exactly the type of person who opposes the liberal agenda and whose moral and social "re-education" is the object of liberal social policies. Typical of such bigotry is New York Gov. Mario Cuomo's famous characterization of gun-owners as "hunters who drink beer, don't vote, and lie to their wives about where they were all weekend." Similar vituperation is rained upon the NRA, characterized by Sen. Edward Kennedy as the "pusher's best friend," lampooned in political cartoons as standing for the right of children to carry firearms to school and, in general, portrayed as standing for an individual's God-given right to blow people away at will.

The stereotype is, of course, false. As criminologist and constitutional lawyer Don B. Kates, Jr., and former HCI contributor Dr. Patricia Harris have pointed out, "[s]tudies consistently show that, on the average, gun owners are better educated and have more prestigious jobs than non-owners. . . . Later studies show that gun owners are less likely than non-owners to approve of police brutality, violence against dissenters, etc."

Conservatives must understand that the antipathy many liberals have for gun owners arises in good measure from their statist utopianism. This habit of mind has nowhere been better explored than in *The Republic*. There, Plato argues that the perfectly just society is one in which an unarmed people exhibit virtue by minding their own business in the performance of their assigned functions, while the government of philosopher-kings, above the law and protected by armed guardians unquestioning in their loyalty to the state, engineers, implements, and fine-tunes the creation of that society, aided and abetted by myths that both hide and justify their totalitarian manipulation.

The Unarmed Life

When columnist Carl Rowan preaches gun control and uses a gun to defend his home, when Maryland Gov. William Donald Schaefer seeks legislation year after year to ban semiautomatic "assault weapons" whose only purpose, we are told, is to kill people, while he is at the same time escorted by state police armed with large-capacity 9mm semiautomatic pistols, it is not simple hypocrisy. It is the workings of that habit of mind possessed by all superior beings who have taken upon themselves the terrible burden of civilizing the masses and who understand, like our Congress, that laws are for other people.

The liberal elite know that they are philosopher-kings. They know that the

people simply cannot be trusted; that they are incapable of just and fair self-government; that left to their own devices, their society will be racist, sexist, homophobic, and inequitable—and the liberal elite know how to fix things. They are going to help us live the good and just life, even if they have to lie to us and force us to do it. And they detest those who stand in their way.

The private ownership of firearms is a rebuke to this utopian zeal. To own firearms is to affirm that freedom and liberty are not gifts from the state. It is to reserve final judgment about whether the state is encroaching on freedom and liberty, to stand ready to defend that freedom with more than mere words, and to stand outside the state's totalitarian reach.

The Florida Experience

The elitist distrust of the people underlying the gun control movement is illustrated beautifully in HCI's campaign against a new concealed-carry law in Florida. Prior to 1987, the Florida law permitting the issuance of concealed-carry permits was administered at the county level. The law was vague, and, as a result, was subject to conflicting interpretation and political manipulation. Permits were issued principally to security personnel and the privileged few with political connections. Permits were valid only within the county of issuance.

In 1987, however, Florida enacted a uniform concealed-carry law which mandates that county authorities issue a permit to anyone who satisfies certain objective criteria. The law requires that a permit be issued to any applicant who is a resident, at least twenty-one years of age, has no criminal record, no record of alcohol or drug abuse, no history of mental illness, and provides evidence of having satisfactorily completed a firearms safety course offered by the NRA or other competent instructor. The applicant must provide a set of fingerprints, after which the authorities make a background check. The permit must be issued or denied within ninety days, is valid throughout the state, and must be renewed every three years, which provides authorities a regular means of reevaluating whether the permit holder still qualifies.

Passage of this legislation was vehemently opposed by HCI and the media. The law, they said, would lead to citizens shooting each other over everyday disputes involving fender benders, impolite behavior, and other slights to their dignity. Terms like "Florida, the Gunshine State" and "Dodge City East" were coined to suggest that the state, and those seeking passage of the law, were encouraging individuals to act as judge, jury, and executioner in a "Death Wish" society.

No HCI campaign more clearly demonstrates the elitist beliefs underlying the campaign to eradicate gun ownership. Given the qualifications required of permit holders, HCI and the media can only believe that common, law-abiding citizens are seething cauldrons of homicidal rage, ready to kill to avenge any slight to their dignity, eager to seek out and summarily execute the lawless. Only lack of immediate access to a gun restrains them and prevents the blood from

flowing in the streets. They are so mentally and morally deficient that they would mistake a permit to carry a weapon in self-defense as a state-sanctioned license to kill at will.

Did the dire predictions come true? Despite the fact that Miami and Dade County have severe problems with the drug trade, the homicide rate fell in Florida following enactment of this law, as it did in Oregon following enactment of similar legislation there. There are, in addition, several documented cases of new permit holders successfully using their weapons to defend themselves. Information from the Florida Department of State shows that, from the beginning of the program in 1987 through June 1993, 160,823 permits have been issued, and only 530, or about 0.33 percent of the applicants, have been denied a permit for failure to satisfy the criteria, indicating that the law is benefitting those whom it was intended to benefit—the law-abiding. Only 16 permits, less than 1/100th of 1 percent, have been revoked due to the post-issuance commission of a crime involving a firearm.

The Florida legislation has been used as a model for legislation adopted by Oregon, Idaho, Montana, and Mississippi. There are, in addition, seven other states (Maine, North and South Dakota, Utah, Washington, West Virginia, and, with the exception of cities with a population in excess of 1 million, Pennsylvania) which provide that concealed-carry permits must be issued to law-abiding citizens who satisfy various objective criteria. Finally, no permit is required at all in Vermont. Altogether, then, there are thirteen states in which law-abiding citizens who wish to carry arms to defend themselves may do so. While no one appears to have compiled the statistics from all of these jurisdictions, there is certainly an ample data base for those seeking the truth about the trustworthiness of law-abiding citizens who carry firearms.

Other evidence also suggests that armed citizens are very responsible in using guns to defend themselves. Florida State University criminologist Gary Kleck, using surveys and other data, has determined that armed citizens defend their lives or property with firearms against criminals approximately 1 million times a year. In 98 percent of these instances, the citizen merely brandishes the weapon or fires a warning shot. Only in 2 percent of the cases do citizens actually shoot their assailants. In defending themselves with their firearms, armed citizens kill 2,000 to 3,000 criminals each year, three times the number killed by the police. A nationwide study by Kates, the constitutional lawyer and criminologist, found that only 2 percent of civilian shootings involved an innocent person mistakenly identified as a criminal. The "error rate" for the police, however, was 11 percent, over five times as high.

It is simply not possible to square the numbers above and the experience of Florida with the notions that honest, law-abiding gun owners are borderline psychopaths itching for an excuse to shoot someone, vigilantes eager to seek out and summarily execute the lawless, or incompetent fools incapable of determining when it is proper to use lethal force in defense of their lives. Nor upon reflection should these results seem surprising. Rape, robbery, and attempted murder are not typically actions rife with ambiguity or subtlety, requiring special

powers of observation and great book-learning to discern. When a man pulls a knife on a woman and says, "You're coming with me," her judgment that a crime is being committed is not likely to be in error. There is little chance that she is going to shoot the wrong person. It is the police, because they are rarely at the scene of the crime when it occurs, who are more likely to find themselves in circumstances where guilt and innocence are not so clear-cut, and in which the probability for mistakes is higher.

Arms and Liberty

Classical republican philosophy has long recognized the critical relationship between personal liberty and the possession of arms by a people ready and willing to use them. Political theorists as dissimilar as Niccolo Machiavelli, Sir Thomas More, James Harrington, Algernon Sidney, John Locke, and Jean-Jacques Rousseau all shared the view that the possession of arms is vital for resisting tyranny, and that to be disarmed by one's government is tantamount to being enslaved by it. The possession of arms by the people is the ultimate warrant that government governs only with the consent of the governed. As Kates has shown, the Second Amendment is as much a product of this political philosophy as it is of the American experience in the Revolutionary War. Yet our conservative elite has abandoned this aspect of republican theory. Although our conservative pundits recognize and embrace gun owners as allies in other arenas, their battle for gun rights is desultory. The problem here is not a statist utopianism, although goodness knows that liberals are not alone in the confidence they have in the state's ability to solve society's problems. Rather, the problem seems to lie in certain cultural traits shared by our conservative and liberal elites.

One such trait is an abounding faith in the power of the word. The failure of our conservative elite to defend the Second Amendment stems in great measure from an overestimation of the power of the rights set forth in the First Amendment, and a general undervaluation of action. Implicit in calls for the repeal of the Second Amendment is the assumption that our First Amendment rights are sufficient to preserve our liberty. The belief is that liberty can be preserved as long as men freely speak their minds; that there is no tyranny or abuse that can survive being exposed in the press; and that the truth need only be disclosed for the culprits to be shamed. The people will act, and the truth shall set us, and keep us, free.

History is not kind to this belief, tending rather to support the view of Hobbes, Machiavelli, and other republican theorists that only people willing and able to defend themselves can preserve their liberties. While it may be tempting and comforting to believe that the existence of mass electronic communication has forever altered the balance of power between the state and its subjects, the belief has certainly not been tested by time, and what little history there is in the age of mass communication is not especially encouraging. The camera, radio, and

press are mere tools and, like guns, can be used for good or ill. Hitler, after all, was a masterful orator, used radio to very good effect, and is well known to have pioneered and exploited the propaganda opportunities afforded by film. And then, of course, there were the Brownshirts, who knew very well how to quell dissent among intellectuals.

Polite Society

In addition to being enamored of the power of words, our conservative elite shares with liberals the notion that an armed society is just not civilized or progressive, that massive gun ownership is a blot on our civilization. This association of personal disarmament with civilized behavior is one of the great unexamined beliefs of our time.

Should you read English literature from the sixteenth through nineteenth centuries, you will discover numerous references to the fact that a gentleman, especially when out at night or traveling, armed himself with a sword or a pistol against the chance of encountering a highwayman or other such predator. This does not appear to have shocked the ladies accompanying him. True, for the most part there were no police in those days, but we have already addressed the notion that the presence of the police absolves people of the responsibility to look after their safety, and in any event the existence of the police cannot be said to have reduced crime to negligible levels.

It is by no means obvious why it is "civilized" to permit oneself to fall easy prey to criminal violence, and to permit criminals to continue unobstructed in their evil ways. While it may be that a society in which crime is so rare that no one ever needs to carry a weapon is "civilized," a society that stigmatizes the carrying of weapons by the law-abiding—because it distrusts its citizens more than it fears rapists, robbers, and murderers—certainly cannot claim this distinction. Perhaps the notion that defending oneself with lethal force is not "civilized" arises from the view that violence is always wrong, or the view that each human being is of such intrinsic worth that it is wrong to kill anyone under any circumstances. The necessary implication of these propositions, however, is that life is not worth defending. Far from being "civilized," the beliefs that counterviolence and killing are always wrong are an invitation to the spread of barbarism. Such beliefs announce loudly and clearly that those who do not respect the lives and property of others will rule over those who do.

In truth, one who believes it wrong to arm himself against criminal violence shows contempt of God's gift of life (or, in modern parlance, does not properly value himself), does not live up to his responsibilities to his family and community, and proclaims himself mentally and morally deficient, because he does not trust himself to behave responsibly. In truth, a state that deprives its law-abiding citizens of the means to effectively defend themselves is not civilized but barbarous, becoming an accomplice of murderers, rapists, and thugs and revealing its

totalitarian nature by its tacit admission that the disorganized, random havoc created by criminals is far less a threat than are men and women who believe themselves free and independent, and act accordingly.

While gun control proponents and other advocates of a kinder, gentler society incessantly decry our "armed society," in truth we do not live in an armed society. We live in a society in which violent criminals and agents of the state habitually carry weapons, and in which many law-abiding citizens own firearms but do not go about armed. Department of Justice statistics indicate that 87 percent of all violent crimes occur outside the home. Essentially, although tens of millions own firearms, we are an unarmed society.

Take Back the Night

Clearly the police and the courts are not providing a significant brake on criminal activity. While liberals call for more poverty, education, and drug treatment programs, conservatives take a more direct tack. George Will advocates a massive increase in the number of police and a shift toward "community-based policing." Meanwhile, the NRA and many conservative leaders call for laws that would require violent criminals serve at least 85 percent of their sentences and would place repeat offenders permanently behind bars.

Our society suffers greatly from the beliefs that only official action is legitimate and that the state is the source of our earthly salvation. Both liberal and conservative prescriptions for violent crime suffer from the "not in my job description" school of thought regarding the responsibilities of the law-abiding citizen, and from an overestimation of the ability of the state to provide society's moral moorings. As long as law-abiding citizens assume no personal responsibility for combatting crime, liberal and conservative programs will fail to contain it.

Judging by the numerous articles about concealed-carry in gun magazines, the growing number of products advertised for such purpose, and the increase in the number of concealed-carry applications in states with mandatory-issuance laws, more and more people, including growing numbers of women, are carrying firearms for self-defense. Since there are still many states in which the issuance of permits is discretionary and in which law enforcement officials routinely deny applications, many people have been put to the hard choice between protecting their lives or respecting the law. Some of these people have learned the hard way, by being the victim of a crime, or by seeing a friend or loved one raped, robbed, or murdered, that violent crime can happen to anyone, anywhere at anytime, and that crime is not about sex or property but life, liberty, and dignity.

The laws proscribing concealed-carry of firearms by honest, law-abiding citizens breed nothing but disrespect for the law. As the Founding Fathers knew well, a government that does not trust its honest, law-abiding, taxpaying citizens with the means of self-defense is not itself worthy of trust. Laws disarming honest citizens proclaim that the government is the master, not the servant, of the people. A federal law along the lines of the Florida statute—overriding all

contradictory state and local laws and acknowledging that the carrying of firearms by law-abiding citizens is a privilege and immunity of citizenship—is needed to correct the outrageous conduct of state and local officials operating under discretionary licensing systems.

What we certainly do not need is more gun control. Those who call for the repeal of the Second Amendment so that we can really begin controlling firearms betray a serious misunderstanding of the Bill of Rights. The Bill of Rights does not grant rights to the people, such that its repeal would legitimately confer upon government the powers otherwise proscribed. The Bill of Rights is the list of the fundamental, inalienable rights, endowed in man by his Creator, that define what it means to be a free and independent people, the rights which must exist to ensure that government governs only with the consent of the people.

At one time this was even understood by the Supreme Court. In *United States v. Cruikshank* (1876), the first case in which the Court had an opportunity to interpret the Second Amendment, it stated that the right confirmed by the Second Amendment "is not a right granted by the constitution. Neither is it in any manner dependent upon that instrument for its existence." The repeal of the Second Amendment would no more render the outlawing of firearms legitimate than the repeal of the due process clause of the Fifth Amendment would authorize the government to imprison and kill people at will. A government that abrogates any of the Bill of Rights, with or without majoritarian approval, forever acts illegitimately, becomes tyrannical, and loses the moral right to govern.

This is the uncompromising understanding reflected in the warning that America's gun owners will not go gently into that good, utopian night: "You can have my gun when you pry it from my cold, dead hands." While liberals take this statement as evidence of the retrograde, violent nature of gun owners, we gun owners hope that liberals hold equally strong sentiments about their printing presses, word processors, and television cameras. The republic depends upon fervent devotion to all our fundamental rights.

Statement of Sarah Brady

Sarah Brady

Thank you for the opportunity to testify once again before this distinguished Subcommittee. My name is Sarah Brady. I am Vice-Chair of Handgun Control, Inc., a national citizens organization working to keep handguns out of the wrong hands. I am here today in strong support of H.R. 975, introduced by Representative Edward Feighan. . . . This legislation establishes a seven-day waiting period and allows for a background check on handgun purchasers.

Having previously testified before this Subcommittee, I know many of you are familiar with my personal experience and my involvement with this issue. It seems odd to me that it is in question whether we should act to keep handguns out of the wrong hands. For that is what this debate is about—whether we allow convicted felons to simply walk into gun stores and immediately walk out with handguns.

We already have a federal law prohibiting convicted felons, minors, people who have been adjudicated mentally ill, illegal aliens, and drug addicts from acquiring handguns. But what does that mean if we do not have the tools to enforce that law? And so I ask you today, do you believe that a convicted felon should be able to walk into a gun store and get a handgun instantly? I cannot believe that anyone could sanction that. Yet as long as we do not have a reasonable waiting period and give police the opportunity to run background checks, a convicted felon will have our seal of approval. That is why I am here today. I am making a very personal appeal to you because I believe you have a responsibility to act to keep handguns out of the hands which would misuse them. Handguns in the wrong hands result in tragedy. I do not say that theoretically. I speak from experience.

I know that you are familiar with what happened on March 30, 1981. At 2:30 P.M. that day, my husband, Jim Brady, was shot through the head by a deranged young man. Jim nearly died. The President nearly died, and two of his security men were seriously wounded.

It has been almost seven years now. March 30th marks the anniversary of the shooting. I often think about the other handgun tragedies which have taken place

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in these seven years that could have been prevented if there were a nationa waiting period. We must not wait another seven years for other tragedies t occur. We must not wait any longer. We need a national waiting period now.

John Hinckley's handguns were confiscated in October 1980 as he tried t board an airplane in Tennessee, where he was stalking President Jimmy Carter Hinckley, a drifter, then gunless, needed to replenish his arsenal. In possessio of a Texas driver's license and knowing that Texas had no waiting period o background check, Hinckley made the trip to Dallas to purchase the handgun h used to shoot my husband and the President of the United States. Hinckley n longer lived at the address he listed on the federal form he was required t complete. A simple check might have stopped him. Had police been given a opportunity to discover that Hinckley lied on the federal form, Hinckley migh well have been in jail instead of on his way to Washington. Now Jim lives dail with the consequence of Hinckley's easy access to a handgun.

This bill does not change who is legally permitted to purchase a handgun Nor does it impose a major burden on law-abiding citizens. This legislation als provides that if an individual has a legitimate, immediate need for a handgun the waiting period can be waived by local law enforcement. Is seven days to much to ask a responsible citizen to wait when we know that so many lives ar at stake? I don't think so.

Public support for a waiting period and background check is strong. A 198 Gallup Poll found that more than 90 percent of Americans want such a law. Thi legislation is supported by every major law enforcement organization in th nation, many representatives of which are here today to testify in support of thi bill. The American Bar Association, the American Medical Association, the AFL CIO, and other organizations too numerous to mention, all support a federa seven-day waiting period. The 1981 Reagan Administration Task Force on Vio lent Crime recommended such a law. A 1985 Justice Department report state that "at minimum, the acquisition of a firearm by a felon should be somewha more complicated than just walking into a gun shop and buying one."

While the National Rifle Association opposes this bill, it is important to not that several years ago in its own publication, the NRA stated that a waitin period would be effective as a means of "reducing crimes of passion and i preventing people with criminal records or dangerous mental illness from ac quiring guns."

The NRA has flip-flopped on waiting periods and recently taken extrem positions on machine guns, cop-killer bullets, and plastic guns. Considering thes extreme positions, I find it incomprehensible that any Member of Congress coul trust the judgment of the NRA on a national waiting period or any legislatio affecting American lives and public safety, especially when the NRA is in direc opposition to America's law enforcement community which is charged with th responsibility of protecting us.

The NRA argues that proscribed persons do not purchase their handguns ove the counter and certainly will not do so if they have to submit to a waitin

period. Yet, a 1985 Department of Justice study entitled "The Armed Criminal in America" found that over 20 percent of criminals obtain their handguns through gun dealers. In fact, in states with waiting period laws, many criminals and others disqualified from buying handguns have been caught trying to purchase their handguns over the counter. Law enforcement officials from across the nation report tremendous success where waiting periods are in effect.

For example, according to a police official in Memphis, Tennessee, the state's fifteen-day waiting period screens out about fifty applicants a month, most of whom have criminal records.

According to the California Department of Justice, the state's fifteen-day waiting period screened out more than 1,500 prohibited handgun purchasers in 1986. In that same year, Maryland's seven-day waiting period caught more than 700 prohibited handgun buyers.

States with waiting periods have been effective in stopping criminals before tragedy occurs, but it is unfortunate that in states without waiting periods or background checks, police do not have the same tools to prevent such tragedy.

One of the most shocking and disturbing cases of 1987 occurred in Florida in the wake of the October stock market crash. Arthur Kane purchased a handgun only forty-five minutes before murdering his Florida stock broker and wounding another. If police had been able to conduct a background check, they could have discovered that Kane was a convicted felon.

In another well-publicized event, Dwain Wallace, who had a history of mental illness, was able to instantly purchase a handgun from a Youngstown, Ohio pawnshop. Just two days later, he brandished the handgun in the Pentagon and was immediately gunned down by a Pentagon guard.

A convicted felon, Larry Dale, purchased a handgun at a Tulsa, Oklahoma gun shop, and within twenty-four hours opened fire at a grocery store, killing one customer and wounding another.

I have described a few of the many well-known cases of proscribed persons who instantly purchased their handguns over the counter without having to undergo a waiting period or background check. But for each well-known case, there are many, many more which never make the front page.

While I am not suggesting that a waiting period will stop all crime, it is obvious from these examples that we can save many lives if we want to.

The NRA claims that waiting periods do not prevent criminals from obtaining handguns because criminals will get them from other sources. But in reality, it is the states without waiting periods that are a significant source of handguns for criminals.

The Treasury's Bureau of Alcohol, Tobacco and Firearms' study of handguns used in crime found that of all the handguns used in crime in New York City, only 4 percent were purchased in New York State, which requires a background check. Virtually all the rest were from states without waiting periods or background checks. In addition, the study found that in states without waiting periods or background checks, an overwhelming majority of handguns used in

crime were purchased within the same state. For example, of all the handguns used in crime in Dallas, almost 90 percent were purchased in Texas, which has no waiting period.

The NRA argues that waiting periods should be left up to the states, not the federal government. While individual states, many counties and municipalities have passed local waiting periods, a national law is critical because it will ensure that handguns are not purchased over the counter in states without waiting periods and then sold on the street in states requiring waiting periods and/or background checks.

I am ashamed that my own state of Virginia, which has no waiting period or background check, is a major source of handguns used in crime elsewhere. Just a few weeks ago, police arrested one Richmond man who reportedly purchased more than seventy guns in Virginia and then brought them into Washington, D.C. to sell on the street. Another man from the District was charged with using false identification, purchasing more than two dozen semi-automatic handguns in Virginia and selling them to District drug dealers. Unfortunately, these examples represent only the tip of the iceberg of this criminal traffic in handguns.

We can prevent needless tragedy. We can make it more difficult for criminals to get handguns. I hope that the day will come when no American family has to go through what my family has suffered. Again I ask, do you really believe that a convicted felon should be able to walk into a gun store and instantly purchase a handgun? The American people do not believe that. But until action is taken on this bill, a convicted felon purchasing a handgun will have our seal of approval.

The NRA would like to turn back the clock to the days before passage of the 1968 Gun Control Act, which has served our nation well for nearly two decades. . . .

I ask that you stand with our law enforcement community and provide the leadership that will save lives by keeping handguns out of the wrong hands.