

Winter 1981

The Saturday Night Special: An Assessment of Alternative Definitions from a Policy Perspective

Philip Cook

Follow this and additional works at: <https://scholarlycommons.law.northwestern.edu/jclc>

 Part of the [Criminal Law Commons](#), [Criminology Commons](#), and the [Criminology and Criminal Justice Commons](#)

Recommended Citation

Philip Cook, The Saturday Night Special: An Assessment of Alternative Definitions from a Policy Perspective, 72 J. Crim. L. & Criminology 1735 (1981)

This Criminology is brought to you for free and open access by Northwestern University School of Law Scholarly Commons. It has been accepted for inclusion in Journal of Criminal Law and Criminology by an authorized editor of Northwestern University School of Law Scholarly Commons.

THE "SATURDAY NIGHT SPECIAL": AN ASSESSMENT OF ALTERNATIVE DEFINITIONS FROM A POLICY PERSPECTIVE

PHILIP COOK*

A major issue in the gun control policy debate concerns the feasibility of reducing the harmful consequences of gun availability without serious infringement on legitimate uses. For example, most states have adopted much more stringent regulation for concealed weapons than for possession under other circumstances, because of legislators' belief that carrying concealed weapons contributes a great deal to the violent crime problem but very little to the average gun owners' utility. A second example of the balance between utility and harm are federal and state laws that prohibit young people and those with felony records from owning guns. These laws spring from the belief that such people constitute only a small fraction of the population but commit a disproportionately large fraction of the violent crimes.¹ Similarly, the campaign to ban the "Saturday Night Special" is based upon the belief² that the small, cheap handguns which are frequently used in crime are of little value to noncriminals. Therefore, proponents contend, a ban on such guns would have considerable benefit with little cost. This article summarizes the policy debate regarding Saturday Night Specials, and evalu-

* Associate Professor of Public Policy Studies and Economics, Institute of Policy Sciences, Duke University; Ph.D. (Economics) University of California at Berkeley, 1973; B.A. (Economics) University of Michigan, 1968.

¹ For tabulation of current gun control legislation at the federal and state level, see A. GARNER & M. CLANCY, *FIREARMS STATUTES IN THE UNITED STATES* (1979); G. NEWTON JR. & F. ZIMRING, *FIREARMS & VIOLENCE IN AMERICAN LIFE* (Staff Report to the Nat'l Comm'n on Cause and Prevention of Violence 1969); J. Blose & P. Cook, *Regulating Handgun Transfers: Current State and Federal Procedures, and an Assessment of the Feasibility and Cost of the Proposed Procedures in the Handgun Crime Control Act of 1979* (1980) (unpublished report, Duke University).

² The history of federal action in this area is summarized in Zimring, *Firearms and Federal Law: The Gun Control Act of 1968*, 4 J. LEGAL STUD. 133 (1975). A number of bills dealing with this subject have been submitted to Congress, see note 5 *infra*. The most recent important example is the ban included in Senator Kennedy's Handgun Crime Control Act of 1979. See J. Blose & P. Cook, *supra* note 1.

ates the evidence concerning the potential crime reduction effects of a ban on domestic sales of such guns.

I. DEFINING "SATURDAY NIGHT SPECIAL"

The term "Saturday Night Special" was coined in reference to inexpensive handguns often used in assaults in poor neighborhoods.³ Very inexpensive handguns are typically small, low calibre weapons made from metal of poor quality. Serious target shooters and hunters shun such weapons because they tend to be unreliable and highly inaccurate.⁴ These characteristics of handguns—price, size, calibre, quality, reliability, and lack of sporting purpose—have each been considered important in one or more of the recent Congressional bills proposing to ban the manufacture and sale of Saturday Night Specials.⁵

The problem to be addressed is which of these factors, singly or as a combination, should be used to define a handgun category needing specially stringent regulations. Regulation of unsafe handguns and guns with "no legitimate purpose" are the least controversial. Depending upon the definition of "unsafe" and "no legitimate purpose," these two criteria may yield an empty category. The "sporting purposes" test embodies a more stringent standard but that standard is inconsistent with public sentiment that a legitimate purpose of handgun ownership is protection of the home. An examination of these variables indicates that another standard, the "relative attractiveness to violent criminals" stan-

³ See Bruce-Briggs, *The Great American Gun War*, 45 PUB. INTEREST 37, 50 (1976).

⁴ *Id.* "Firearms enthusiasts scorn it [Saturday Night Special] as sleazy junk quite unsuited for serious work." *Id.* at 49. See also *Proposed Amendments to the Gun Control Act of 1968 to Prohibit the Sale of "Saturday Night Special" Handguns: Hearings on S. 2507 Before the Subcomm. to Investigate Juvenile Delinquency of the Senate Comm. on the Judiciary*, 92nd Cong., 1st Sess. (1971) [hereinafter cited as "*Saturday Night Special*" Hearings]. The testimony of Maxwell Rich, National Rifle Association executive vice president was that: "Handguns of the type we are discussing today have never to my knowledge been accepted for advertising in our official journal, the American Rifleman. Our reason is that they have no sporting purpose, they are frequently poorly made, and they do not represent value received to any purchaser." *Id.* at 315.

⁵ A sampling of legislation which has been introduced over four sessions of Congress is as follows: H.R. 2510, 95th Cong., 1st Sess., 123 CONG. REC. 2392 (1977); S. 2675, 94th Cong., 1st Sess., 121 CONG. REC. 36669 (1975); S. 2153, 94th Cong., 1st Sess., 121 CONG. REC. 23736 (1975); S. 1447, 94th Cong., 1st Sess., 121 CONG. REC. 10558 (1975); H.R. 7663, 94th Cong., 1st Sess., 121 CONG. REC. 17260 (1975); H.R. 6778, 94th Cong., 1st Sess., 121 CONG. REC. 13432 (1975); H.R. 16689, 93d Cong., 2d Sess., 120 CONG. REC. 31345 (1974); H.R. 16443, 93d Cong., 2d Sess., 120 CONG. REC. 28460 (1974); H.R. 12819, 93d Cong., 2d Sess., 120 CONG. REC. 3016 (1974); H.R. 12554, 93d Cong., 2d Sess., 120 CONG. REC. 2107 (1974); H.R. 12553, 93d Cong., 2d Sess., 120 CONG. REC. 2107 (1974); S. 982, 93d Cong., 1st Sess., 119 CONG. REC. 5101 (1973); H.R. 3611, 93d Cong., 1st Sess., 119 CONG. REC. 3249 (1973); H.R. 14895, 92d Cong., 2d Sess., 118 CONG. REC. 16662 (1972); S. 831, 92d Cong., 1st Sess., 117 CONG. REC. 2829 (1971); H.R. 5735, 92d Cong., 1st Sess., 117 CONG. REC. 5643 (1971).

dard, is most appropriate for setting the parameters for handgun control legislation.

A. THE "NO LEGITIMATE PURPOSE" STANDARD

Although some groups rail against any gun control, most agree that guns having *no* legitimate use, should be banned. Senator Hruska expresses the point this way:

For this is undoubtedly our common purpose: to model a law precise enough to eliminate transactions in dangerous and useless handguns, and fair enough to permit the acquisition of firearms for which there are legitimate demands and needs by the people of this country, and as provided and assured in the 1968 Gun Control Act.⁶

The consensus over the desirability of banning "dangerous and useless" guns⁷ is not very meaningful, however, until proponents reach agreement on a precise operational definition of what constitutes a useless handgun. Indeed, it seems doubtful that there are *any* guns that are "useless" to legitimate owners, yet useful to criminals. Any gun that can be used in self-defense has a legitimate purpose, and therefore is not "useless." Similarly, any gun that can be used in crime can also be used in self-defense. The millions of cheap, low quality handguns currently in circulation are presumably viewed as "useful" by their owners, most of whom are law-abiding citizens.⁸ Cheap, poor quality handguns are far from being ideal weapons for self-defense, because of their inaccuracy and unreliability, but many people consider them better than nothing.

B. THE SAFETY STANDARD

If the search for a "useless" handgun appears fruitless, it may still be possible to gain consensus on "dangerous" guns. Senator Hruska's

⁶ "Saturday Night Special" Hearings, *supra* note 4, at 36.

⁷ While the public has not been asked whether they would oppose the sale of "dangerous and useless" guns, one could infer the public's position from the fact that a ban on the manufacture and sale of "cheap, low quality handguns" is favored by seventy percent of the public. Wright, *Public Opinion and Gun Control*, 455 ANNALS 24, 33 (1981).

⁸ The fact that the majority of handguns are held by law-abiding citizens can be supported by looking to information indicating that while 25 percent of all households own one or more handguns, only about 3.4 percent of the adult male population has been convicted of a felony. See J. Blose & P. Cook, *supra* note 1. Of course, there are many people who are not exactly "law-abiding" who have never been convicted of a felony.

Alternative support for the arguments is based on the estimate that each group of 100 new handguns sold in the United States will eventually be used to commit about 33 violent crimes. Since many crime handguns are used more than once, it is safe to conclude that far fewer than 33 percent of handguns will ever be used in a violent crime. Ten to fifteen percent seems like a more likely figure. Cook, *Guns and Crime: The Perils of Long Division*, J. POL'Y ANALYSIS & MANAGEMENT (forthcoming 1981).

reference to "dangerous" guns concerns their tendency to discharge accidentally or explode when fired. Although Congress has explicitly excluded firearms from the purview of the Consumer Product Safety Commission,⁹ the nation's legislature could of course enact minimum safety requirements for firearms. Establishing a very stringent safety standard might force a relatively high minimum price for a handgun and effectively eliminate most gun models that could be labeled "Saturday Night Specials".

There has been little systematic research on the issue of handgun safety, with the exception of a series of tests conducted on 58 handgun models by H.P. White Laboratories in 1971, under contract from the Treasury Department.¹⁰ Unfortunately, the results of these tests are not available. Research of this sort would help to determine which handguns, if any, are "unsafe" by some reasonable standard.

C. THE "SPORTING PURPOSES" STANDARD

The 1968 Gun Control Act included a provision banning the importation of handguns not suitable for "sporting purposes".¹¹ This sporting purposes standard was defined in an administrative ruling adopting certain "factoring criteria." These criteria establish two requirements. First, they require that imported handguns meet minimum standards on safety and size. Second, they require that a handgun achieve a minimum total score on a rating system that awards points on the basis of size, quality of construction, calibre, safety features, and miscellaneous equipment.

The inclusion of the calibre measure is difficult to justify since the sole objective of the legislation was ostensibly to embargo handguns that were not suitable for sporting purposes. It is not obvious, for example, why a .22 calibre pistol is less suitable for target shooting than a .32 calibre weapon. The concern with barrel length, quality of construction, and safety could be justified as relevant to sporting use, though even these criteria constitute a highly subjective interpretation of what is required for target shooting or hunting. In any event, the main effect (presumably unintended) of this regulation has been to promote the development of large scale domestic production of cheap handguns.¹²

⁹ Product Safety Commission Improvements Act of 1976, § E, 15 U.S.C. § 2080 (1976).

¹⁰ See, "Saturday Night Special" Hearings, *supra* note 4, at 155-57, which contains a description of the tests conducted by H.P. White Laboratories.

¹¹ See 18 U.S.C. § 925(d) (1976), which contains the limitation on imports. Other exceptions to the limitation on the importation of firearms include importation for scientific or research purposes, importation of unserviceable firearms for museum pieces, importation of firearms previously taken out of the United States and importation for United States military training as specified in 10 U.S.C. § 401 (1976).

¹² See Zimring, *supra* note 2.

Many bills introduced in Congress since 1968 have proposed that the factoring criteria, or some similar set of restrictions, be extended to the domestic manufacture and sale of handguns.¹³ If adopted, these proposals would, according to an estimate prepared by the Bureau of Alcohol, Tobacco & Firearms¹⁴ have a dramatic impact: 54 percent of the handguns manufactured in the United States in 1974 would have failed the factoring criteria test,¹⁵ though it is possible that some models could be modified to pass this test with little additional cost.

In any event, the factoring criteria are flawed as a standard by which to distinguish "good" from "bad" handguns. The Gun Control Act explicitly recognized that sporting uses were *not* the only legitimate purposes for acquiring and using a handgun:

[I]t is not the purpose of this title to place any undue or unnecessary Federal restrictions on handguns on law-abiding citizens with respect to the acquisition, possession, or use of firearms appropriate to the purpose of hunting, trapshooting, target shooting, personal protection, or any other lawful activity. . . .¹⁶

A majority of the public agrees that "personal protection" is a legitimate reason for owning a gun.¹⁷ Both because of its reliance upon nonpredictive factoring criteria and its failure to recognize other legitimate purposes for acquiring a gun, the sporting purposes test is misdirected.

D. THE "RELATIVE ATTRACTIVENESS TO VIOLENT CRIMINALS" STANDARD

The public concern about Saturday Night Specials, whatever their definition, stems from the belief that these guns are used disproportion-

¹³ The bills submitted to Congress banning either sales, or manufacture, or transfer of handguns that fail the factoring criteria include: H.R. 286, 96th Cong., 1st Sess., 125 CONG. REC. (1979); H.R. 5897, 95th Cong., 1st Sess., 123 CONG. REC. 9929 (1977); H.R. 842, 95th Cong., 1st Sess., 123 CONG. REC. 364 (1977); S. 2186, 94th Cong., 1st Sess., 121 CONG. REC. 25073 (1975); S. 1880, 94th Cong., 1st Sess., 121 CONG. REC. 17269 (1975); H.R. 10442, 94th Cong., 1st Sess., 121 CONG. REC. 34472 (1975); H.R. 9763, 94th Cong., 1st Sess., 121 CONG. REC. 29630 (1975); H.R. 9022, 94th Cong., 1st Sess., 121 CONG. REC. 25599 (1975); H.R. 7874, 94th Cong., 1st Sess., 121 CONG. REC. 18740 (1975); H.R. 5132, 94th Cong., 1st Sess., 121 CONG. REC. 7108 (1975); H.R. 2433, 94th Cong., 1st Sess., 121 CONG. REC. 1948 (1975); H.R. 1685, 94th Cong., 1st Sess., 121 CONG. REC. 816 (1975); H.R. 706, 94th Cong., 1st Sess., 121 CONG. REC. 497 (1975); S. 708, 93d Cong., 1st Sess., 119 CONG. REC. 2911 (1973); H.R. 8080, 93d Cong., 1st Sess., 119 CONG. REC. 16827 (1973); S. 2507, 92d Cong., 1st Sess., 117 CONG. REC. 31701 (1971); H.R. 12077, 92d Cong., 1st Sess., 117 CONG. REC. 45120 (1971); H.R. 8394, 92d Cong., 1st Sess., 117 CONG. REC. 14954 (1971); S. 2932, 91st Cong., 1st Sess., 115 CONG. REC. 26266 (1969).

¹⁴ *The Escalating Rate of Hand Gun Violence: Oversight Hearings of the 1968 Gun Control Act Before the Subcomm. to Investigate Juvenile Delinquency of the Senate Comm. on the Judiciary*, 94th Cong., 1st Sess. 1, 124 (1975).

¹⁵ *Id.*

¹⁶ Handgun Control Act of 1968, Pub. L. No. 9-618, § 101, 82 Stat. 1213 (1969).

¹⁷ Wright, *supra* note 7.

ately in violent crime. It would seem logical, then, to base a definition of "Saturday Night Special" upon characteristics of a handgun which are important to violent criminals. The two most important such characteristics are price and size.

(1) *Price*

Individuals who would not ordinarily be able to afford an expensive gun commit a disproportionate share of violent crimes.¹⁸ Setting a high minimum price for handguns would be an effective means of reducing availability to precisely those groups that account for the bulk of the violent crime problem. Increasing the federal tax on handguns from ten percent of the manufacturer's sale price¹⁹ to a twenty-five dollar levy, for example, would reduce the fraction of violence-prone people who were able to afford a gun.

The major normative argument against a high tax is that it is overt economic discrimination and thus unethical, or at least politically unpalatable. Most poor people living in large cities face a relatively high risk of being victimized by a robber or rapist,²⁰ and may justifiably assert their need to own a gun for self protection. A policy that is directed overtly to the poor may quite reasonably be viewed as unacceptable, even though the poor would benefit from the reduction in serious violent crime that would result from a high gun tax policy.

A high tax is not the only method of increasing the minimum price of handguns and subtle approaches may be more acceptable politically. One method would establish minimum standards stipulating the quality of metal and safety features of a gun. The effect of this approach would be the same as the minimum tax: to eliminate the cheapest of the domestically manufactured handguns. Unlike the minimum tax, however, quality and safety standards could be justified on grounds other than economic discrimination. Guns made from soft, inexpensive metal are troublesome for police investigators because ballistics tests are difficult or impossible to conduct for such guns, and because serial numbers can be filed off so as to make them untraceable.²¹ The justification for minimum safety requirements is more dubious than the justification for banning guns made of soft, inexpensive metal and will require more evidence than is currently available. If sufficiently high standards on safety and metal quality were adopted, the cost to manufacturers of meeting these standards would ensure a high minimum price. To the

¹⁸ L. CURTIS, CRIMINAL VIOLENCE 119-51 (1974).

¹⁹ 26 U.S.C. § 4181.

²⁰ BUREAU OF JUSTICE STATISTICS, U.S. DEP'T JUST., CRIMINAL VICTIMIZATION IN THE UNITED STATES, 1978 (1980).

²¹ "Saturday Night Special" Hearings, *supra* note 4, at 110.

extent that these increased costs are passed on to consumers, such standards would have the same effect as a minimum tax.²²

(2) *Concealability*

Most states have stringent ordinances regulating the carrying of concealed weapons.²³ These statutes prohibit civilians from carrying concealed weapons or require them to obtain a special license that is issued on a restrictive basis. The National Firearms Act effectively banned shotguns and rifles that have been shortened to enhance concealability.²⁴ The public concern about concealed weapons upon which these laws are based reflects a belief that few people have a legitimate reason to carry a concealed weapon. Not everyone who carries a concealed weapon intends to commit robbery or assault, of course; most people probably do so for self protection. But while the public acknowledges the individual's right to use firearms to protect home and business, the use of firearms for protection in a public place has much less legitimacy. Two scenarios come to mind in considering the connection between carrying a gun and using the gun in violent crime. The first is of the *planned* robbery or murder, for which the criminal carries his gun from his residence to the location of the preselected victim and then uses it to implement his plan. In such cases the criminal may not place much value on concealability, since the amount of time he is "on the street" with his gun will be relatively short, particularly if he travels to the scene by auto.

The second image is of the unplanned crime, in which an argument or other opportunity leads to a spur-of-the-moment decision to use a gun in an assault or robbery. In this case, the perpetrator's decision to carry the gun may often be motivated by a general concern that he be prepared for "trouble," in whatever form it may arise. Knowledge about what percentage of the young men who loiter at bars and on street corners are armed would be useful. Surely this number is high, at least in cities where guns are readily available. Concealability is an important

²² Opponents of the safety and quality standards approach contend that taxes on minimum quality standards will only affect the price of new guns. Since there are approximately 40 million handguns already in circulation, the effect of raising the minimum price on the 2 million new handguns that are sold each year may be slight and long delayed.

There are two responses to this objection. First, recent experiences with the automobile market indicate that the price of a new consumer durable has a direct effect on prices of used models that are close substitutes. Second, new guns figure disproportionately in the crime picture. See S. BRILL, *FIREARM ABUSE: A RESEARCH AND POLICY REPORT* (1977); Zimring, *Street Crime and New Guns: Some Implications for Firearms Control*, 4 J. CRIM. JUST. 95 (1976).

²³ E. JONES III & M. RAY, *HANDGUN CONTROL: LEGISLATIVE AND ENFORCEMENT STRATEGIES* (forthcoming).

²⁴ National Firearms Act, Ch. 757, 48 Stat. 1236 (1934), as amended by Internal Revenue Code of 1954, 26 U.S.C. §§ 5801-72.

characteristic of guns carried under these circumstances, since persons carrying them are in public for long periods of time and are vulnerable to police confiscation.

Which of these two images accurately characterizes the bulk of violent crime? One bit of evidence, though not dispositive on the question, suggests the importance of the image of an individual carrying a weapon for protection as characteristic of violent crime. A survey of Florida convicts imprisoned for violent crime showed that most the convicts (73%) intended to carry a gun following their release—not necessarily for the sake of committing further crimes, but for self protection.²⁵ Apparently these people live in a violent and frightening world in which carrying a weapon is prudent.

Thus concealability and price are two characteristics of handguns that have a direct, logical link to their use in crime. Cheap guns are well suited to violent crime to the extent that most violent crimes are committed by people who could not readily afford an expensive gun. Concealable guns are a convenient source of protection, and those who carry them may be tempted to use them to settle arguments or take advantage of robbery opportunities. Other characteristics often attributed to Saturday Night Specials—small calibre and poor quality in particular—seem relevant only insofar as these characteristics are related to price and size.²⁶

If the price and size of a handgun influence the likelihood that the weapon will be used in violent crime, it should be possible to demonstrate empirically that cheap and concealable guns are used disproportionately in violent crimes. The next section reviews the evidence on this issue.

II. DATA ON CHARACTERISTICS OF HANDGUNS USED IN CRIME

The Bureau of Alcohol, Tobacco, and Firearms (BATF) has published several studies of guns confiscated by the police.²⁷ The most informative of these studies was conducted in conjunction with Operation Concentrated Urban Enforcement (CUE). CUE was launched in the Standard Metropolitan Statistical Areas of Boston, Chicago, and Wash-

²⁵ D. Burr, *Handgun Regulation 23-24* (1977) (unpublished thesis, Psychology Dep't, Florida Technological University).

²⁶ See text accompanying note 21 *supra* for a discussion of the quality of metal as being of some direct concern to law enforcement officials.

²⁷ BUREAU OF ALCOHOL, TOBACCO, & FIREARMS, U.S. DEP'T JUST., *CONCENTRATED URBAN ENFORCEMENT: AN ANALYSIS OF THE INITIAL YEAR OF OPERATION CUE IN THE CITIES OF WASHINGTON, D.C., BOSTON, MA., CHICAGO, IL.* (1977) [hereinafter cited as *BATF, CONCENTRATED URBAN ENFORCEMENT*]; BUREAU OF ALCOHOL, TOBACCO, & FIREARMS, U.S. DEP'T JUST., *PROJECT IDENTIFICATION: A STUDY OF HANDGUNS USED IN CRIME* (1976) [hereinafter cited as *BATF, PROJECT IDENTIFICATION*].

ington, D.C. in 1976, with the objective of demonstrating the effectiveness of concentrated efforts to interdict illegal transactions in guns. The one-year evaluation includes a statistical breakdown of all handguns confiscated by the police in these cities.²⁸ Unlike data compiled in other studies, the CUE data are useful because the results are tabulated by source, and in particular distinguish between crime related guns and others.²⁹

TABLE I

HANDGUNS CONFISCATED BY POLICE IN THREE CITIES,
2/76 - 5/77
(Percentage with barrel length less than 3")

	District of Columbia	Chicago	Boston
Homicide Handguns	67% (322)	73% (364)	61% (79)
Robbery Handguns	65% (280)	72% (533)	60% (87)
Assault Handguns	69% (682)	76% (2049)	76% (111)

Note: The number of handguns on which each percentage is based is given in parentheses.

Source: Bureau of Alcohol, Tobacco, & Firearms, U.S. Dep't Just., Concentrated Urban Enforcement: An Analysis of the Initial Year of Operation CUE in the Cities of Washington, D.C., Boston, MA, Chicago, IL at 96-98.

The principal finding of interest is the preponderance of small handguns with a barrel length of three inches or less used for violent crime. More than two-thirds of the handguns in each violent crime category had this characteristic. Highly concealable handguns predominate in violent crime. To ascertain whether the proportion of small handguns that are used in violent crime exceeds the proportion of larger handguns so used in these cities requires data on the size distribution of all handguns "in circulation" in these cities. Such baseline data are not available. However, it is very unlikely that two-thirds of all handguns in these cities have a barrel length of three inches or less. By way of comparison, less than half of the handguns manufactured or imported in 1974 had barrels this short.³⁰

The price data from CUE indicate that approximately 40 percent of handguns used in violent crime sold at retail for less than \$50. No data are available at this time to permit comparison of this result with

²⁸ BATF, CONCENTRATED URBAN ENFORCEMENT, *supra* note 27.

²⁹ S. BRILL, *supra* note 22, points out that only about one-fifth of the handguns received by police are connected with crimes of violence.

³⁰ "Saturday Night Special" Hearings, *supra* note 4.

the corresponding percentage of all handguns in circulation.³¹

The second large study of characteristics of police-confiscated handguns was conducted as one part of Project Identification. In this study, BATF asked police departments in sixteen large cities to submit serial numbers of all firearms seized during the last six months of 1973. The study included a total of 10,617 handguns, 71 percent of which had a barrel length of less than three inches. BATF's report notes that "[b]arrel length of a handgun relates directly to concealability and as such it is probably the single most important factor in the entire project."³² In fact, short barreled, concealable guns would be expected to dominate this sample, since a large percentage of the handguns confiscated by police are confiscated *because* they are being carried concealed. It is reassuring to note, however, that CUE found a similarly high percentage of short barreled guns for the sample of guns that were used in violent crimes.³³

III. CONCLUSION

A reading of Congressional hearings and a review of proposed legislation in the area suggest that the policy debate on the Saturday Night Special suffers from a plethora of definitions and a corresponding confusion of purpose. This article has attempted to remedy that problem by arguing that the two most important issues are concealability and price. Both logic and statistical evidence support the hypothesis that readily concealable handguns are peculiarly suited to use in street crime. A ban on the manufacture and sale of small handguns would facilitate local efforts to deter dangerous people from going armed, and thereby reduce the number of spontaneous gun assaults and robberies. Recent evaluations of the Bartley-Fox Amendment in Massachusetts support the potential efficacy of this general approach in reducing violent crime.³⁴ Furthermore, a ban on small handguns would not affect sportsmen or

³¹ Since the issue of gun calibre has played some role in the Saturday Night Special debate, it is of some interest to note that small calibre guns are apparently not overrepresented in crime. CUE reported that about half the guns confiscated in connection with each of the three violent crimes were .32 calibre or less. BATF, CONCENTRATED URBAN ENFORCEMENT, *supra* note 27, at 96-98. This percentage is about the same as the percentage of such handguns manufactured in the U.S. in 1973 (54% and 49% respectively) and somewhat higher than the corresponding percentages in 1975 and 1976 (44% and 40% respectively).

³² BATF, PROJECT IDENTIFICATION, *supra* note 27, at 10.

³³ BATF, CONCENTRATED URBAN ENFORCEMENT, *supra* note 27. BATF's report on Project Identification does not distinguish between guns used in violent crime and guns confiscated for other reasons. BATF, PROJECT IDENTIFICATION, *supra* note 27.

³⁴ The Bartley-Fox Amendment, implemented in 1975, imposes a one year minimum prison term for carrying a firearm without the required license. Several evaluations have found that the amendment reduced violent crime rates in Massachusetts. See Deutsch, *Intervention Modelling: Analysis of Changes in Crime Rates* in METHODS IN QUANTITATIVE CRIMINOLOGY

people who want a gun for protection of their homes; such people would normally want a longer barrelled, more accurate gun. If, as a policy matter, it is important to supply the relatively few people who have a legitimate purpose for carrying a concealed weapon with guns, then one alternative to a total ban on readily concealable handguns is a requirement that purchasers of such guns have a license to carry a concealed weapon.

There is little useful evidence on the issue of price. While it is reasonable to suppose that an increase in price would reduce gun use in assaultive crimes committed by people with low incomes, this conjecture cannot be tested from available data. Furthermore, the price issue has troublesome political and ethical ramifications. For now, policymakers would be well-advised to focus on the single issue of concealability in considering the "Saturday Night Special" problem.