

## Terms of Revilement

by David B. Kopel

**Making a Killing:  
The Business of Guns in America**

by Tom Diaz  
New York: New Press;  
258 pp., \$25.00



**M**aking a Killing, which may be the most influential anti-gun book ever written, could not have been better timed to the current wave of lawsuits against gun companies, since many of the legal claims closely resemble the charges that Tom Diaz makes against the gun industry. Moreover, the book will likely help shape public opinion regarding the gun issue in general and gun companies in particular, thereby reducing the prospect that state legislatures or Congress will enact legislation to prohibit the lawsuits.

Yet Diaz's work will also be of interest to persons who are not much interested in the gun issue. *Making a Killing*, for one thing, is the first book to analyze the American firearms industry, previous ones having concentrated on a single company (e.g., Winchester), its products, and the evolution of firearms design, rather than on the business decisions faced by company leaders. For another, this book should be of interest to political scientists as an example of changing styles of political rhetoric and, in particular, for the important step forward that *Making a Killing* represents in the tactics of gun-control advocates. In the past, the debate has been over "gun control"—a term which resonates very negatively with a large segment of the voting public. (Americans do not like being "controlled.") The gun-control debate has been about restrictions on gun possession by law-abiding citizens, and about whether these restrictions can reduce misuse of guns both by law-abiding citizens and by criminals. Yet the very terms of the debate, serving as they do to remind the public that gun crime is caused by criminals with guns, put gun-prohibition advocates such as Diaz at a disadvantage. Moreover, the fundamental prem-

ise of the gun-control movement—that the average American citizen lacks the maturity, intelligence, and emotional stability to possess a handgun and to use it for personal protection—has not proved very popular. Thus, in recent years, advocates of gun prohibition have begun to shift the emphasis of the debate away from avoiding gun crimes toward "protecting the children": a rhetorical device intended to provide a gentler basis from which to promote the same controls they advocated previously. And when a loaded phrase like "the children" is coupled rhetorically with "gun safety" (people who react badly to "control" may respond favorably to "safety"), the tactical advantage becomes all the greater.

Diaz's book seeks to change the moral thrust of the anti-gun argument: "Gun manufacturers are evil and therefore the government should regulate their products." *Making a Killing* presents what Diaz considers an exposé of the sins of the firearms business—among them its profit motivation in wanting to sell more and more guns. If, however, firearms are a legitimate consumer product (and American law very clearly says they are), then making a profit by manufacturing guns is no more immoral than making a living selling books. Diaz asserts that the American firearms industry enjoys "incredible profitability," but he neglects to provide serious evidence. Instead, he shows that Bill Ruger, the founder of one of America's most successful gun companies, is personally wealthy and belongs to some fancy clubs, and repeats—three times!—Ruger's 1959 remark, "We have a little moneymaking machine here."

The implication is that the rest of the American gun business is as profitable as Ruger, which simply is not the case. Ruger is the only firearms company which is publicly traded, from which we might infer that other firearms companies did not believe themselves profitable enough to be taken public. Indeed, as anyone who knows anything about the industry knows, gun companies as financially healthy as Ruger are few and far between. Colt, the most venerable name in American firearms, has survived bankruptcy only because of corporate welfare payments from the state of Connecticut and the U.S. government (in the form of federal research grants to invent a "smart gun" which can only be fired by

its owner). Significantly, lawsuits filed against handgun companies are predicated on the common knowledge that hardly any of the companies has enough money to pay the costs of legal defense in over two dozen courtrooms.

The heart of *Making a Killing* is an analysis of changes in the handgun market over recent decades. As of 1974, the majority of handguns sold in the United States were revolvers; today, the majority are self-loading pistols. Indignantly, Diaz describes how the American firearms industry, in recent decades, has attempted to deal with the problem of market saturation (i.e., most men who want to own a gun already have one) in the way any rational industry would—by trying to sell its product to those who do not currently own it and to sell new products to people who already do. Gun manufacturers have implemented the first strategy by pitching firearms to women and by promoting youth interest in the shooting sports. This program for market expansion is heartily disapproved of by Diaz, who appears not to like anything that people do with guns. He bashes not only ownership of handguns for self-defense, but sports such as Cowboy Action Shooting. He criticizes American shooting ranges which cater to foreign tourists for seeking to satisfy something he calls "gun lust."

Diaz regards the shift from revolvers to self-loaders as a result of pernicious advertising touting "firepower" as the dubious advantage of the new pistols. He overestimates the role of advertising. Ads obviously affect consumer decisions; otherwise, companies would not bother to advertise. Whether advertising can create and sustain demand for a product type which, in the absence of advertising, consumers would not want is questionable. To acknowledge this point, however, would be to put the blame for increased firepower on the consumer, rather than on the gun manufacturer. And this in turn would move the gun debate back a step to the "gun control" paradigm, with its associated political perils of offending tens of millions of consumers rather than a few dozen handgun companies.

Despite what Diaz implies, for many decades gun companies have offered consumers a choice between revolvers and self-loading pistols. The self-loading

mechanism was invented in the 1890's; the best-known American firearms model—the Colt .45, a self-loading handgun—was first sold in 1911. The “high-capacity” pistol has been available to consumers at least since 1935 with the introduction of the 13-shot Browning Hi Power. Before the 1980's, moreover, in that allegedly golden era when revolvers outsold self-loading pistols, firearms manufacturers worked just as hard to sell as many revolvers and pistols as they possibly could. That the companies sold more shotguns or revolvers than pistols was the result of consumers being more interested in shotguns and revolvers. Clearly, changes in consumer preferences between 1959 and 1999 are the result of consumer decisions, not of a publicity scam waged against consumers by gun companies.

Along with complaints about an industry-driven shift in handgun type come diatribes against more powerful ammunition. These are nonsense, and Diaz's propagation of them undercuts his claim to be a former “gun nut.” The most popular type of ammunition for modern self-loaders is 9mm. This ammunition is not new (it was invented in 1895 by George Luger) nor is it more powerful than revolver ammunition; in fact, 9mm happens to be the same size as that for the “old-fashioned” .38 Special revolver. The most powerful handgun caliber in common use is the .44 magnum, which is for revolvers, not pistols.

Diaz, who considers the gun industry evil for selling guns that are too big, condemns it as well for marketing others that are too small. There have been increased sales of small guns in the 1990's. But consumers who want small guns have found them available since 1852, when Henry Deringer patented his first gun. Indeed, “Derringer” became a generic (and misspelled) name for literally hundreds of brands of small handguns which achieved mass consumer popularity as urban defense weapons in the 1880's and 1890's. The fact that sales of these guns waned, relative to the rest of the handgun market, between 1890 and 1990 says more about consumer behavior than it does about gun companies forcing products on consumers. And that small handguns in 1999 can fire heavier bullets than their 1899 ancestors tells us only that metallurgy has improved in the last century.

A second cause of increased popularity for small handguns was President Clin-

ton, who in 1994 successfully fought for a crime bill banning the manufacture of magazines holding more than ten rounds. This design restriction inevitably led gun consumers and designers to a greater interest in handguns which hold ten rounds or less. Of course, the lower the ammunition capacity, the smaller the gun can be. Some companies, such as Kahr, were introducing new small handgun designs even before the bill passed, but unquestionably the Clinton ban accelerated a trend. The legislation also helped spur a massive backlash in the 1994 general elections. The result was not just a Republican-controlled Congress but enormous “pro-gun” gains in state legislatures and governors' mansions. The tidal wave of legislation that followed the next year gave America 31 states in which ordinary law-abiding adults who pass a background check and (in most states) attend a safety class may obtain a permit to carry a concealed handgun for their lawful protection. The number of plain citizens who may legally carry handguns now exceeds the number of police officers in the United States. No wonder small handgun sales are rising. Like most professionals in the gun-control lobbies, Diaz nowhere acknowledges the morality of defensive firearms ownership.

Diaz concludes by calling for a federal agency to be given the authority to regulate firearms design. The agency would have the power to “phase out” handguns, which Diaz has elsewhere said would eventually mean handgun confiscation with compensation paid to the owners. This section of the book would be stronger if it addressed some of the difficulties inherent in the proposal. Even if we skip over the constitutional objections, what about the tremendous enforcement and black-market problems? The federal government once outlawed alcohol, and now outlaws various drugs, in the name of consumer safety. Whatever one thinks of these prohibitions, the costs (both in dollars and in diminished constitutional rights) have been enormous. At least a short discussion of similar costs which would necessarily arise from handgun prohibition seems in order.

*Making a Killing* is already making a major contribution to the American gun-policy debate. The book will be appreciated by people who already share Diaz's prejudice regarding the immorality of gun manufacture and sales to people for

their own self defense. (One such reader calls the book “An astonishing picture of depraved indifference that will leave you gape-mouthed.”) It will not be convincing, however, to readers who do not start from Diaz's premises, particularly if they have some independent knowledge of firearms, firearms policy, or the firearms business. The self-righteous moral indignation (based upon moral principles that are far from universal) detracts from the book, as do Diaz's unwillingness to say anything positive about the firearms industry and his insistence on imputing wicked motives to everything the industry does. It is unfortunate that Tom Diaz has seen fit to overlay the rhetoric of moral panic on the results of his large and serious research into an important American commercial enterprise.

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## Professing by J.O. Tate

**The Professor and the Profession**  
by Robert Bechtold Heilman  
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358 pp., \$39.95



Emeritus professor of English at the University of Washington in Seattle, Robert B. Heilman has been publishing for over 60 years and has done distinguished work on drama and fiction. A good book of literary terms, for instance, refers to his *Tragedy and Melodrama: Versions of Experience* (1968) under the word “melodrama.” When you become part of the definition of a term, I suppose that you have achieved some authority. I read Heilman's book on *Othello (Magic in the Web, 1956)* 35 years ago, and have never forgotten it. I learned a lot about Shakespeare, and I also learned how far analysis could go, and how much it could reveal. Having read that book, I would always want to know what Professor Heilman has to say about virtually anything, so it is a particular pleasure to see just what he is up to this time.

In this gathering, he has a lot on his mind; but I think these pieces are united by something more than the identity of