

THE GUN CONTROL ACT OF 1968

WILLIAM J. VIZZARD*

For three decades, the Gun Control Act of 1968 (GCA) has formed the legal core of national gun policy in the United States. The congressional deliberations leading to the passage of the GCA and companion legislation extended over five years and involved the Departments of Justice and Treasury, the White House, firearms interest groups, and both houses of Congress. At no time before or since has Congress addressed gun control policy with as much breadth or depth.¹ Although the National Firearms Act (NFA) of 1934 imposed strict federal regulation on machine guns and other "gangster" firearms² using taxation legislation, the 1938 Federal Firearms Act (FFA) had proven ineffectual in asserting even minimal federal controls over interstate commerce in ordinary handguns, shotguns and rifles.³ The structure of the GCA emerged largely from observed weaknesses in the existing FFA.⁴

The Dodd Hearings

In early 1958, Senator John Kennedy of Massachusetts introduced legislation to control the importation of surplus military firearms.⁵ Clearly protectionist, the legislation targeted the increase in imported firearms, the great majority of which were military surplus.⁶ Congress acted only to ban the importation of previously exported U.S. military firearms.⁷ The flood of imports continued, fueled by surplus World War II firearms and inexpensive pistols and revolvers.⁸

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1. William J. Vizzard, *The Impact of Agenda Conflict on Policy Formulation and Implementation: The Case of Gun Control*, 55 PUB. ADMIN. REV. 341, 344 (1995) [hereinafter Vizzard, *Agenda*]. Franklin E. Zimring, *Firearms and Federal Law: The Gun Control Act of 1968*, 4 J. LEGAL STUD. 133 (1975).

2. 26 U.S.C. § 5848 (1958).

3. Zimring, *supra* note 1-2, at 140-43.

4. *Id.* at 140.

5. S. 3714, 85th Cong., (1958) (enacted).

6. Zimring, *supra* note 1-2, at 144.

7. 22 U.S.C. § 1934(b) (1958).

8. Zimring, *supra* note 1-2, at 144. *Id.* at 145.

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