

Bill, Due Today, Also to Require Licensing of Gun Owners

Text of President's message
is printed on Page 24.

By MAX FRANKEL

Special to The New York Times

WASHINGTON, June 24—
President Johnson asked Congress today to require the national registration of every firearm and a license for every gun owner whose state does not enforce Federal license standards.

Sensing an aroused public opinion and wishing to channel the pressures developing on Capitol Hill, Mr. Johnson accelerated for the second time in a week his efforts for more gun controls.

The Administration's new proposals were outlined in a message to Congress this afternoon and will be submitted as a bill tomorrow morning.

The President said that he did not want the new measure to delay a pending bill to limit the sales of rifles and shotguns. But exactly how Congress will proceed probably will not become clear until the Senate Judiciary Committee considers the whole subject on Wednesday.

Tydings Bill Cited

Proposals similar to those embraced by the Administration today have been introduced formally by Senator Joseph D. Tydings, Democrat of Maryland.

He welcomed the White House action as a "tremendous boost" and said the President's leadership and the "groundswell" of public and Congressional support "may at last break the gun-lobby stranglehold on effective gun legislation."

The Administration's measure goes beyond the Tydings bill in two respects.

It requires national registration, regardless of state registry, to permit the National Crime Information Center of the Federal Bureau of Investigation to compile a comprehensive computer file of every gun in the nation — between 50 and 100 million, according to current estimates.

Moreover, to punish states

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PRESERVATION COPY

PRESIDENT URGES NEW GUN CONTROL

Continued From Page 1, Col. 8

that do not establish effective license systems for gun owners, Mr. Johnson would deprive them of funds from the Wildlife and Conservation Trust Fund. Last year it redistributed \$23-million collected in excise taxes on gun and ammunition sales.

Glenn Leads Drive

Another strong source of support for registration and licensing developed here today with the announcement that Col. John H. Glenn Jr., the former astronaut and associate of Senator Robert F. Kennedy, was leading many prominent citizens in a nationwide write-in campaign organized by the Emergency Committee for Gun Control.

The committee disclosed that Vice President Humphrey and Governor Rockefeller had responded favorably to its request for support from all Presidential candidates.

The organization's executive committee will be composed of Thomas J. Watson Jr., chairman of the board of International Business Machines Corporation; Adlai Stevenson 3d, Treasurer of Illinois; John W. Gardner, former Secretary of Health, Education and Welfare; Charles Evers, Mississippi field director of the National Association for the Advancement of Colored People, and John V. Bennett, president of the National Council for a Responsible Firearms Policy.

It was not clear whether the committee's nationwide effort, the maneuvering in Congress and the spontaneous efforts of students and housewives in many communities had any direct effect on the schedule of action in the White House.

But Mr. Johnson has been moving faster even than he thought he could when he revived his pressure for gun controls on June 6, the day Senator Kennedy died.

Congress completed action that day on an omnibus crime bill that included a limitation on the sales of handguns by mail and to minors and others deemed unfit to possess them. The President called this a halfway measure and demanded follow-up action for similar limitations on the sales of rifles and shotguns.

In signing the crime bill last Wednesday, he again urged quick action on the second step, and Congress appears to be heeding his and the public's advice. Once that bill was passed, the President said, he would come back with still other proposals.

Today, without waiting for Congress to catch up, he offered those proposals.

Mr. Johnson's message, an abbreviated version of which he read for movie and television cameras in the White House Fish Room, anticipated even greater resistance from hunters, gun clubs, some manufacturers and their representatives and lobbyists here.

He argued against their case, as follows:

"Registration and licensing have long been an accepted part of daily life in America. Automobiles, boats, even dogs and bicycles in many communities, are commonly registered. Our citizens must get licenses to fish, to hunt and to drive.

"Certainly no less should be required for the possession of lethal weapons that have caused so much horror and heartbreak in this country. Surely the slight inconvenience for the few is minimal, when measured against protection for all."

What Bill Provides

The Administration's bill would allow 180 days for the registration of every gun, perhaps at post offices or other Federal agencies in the community. Thereafter, failure to register a firearm would be punishable with two years in jail and fines up to \$2,000.

Text of Johnson Gun Message

Special to The New York Times

WASHINGTON, June 24—Following is the text of President Johnson's message to Congress proposing tighter gun controls:

Within the hour, in some city in America, a gun shot will ring out. And someone will fall dead or wounded.

Unless we act purposefully to prevent it, reckless and wild gunfire will be heard again—tomorrow, the day after and all the days to follow.

—As it was last Tuesday, when a 71-year-old gas station attendant was shot to death in the course of a \$75 armed robbery;

—As it was last Wednesday, in Graceville, Fla., when a mental patient shot a 3-year-old boy through the back of the head;

—As it was last Thursday, in Chicago, when a young man was killed and three others injured by shotgun blasts fired by a band of roving teen-agers.

These tragedies are imbedded in the grim statistics of death and destruction at gun point. The terrible toll is rising.

The latest report of the Federal Bureau of Investigation documents a shocking increase in crimes where deadly weapons are the instruments of violence.

Figures on Murders

In 1967, there were:

—7,700 murders with guns.

In 1966 there were 6,500.

—55,000 aggravated assaults with guns. In 1966 there were 43,000.

—Over 71,000 robberies with guns. In 1966 there were 60,000.

It took this country nearly two centuries to respond to the danger of guns in criminal and incompetent hands. The first Federal action came in the early 1930's, when the Congress enacted safeguards controlling the use of sawed-off shotguns and submachine guns to answer the public indignation and fear arising out of organized gang wars in the cities.

But very little was done in the next three decades, while the velocity of speeding bullets exacted their deadly toll across America. Alone among the modern nations of the world, we remained without the gun control laws that other countries accept as an elementary need and condition of life.

We can see the difference in the last reported comparisons of homicides by gunfire. Out of 15 countries reporting, the United States ranked worst—with a rate of 2.7 gun murders per 100,000 population. Here are some of the statistics:

—2.7 for the United States

—.03 in the Netherlands and .04 in Japan.

—2.7 for the United States

—.05 in England and Wales.

—2.7 for the United States

—.12 in West Germany and .70 in Italy.

—2.7 for the United States

—.52 in Canada and .26 in Belgium.

Since I first became President, I have fought for strong gun control laws.

Now—at long last—we have begun to move.

When I signed the Safe Streets Act last week, America took the first major step to control deadly firearms. That measure outlawed the interstate traffic in handguns and prohibited the sale of these small and lethal weapons to minors.

We are now within sight of the second major step—the control of interstate traffic in shotguns, rifles and ammunition, as I requested of the Congress on June 6. I hope the Congress will move with the greatest speed to complete its action on this proposal for protection.

But even before that step is finally completed, we must look to the next advance for the safety of the American people.



United Press International
President Johnson reads a message he sent Congress.

of our people, Federal laws need two additional reinforcements:

¶A national registration of all firearms, both those already in private hands and those acquired in the future.

¶Federal licensing of all possessors of firearms in those states whose laws fail to meet minimum Federal standards.

Registration and licensing have long been an accepted part of daily life in America. Automobiles, boats—even dogs and bicycles in many communities—are commonly registered. Our citizens must get licenses to fish, to hunt and to drive. Certainly no less should be required for the possession of lethal weapons that have caused so much horror and heartbreak in this country. Surely the slight inconvenience for the few is minimal, when measured against protection for all.

I propose, first, the national registration of every gun in America.

There are now more firearms than families in America. The estimates range between 50 and 100 million guns in this country. Last year more than 3 million guns were added to private stocks, building a massive arsenal which arms the murderer and the robber.

Registration will tell us how many guns there are, where they are and in whose hands they are held.

Car registration has been the major factor in solving hit-and-run auto deaths. The new National Crime Information Center, operated by the Federal Bureau of Investigation, has already begun to compile and computerize data on stolen automobiles, stolen guns, fugitives from justice and other criminal activities.

Now, for the first time, computer technology has made the national registration of guns practical and workable. The registration of guns can be fed into a computer bank at the National Crime Information Center. Through this system, the owner of a gun anywhere in the country can be identified in a matter of seconds.

Licenses Urged

Second, I propose that every individual in this country be required to obtain a license before he is entrusted with a gun.

Every murder by gunfire is a criminal confrontation in which—by design or through a conspiracy of events—the criminal faces his victim through the telescope crosshairs of a rifle or over the barrel of a pistol. An inflamed moment seizes the criminal's mind, and his finger presses the trigger.

We may never be able to keep that criminal mind from erupting into violence, but we can stay the finger that squeezes the trigger—by keeping the gun out of the murderer's hand.

The surest route to accom-

plish this is through a comprehensive licensing laws which prevent the vicious, the irresponsible and the insane from acquiring firearms.

In New Jersey, for example, which has had a licensing law for only a short period of time, over 1,500 disqualified persons have been denied access to lethal weapons. And states which have licensing requirements have lower homicide rates.

The states are now working on model gun control laws through a special committee of the National Association of Attorneys General, The National Council of State Governments and the National Governors Conference. I have urged that their work be expeditiously pursued.

To assure uniformity and adequate protection, the law I propose would establish minimum Federal licensing standards. These would prevent firearms from being sold to or possessed by criminals, dope addicts, alcoholics, the mentally ill and any others whose possession of guns would be harmful to the public health, safety or welfare.

A Plea to States

The Federal licensing law would go into effect only in those states without at least comparable standards, and only after the states have been given an opportunity to act first.

I call upon every Governor and state legislature to move as rapidly as they can to enact forceful laws for the protection of their people.

Nothing in these proposals will impair the legitimate ownership or use of guns in this country. In other countries which have sensible laws, the hunter and the sportsman thrive. These measures will entail no more inconvenience for the gun owners than dog tags or automobile license plates pose for any citizen.

Nor are they threats to the mystique of manhood or to the heritage of our people. Only the potential murderer's chance to kill and only the potential robber's chance to terrorize are threatened.

The only heritage that is harmed is the record of violent death and destruction that shames our history.

The proposals in this message are no more and no less than commonsense safeguards which any civilized nation must apply for the safety of its people.

The American people have been too long without them. The cost of inaction through the decades affronts our conscience.

History Is Cited

Homes and city streets across the nation which might have rung with gunfire will be spared the tragedy of senseless slaughter. We will never be able to measure this violence that does not erupt. But our history tells us America will be a safer country if we move now—once and forever—to complete the protection so long denied our people.

I urge the Congress, as I have throughout all the days of my Presidency, to act immediately to control interstate sales of shotguns, rifles and ammunition.

Hearings on this legislation have long since been completed. The legislation has been reported favorably by the House Judiciary Committee and the Juvenile Delinquency Subcommittee of the Senate Judiciary Committee. That legislation—providing basic protection against interstate slaughter by firearms—should be brought to a vote without delay.

Once that foundation of interstate protection has been established, the registration and licensing proposals made in this message should be enacted. But these proposals afford no justification for delay in enacting strong and effective controls over interstate traffic of deadly weapons. Indeed, they build upon

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In signing the crime bill last Wednesday, he again urged quick action on the second step, and Congress appears to be heading his and the public's advice. Once that bill was passed, the President said, he would come back with still other proposals.

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"Certainly no less should be required for the possession of lethal weapons that have caused so much horror and heartbreak in this country. Surely the slight inconvenience for the few is minimal, when measured against protection for all."

What Bill Provides

The Administration's bill would allow 180 days for the registration of every gun, perhaps at post offices or other Federal agencies in the community. Thereafter, failure to register a firearm would be punishable with two years in jail and fines up to \$2,000.

Mr. Johnson said that he would prefer the states to take the initiative in issuing licenses, preferably through a uniform law that at the minimum would deny guns to criminals, dope addicts, alcoholics, the mentally ill and others whose possession of guns would be deemed harmful to the public health or safety.

His bill would require a Federal license of all citizens whose state had not enacted these minimal Federal standards within two years.

A Federal license, as now envisioned, would cost \$1 and require the photographing and fingerprinting of the applicant. Rifle and shotgun licenses would be available to persons over 18; handgun licenses to persons over 21.

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But very little was done in the next three decades, while the velocity of speeding bullets exacted their deadly toll across America. Alone among the modern nations of the world, we remained without the gun control laws that other countries accept as an elementary need and condition of life.

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We are now within sight of the second major step—the control of interstate traffic in shotguns, rifles and ammunition, as I requested of the Congress on June 6. I hope the Congress will move with the greatest speed to complete its action on this proposal for protection.

But even before that step is finally completed, we must look to the next advance for the safety of the American people.

With the enactment of these measures, we will have constructed the nation's first foundation upon which the states can build and develop their own gun control laws. Without this bulwark of interstate protection, even the best state laws would be exercises in futility.

To assure the protection

of a national registration of all firearms, both those already in private hands and those acquired in the future.

Federal licensing of all possessors of firearms in those states whose laws fail to meet minimum Federal standards.

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We may never be able to keep that criminal mind from erupting into violence, but we can stay the finger that squeezes the trigger—by keeping the gun out of the murderer's hand.

The surest route to accomplish this is to require every person who wants a gun to be licensed, first proving that he meets the qualifications.

The initiative for licensing should, of course, rest with the states, for there licensing can most effectively be carried out. Some states have already enacted comprehensive

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Once that foundation of interstate protection has been established, the registration and licensing proposals made in this message should be enacted. But these proposals afford no justification for delay in enacting strong and effective controls over interstate traffic of deadly weapons. Indeed, they build upon the foundation of interstate control which is so essential to their effectiveness.

Let us delay no longer in enacting that basic foundation of interstate protection and then let us go on to build—through registration and licensing—the kind of protection so long denied the American citizen.

PRESIDENT TO PUSH FOR VOTING AGE OF 18

WASHINGTON, June 24 (UPI)—President Johnson said today he would formally ask Congress this week to begin action to lower the voting age to 18.

The President spoke to dele-

youth." He said that "we live in a world that is young and a world that is growing younger, and no nation has been more faithfully served by its youth than America."

REPUTED CANCER AID DOUBTED BY EXPERT

FIRST-QUARTER RATE OF CRIME IS UP 17%

WASHINGTON, June 24 (AP)—The Federal Bureau of Investigation reported today that serious crime in the nation for the first three months of this year rose 17 per cent

HOUSE PANEL COOL TO JOHNSON CALL FOR STIFF GUN LAW

Chance of Passing Original
Bill Believed Complicated
by Registration Appeal

SENATE SUPPORTS PLAN

Move for Wider Controls
May Have Helped Outlook
for the Measure There

By JOHN W. FINNEY

Special to The New York Times

WASHINGTON, June 25 —

The Administration appeared today to have complicated its chances of pushing gun control legislation through the House by broadening its proposals to include registration and licensing controls.

The original Administration bill, proposing a ban on mail-order sales of rifles and shotguns, already was running into serious difficulties in the House Rules Committee, which must clear the legislation for floor action.

These difficulties are expected to be compounded now that the Administration has injected into the Congressional debate the two added controversial issues.

In the Senate, where sentiment was already running toward stiffer controls, the Administration appeared to have improved its chances of obtaining a gun law.

Celler's Viewpoint

Privately, some Administration supporters in the House complained that the President was "ill-advised" in proposing yesterday that Congress go further in establishing gun controls by requiring national registration of all guns and Federal licensing of gun owners if states do not establish adequate licensing standards.

Indicative were the comments of Representative Emanuel Celler, who, as chairman of the House Judiciary Committee, sponsored the Administration's original mail order control bill.

While favoring registration and licensing in principle, Mr. Celler, a Brooklyn Democrat, said in an interview that "from a practical political standpoint, these additional proposals make it more difficult to get legislation through the House and to get a rule from the Rules Committee."

Representative William M. Colmer, chairman of the Rules

Continued on Page 24, Column 4

THE NEW YORK TIMES, WEDNESDAY, JUNE 26, 1968

House Cool to Call for Stiff Gun Law

Continued From Page 1, Col. 1

Committee, seized upon the additional demands of the Administration as further reason for delaying consideration of gun control legislation.

"The President's message got me to thinking I ought to look into this thing further," the Mississippi Democrat told reporters.

Mr. Colmer has been under considerable pressure from the House leadership, and the Administration to clear the gun control bill for floor debate this week. The Administration had hoped the clearance would come this week. It failed in that objective, but Mr. Colmer announced that the Rules Committee would consider the legislation next Tuesday.

Mr. Colmer made clear that he would press the Judiciary Committee members on whether they wanted to incorporate registration and licensing in the gun control bill, or, as he put it in a Pascagoula metaphor, whether "maybe instead of two bites at the cherry, they will want to take one."

Mr. Celler said that while he would introduce the registration and licensing legislation, sent to Capitol Hill today by the Justice Department, he would not move for its immediate consideration or its incorporation in the Administration's original bill.

The latter bill was proposed shortly after the assassination of Senator Robert F. Kennedy.



Associated Press

Representative William M. Colmer, Mississippi Democrat, who heads Rules Committee, is studying bills.

In initially proposing only a ban on mail order sales and over-the-counter sales to out-of-state residents, the White House thought that this was the politically realistic path to follow in pushing gun control legislation through a reluctant Congress.

The National Rifle Association and other members of the gun lobby have been adamantly opposed to registration and licensing, and the Administration's strategy was to push its more modest bill through Congress before the gun lobby could build up opposition to any gun control legislation.

To a certain extent, the Administration seems to have departed from its earlier strategy in now proposing registration and licensing controls.

The Administration is still giving priority to its mail order proposal, but its position, as understood on Capitol Hill, is that it will interpose no objections to the addition of registration and licensing controls so long as such a step does not jeopardize action on the Administration's bill.

The Senate's favoring of the proposed new legislation may have been an important factor in the shift in the Administration's strategy, since the Senate has been viewed as a more critical hurdle than the House.

In the closely divided Senate Judiciary Committee, which is scheduled to vote on gun control legislation on Thursday, it now appears there may be enough votes to add licensing and registration controls to the Administration's bill.

It appeared unlikely, however, that either the Senate or the House would act before the July Fourth recess—the deadline for action set by the White House.

CARE to Aid Indonesia

JAKARTA, Indonesia (AP)—The American organization, Cooperative for American Relief Everywhere, CARE

Action on Gun Laws

By delivering a powerful and factual message on the eve of Senatorial consideration of a strong gun-control bill, President Johnson has responded to the popular will and raised the national sights to the highest level.

The Presidential proposal is the toughest yet—and it could be the most effective. It calls for national registration of all firearms. It calls for licensing of every person before he is entrusted with a gun. It sets minimum Federal licensing standards to prevent guns from being sold to or possessed by criminals, the mentally ill and other disqualified persons.

Interstate mail-order sale of pistols and revolvers is now banned under the omnibus crime bill which the President signed into law last week. The needed companion—a ban on interstate mail-order sale of rifles and shotguns—seems well on its way to passage.

The Tydings bill, which the Senate takes up this week, goes beyond regulation of interstate shipments. It would require licensing and registration for the purchase and possession of any firearms. What the President now urges amplifies and strengthens even this excellent bill. The Johnson proposal provides for Federal registration even where registration exists, as a means of enabling the new National Crime Information Center to identify—in a matter of computer seconds—the owner of a gun anywhere in the United States. And there are teeth in the measure: States that fail to set up their own licensing systems would be deprived of funds from the Wildlife and Conservation Trust Fund.

Now it is up to Congress to bite on the bullet and pass the kind of law the country needs. Banning the interstate mail-order sales of rifles and shotguns is a must, but it is not all. The Tydings bill can be blended into the President's new proposal or vice versa; the name on the bill is less important than the principle of registration and licensing on both state and Federal levels.

Wash. Post
7/5/68

Gun Sales Are Cited By Reagan

COLUMBIA, Calif., July 4 (UPI)—Gov. Ronald Reagan in an Independence Day speech today said increasing numbers of law-abiding citizens are buying guns "because they have lost faith in government's ability to protect them."

The Governor, in remarks prepared for a July 4th celebration in this once lusty motherlode Gold Rush town turned state park, said if government fulfilled its responsibility to protect society, the purchase of weapons would probably decrease.

Reagan pointed to a recent Congressional committee hearing on gun control laws where a witness testified the sales of handguns in one state jumped eight times during a short period.

"Can we honestly believe that criminals in such numbers are rushing into gun stores and buying guns with which to commit acts of violence?" he asked.

"Isn't it time we pointed out to someone that increased numbers of citizens—legitimate, God-fearing, law-abiding citizens—are buying those guns because they have lost faith in government's ability to protect them in their person and their property?"

"Let government fulfill its responsibility to protect society from the lawbreakers, instead of the other way around, and perhaps we would see a decline in the purchase of weapons," Reagan said.

IRS Asks Prosecution Of Gun Law Violators

Associated Press

The Internal Revenue Service says it has recommended prosecution of almost 1600 alleged violations of existing Federal gun control laws in a two-year drive to step up enforcement.

There are two major areas of Federal law controlling the sale, use and registration of guns on the books now.

The National Firearms Act bans the public possession of gangster-type weapons such as sawed-off shotguns and various kinds of machine guns. The Federal Firearms Act contains licensing and registration provisions for dealers and restricts the interstate transportation of guns by ex-felons and persons under criminal indictment.

A major problem confronting IRS officials, given the responsibility of enforcing current Federal gun laws, is making the regulations stick.

Under the existing Federal Firearms Act, gun dealers are supposed to keep a record of each gun they sell and the name and address of each buyer. But in thousands of cases, the information taken by the dealer turns out to be false. It is difficult, the IRS says, to prove a name is fictitious and that the gun dealer knowingly kept false records.

PRESERVATION COPY

RESERVATION COPY GUEST EDITORIAL

By Gov. Ronald Reagan (R-Calif.), in a July 4 speech at Columbia, Calif.:

"Can we honestly believe that criminals in such numbers are rushing into gun stores and buying guns with which to commit acts of violence? Isn't it time we pointed out to someone that increased numbers of citizens—legitimate, God-fearing, law-abiding citizens—are buying those guns because they have lost faith in government's ability to protect them in their persons and their property?"

Statement by Richard M. Nixon

June 17, 1968
New York, New York

President Johnson should cease dragging his feet on the omnibus anti-crime bill and sign that measure into law now. 70,000 serious crimes are committed in this country every week. The nation needs action on the crime control front immediately. The President's procrastination on the issue is wholly unjustifiable.

The President's demand for stronger gun control legislation should not prevent passage of an anti-crime measure which not only has 90 per cent of the gun control features the President asked, but also provides new authority and new resources for the states and communities of this country to deal with the growing crime menace. If the President is interested in vigorous national action against crime, he will sign this bill.

It is clear that the country and the Congress are fully ready to take up debate on added measures for more effective gun control. There is no call for the President to threaten to veto the anti-crime bill --- which includes a ban on the interstate shipment of hand guns -- to get that debate under way. In my view, the interstate mail order shipment of shot guns and rifles should be controlled so as 1) to prevent their falling into the hands of minors, convicted criminals, those with a history of mental illness and others not qualified to have a gun in their possession; 2) to prevent the mail order circumvention of state and local gun control laws.

-more-

Such legislation requires careful drafting -- but it can be drawn so as to protect the safety of citizens, and at the same time not to interfere with the legitimate right of sportsmen and hunters to buy and own weapons they are licensed to buy and own in their own states. Legislation so drafted will, in my view, enjoy the support of the vast majority of the Congress and the country as well.

But let us keep this in mind: there is no gun legislation at the Federal, state and local level that by itself will bring us the solution to the crime crisis spawned in America in recent years.

The solution to that crisis will depend upon wholesale judicial reform, penal reform and the restoration of the balance between the peace forces and the criminal forces within society which has been partially upset by some of the decisions of some of the courts in this country. It will require great new investments of resources in crime research; it will entail a dramatic increase in the number and quality of our police; it will require a new attitude on the part of the public and on the part of the national Administration about crime and criminals in America. The necessary attitude has not been evident throughout the history of this Administration -- it is not evident today as the Administration drags its feet on the only significant national crime measure it has ever considered.

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ANALYSIS
of
THE FIREARMS CONTROL ACT OF 1967

(H.R. 11887)

Buster Raulbach

Sec. 2, Title 18, United States Code, is amended by inserting after Section 917 the following new chapter:

Chapter 44 - FIREARMS

DEFINITIONS (Partial List)

Sec. 921 Firearm - any weapon, or frame or receiver, designed or converted to expel projectile by means of explosion - manufactured after 1898 (this excludes antiques).

Handgun - pistol or revolver or other firearm designed to be fired by single hand.

Manufacturer - includes importer.

Dealer - persons engaged in the business of selling, repairing firearms or fitting barrels, stocks or triggers to firearms. Includes pawnbrokers.

Crime of violence - includes voluntary manslaughter, murder, rape, mayhem, kidnapping, robbery, burglary, housebreaking, assault with dangerous weapon, extortion accompanied by threats of violence, assault with intent to commit any offense punishable by imprisonment for more than one year, arson punishable as a felony or an attempt to commit any of the foregoing offenses.

Fugitive from justice - any person fleeing a state to avoid prosecution for a crime of violence or to avoid giving testimony in any criminal proceeding.

UNLAWFUL ACTS

- Sec. 922 (a) Licenses required. Manufacturers and dealers must have federal license to ship, transport or receive firearms in interstate or foreign commerce.
- (b) Receipt of shipped firearms. Unlawful for any person to receive firearms in interstate and foreign commerce knowing or having reasonable cause to believe the shipment was in violation of (a) above.
- (c) Shipment violating State law. Unlawful for licensees to ship firearms to State residents in violation of State laws.
- (d) (1) Shipment violating local law. Unlawful to ship firearms in interstate or foreign commerce to residents of local subdivisions in violation of published local ordinances.
- (2) Publication. Local ordinances regulating firearms shall be published in the Federal Register at the request of the principal governing body of the political subdivision. Publication in the Federal Register shall be annually and copies furnished to all licensees. Publication must pre-date offense by six months.
- (e) Shipment to convicted or fugitive persons. Unlawful for any person to ship firearms in interstate or foreign commerce to indicted or convicted persons (crimes of violence) or to fugitives from justice.

- (f) Shipment by convicted or fugitive persons. Unlawful for persons indicted or convicted (crimes of violence) or fugitives from justice to ship firearms in interstate or foreign commerce.
- (g) Receipt by convicted or fugitive persons. Unlawful for persons indicted or convicted (crimes of violence) or fugitives from justice to receive firearms shipped in interstate or foreign commerce.
- (h), (i) Stolen firearms. Unlawful for persons to ship, receive, conceal, store, barter, pledge, sell or dispose of any stolen firearm - having reasonable cause to believe such firearm to be stolen.
- (j) Altered serial numbers. Unlawful for any person to ship or receive any firearm with obliterated or altered serial number.
- (k) Notice to carriers. Licensees must notify, in writing, the common carrier when shipping handguns to non-licensees in interstate or foreign commerce.
- (l) Carrier delivery to minors. Unlawful for common carriers to deliver handguns to persons under 21 having reasonable cause to believe recipient is under 21.
- (m) Interstate commerce in handguns. Unlawful for licensees to ship handguns in interstate or foreign commerce to non-licensees EXCEPT - by affidavit procedure.

AFFIDAVIT PROCEDURE

- (1) Purchaser submits to licensee the following sworn statement:
Under penalties provided by chapter 44 of title 18, U.S.C. (\$10,000 and/or 10 years), I swear that:
 - (1) I am over 20 years of age;
 - (2) I am not prohibited by the provisions of chapter 44 of title 18 from receiving a handgun in interstate and foreign commerce;
 - (3) I am not now and have not been at any time during the last five years an unlawful user of or addicted to marihuana or any depressant or stimulant drug or narcotic drug (defined by code references);
 - (4) I have never been convicted of the criminal sale or possession or use of marihuana or such other drugs as referred to in paragraph 3 above;
 - (5) I am not now and never have been adjudicated in any court as a mental defective or committed under court order to a mental institution; and
 - (6) My receipt of this handgun will not be in violation of any State statute or published local ordinance (defined in 922(d)(2)) applicable to my place of residence and the place to which this handgun is to be shipped.

Check the appropriate box --



Attached is a true copy of any permit required pursuant to such State statute or published ordinance.



Attached is a statement made by the authority responsible for the issuing of a permit required by such State statute or published ordinance that such permit has been issued to me.

The title, name, and address of the principal law enforcement officer of locality to which the handgun will be shipped is _____, and the title, name and address of the principal law enforcement officer of the locality in which I reside is _____.

My residence is _____.
Signature _____ Date _____.

- (2) Licensees must then send a copy of this affidavit and a description of the handgun (excluding serial number) by registered or certified mail (return receipt requested) to (A) the designee by the Governor of State of residence or State of shipment if different, or (B) if no official is designated then to the local law enforcement officer named in the affidavit. The licensee must then wait for the return receipt or notice of refusal of the notification; and
- (3) The licensee must delay shipment for seven days after such return receipt or refusal is received.

Licensees are required to keep records of notice and return receipt or refusal as part of the requirements of 923(d). Governor designees for notice receipt shall be identified to the Secretary of the Treasury for publication in the Federal Register.

- (n) Over the counter sales to non-residents. Unlawful for licensees to deliver for sale (over the counter) any handgun to a non-resident of the licensee's State EXCEPT - by affidavit procedure outlined above.
- (o) False representations. Unlawful for any person to make false representations about a material fact to a licensee in connection with his attempt to acquire a firearm from the licensee.
- (p) Receipt in violation of State law. Unlawful for persons to transport into or receive in the State of residence a firearm obtained out of State where receipt or possession is unlawful in the State of residence.
- (q) Receipt in violation of local law. Unlawful for persons to transport into or receive in the local political subdivision where he resides a firearm obtained out of the State where receipt or possession is unlawful in such local political subdivision.

LICENSES

Sec. 923 (a) License fees. Manufacturers and dealers desiring licenses to ship or receive firearms in interstate and foreign commerce shall apply to the Secretary of the Treasury in such form as the Secretary prescribes. Fees are:

- (1) Manufacturer - \$50 annually;
- (2) Dealers - \$10 annually (except for the first year following this act - \$25);
- (3) Pawnbrokers - \$50 annually.

+ pawn broker will be treated equally

- (b) Exceptions. Upon proper filing of license application and payment of fee the Secretary shall issue a license EXCEPT -
- (1) to applicants under twenty-one years of age;
 - (2) to applicants prohibited by this chapter from transporting, shipping, selling or receiving firearms in interstate or foreign commerce; or
 - (3) to applicants who wilfully fail to disclose any material information required or who make any false representation about a material fact in connection with their application.
- (c) Temporary exemptions. Provisions of 922(e), (f) and (g) shall not apply to licensees indicted for crimes of violence if such licensees give notice to the Secretary within thirty days of indictment. Such licensees may continue operations under the license until conviction, whereupon operations under the license must cease.
- (d) Record keeping. Licensees shall maintain records (specified) as the Secretary shall prescribe.

EXCEPTIONS

Sec. 924 (a) This chapter does not apply to:

- (1) transportation, shipment, receipt, or importation of firearms to --
 - (A) United States Government or agencies thereof;
 - (B) States or local government or agencies thereof;
 - (C) Government officers or agents;
 - (D) Banks, carriers and others specially authorized by the Secretary;
 - (E) Research laboratories designated by the Secretary;
or
 - (2) transportation, shipment, or receipt of antique or un-serviceable firearms held as curios.
- (b) No prohibition under this chapter of shipments of firearms by Secretary of Defense to lawful recipients and no prohibition of receipt or transportation by lawful possessors engaged in military training or marksmanship competitions.

PENALTIES

- Sec. 925 (a) Violations of this chapter, regulations hereunder, or making false representations in applying for license or exemption provided for in this chapter, upon conviction thereof -- \$10,000 and/or ten years. Sentenced offenders are made eligible for parole in the discretion of the United States Parole Board.
- (b) Firearms in violation of this chapter are subject to seizure and forfeiture.

Sec. 3 The Mutual Security Act of 1954 (munitions control) and section 1715 of title 18 of U.S. Code (nonmailable firearms) unaffected.

Sec. 4 Conforming amendment.

Sec. 5 Federal Firearms Act (15 U.S.C. 901-910) is repealed.

DESTRUCTIVE DEVICES

Chapter 53 of title 26 U.S. Code (Internal Revenue Act of 1954, also called National Firearms Act) regulates the traffic in certain firearms (sawed off shotguns and rifles, machine guns and silencers) by placing heavy taxes on the manufacture, transfer and possession of such weapons.

Sec. 6 Section 5803 of Internal Revenue Code of 1954 is amended as follows:

Business with the United States exempted. Tax imposed by Section 5801 (occupational tax) shall not apply to licensees when conducting business with the United States. Licensees may be exempted from this chapter by the Secretary when conducting such business.

Sec. 7 (a) Applicant's age and notice to local law enforcement required on forms. Amends section 5814 of the Internal Revenue Code to provide that order forms required to accompany transfers of firearms shall include, as part of the identification of the applicant, his age. Also, each person so transferring any such firearm shall send a copy of the order form to the principal law enforcement officer of the locale of his residence.

(b) Amends subsection (e) of Section 5821 of existing law to require a person who is required to declare his intention of making any such firearm to include in the required declaration form his age and to forward a copy of such declaration to the principal law enforcement officer of the locale of his residence.

Sec. 8 Registration with the Secretary. Amends section 5841 of existing law to require all persons possessing such firearms to register them with the Secretary and repeals existing law which makes an exception for those who when they acquired such firearm complied with ~~the~~ provision applicable thereto. Two circuits hold this distinction between lawful and unlawful possession unconstitutionally self-incriminating.

Sec. 9 Identifying marks required. Amends section 5843 of existing law to require possessors of firearms (other than importers and manufacturers) that do not bear proper identifying marks to identify the firearm with such marks as designated by the secretary.

Sec. 10 Destructive device added to the definition of firearms. Amends section 5848 to add to the definition of firearms in the National Firearms Act a new category of "destructive device". Destructive devices include any explosive or incendiary bombs, grenades, rockets (charges over 4 oz.), missiles, mines, and any weapons with a bore diameter of 0.78 inch or larger. Excluded from the definition are rifles and shotguns, line or signal throwing devices, firearms using black powder, devices not designated or used as weapons and devices used by the U.S. Government.

Firearms, as used in the National Act, is redefined to include the frame or receiver of such weapons and any such weapon which can be readily restored to firing condition.

Sec. 11 Applicability of other law not affected --

- (1) chapter 44 of title 18, U.S.C. (firearms);
- (2) section 414 of Mutual Security Act of 1954 (munitions control); or
- (3) section 1715 of title 18, U.S.C. (nonmailable firearms).

Sec. 12 Possession in violation of State and local law. Amends subchapter C of chapter 53 of existing law by adding at the end thereof two new sections, section 5856 which makes unlawful the possession of a firearm --

- (a) in the State of residence if obtained outside the State and if such possession is unlawful within the State.
- (b) in local political subdivision of residence if obtained outside the State and if such possession is unlawful within the political subdivision, and new section 5857 which makes possession of a firearm unlawful by persons under 21 years old.

Sec. 13 Penalties. Amends section 5861 of existing law to increase the penalties from maximums of \$5,000 to \$10,000 and from two years to ten years imprisonment. Sentenced offenders are made eligible for parole in the discretion of the U. S. Parole Board.

Sec. 14 Technical conforming amendment.

Sec. 15 Effective dates. (a) The Act shall become effective six months after date of enactment. Allows time for regulations and administrative details.

- (b) Persons required to register firearms because of these National Act amendments, Sec. 5848 (Sec. 10 of this Act) shall have ninety days after the effective date to do so.

United States Senate

MEMORANDUM

Marty,

24 June 68

Here's a couple of
speeches on law &
order. One has details
of Calif gun laws
broken by Sirhan Sirhan.

YKunt



Congressional Record

PROCEEDINGS AND DEBATES OF THE 90th CONGRESS, SECOND SESSION

Vol. 114

WASHINGTON, WEDNESDAY, JUNE 19, 1968

No. 105

Senate

FIREARMS CONTROL

Mr. MURPHY. Mr. President, the question of controlling the indiscriminate sale, possession, and use of firearms has resulted in a flood of mail coming into my office. As of this date, more than 60,000 letters, telegrams, and petitions have been received. Many people of my State feel that new laws are needed. Many others feel that better enforcement of the laws already on the books is our greatest problem.

Given the growing public interest in gun legislation, I feel obliged to repeat my thoughts on the subject, which have been a matter of public record for some time. I am in favor of reasonable gun controls. I am in favor of reasonable gun controls today, and I have always favored them in the past. I voted for reasonable, enforceable gun controls when the omnibus crime bill was before the Senate. This bill specifically places strict restrictions upon the sale of handguns.

Statistics indicate that handguns are, for obvious reasons, the type of weapon most favored by criminals. According to figures supplied to me by the Library of Congress, handguns were used in 25 percent of all major crimes in the USA in 1966, while long guns were employed in only one-half of 1 percent of major crimes. When murders are isolated from other types of major crimes, the role of handguns looms even larger. I am told that 60 percent of all murders committed in America in 1966 involved the use of firearms, and over two-thirds of these murders were done with handguns.

These figures very dramatically show the importance of the handgun restrictions contained in the omnibus crime bill recently passed by Congress. Yet, the crime bill still awaits the President's signature. I urge him promptly to sign the omnibus crime bill which passed both the Senate and House by overwhelming majorities.

Mr. President, in order to put the gun-control issue into proper perspective, I want to repeat again that all the additional laws in the world will not stop crime unless there is better law enforcement and unless public respect for law and order is renewed.

For instance, my own State of California has some of the most comprehensive and carefully drawn legislation to control firearms of any State in the Union. Yet, the horrible crime of political assassination which took our beloved colleague Senator Robert F. Kennedy from us occurred in California. His alleged assassin violated at least five sections of the California Penal Code relating to firearms.

Sirhan B. Sirhan, the suspect, is an alien. Section 12021 of the California Penal Code prohibits aliens from possessing firearms. Sirhan apparently broke that law which carries maximum penalties of 15 years imprisonment and a \$500 fine.

Another California law, section 12022, makes it a crime, punishable by 5 to 10 years imprisonment, to commit a felony while armed with a firearm.

A third provision of the California law, section 12025, makes it unlawful to carry

a concealed firearm without a license. Sirhan probably did not have such a license.

With certain exceptions for law enforcement officers and military personnel, section 12031 of the penal code makes it unlawful to carry a firearm concealed upon the person. Sirhan allegedly was carrying a loaded concealed weapon.

Finally, another section of the California Code, section 12072, provides that if a person in lawful ownership or possession of a gun wishes to give it or sell it to someone else, he must ascertain whether the purchaser or donee, as the case may be, is qualified under California law to own and possess a gun. Apparently that statute was also violated.

From this sad recitation of the laws broken during recent tragic events, it is apparent that simply passing another law will not necessarily solve the problem which is uppermost in people's minds today.

Rather our first imperative must be to make a deliberate and sustained effort to return to all our laws their former primacy. This requires that the public respect and observe the law, and that law-enforcement officers be encouraged and assisted in performing their duties.

Mr. President, once the omnibus crime bill becomes law, I intend to consider the many proposals for additional firearm controls with an open mind. I will carefully scrutinize and enthusiastically support any further gun legislation which in my judgment, serves the public interest.

I know you will understand why I must take this means to answer you. The volume of mail I have received concerning gun legislation makes it impossible for me to reply personally. I appreciate hearing from you and assure you that your views are being carefully considered.

*Sincerely,
George Murphy*



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 90th CONGRESS, SECOND SESSION

Vol. 114

WASHINGTON, TUESDAY, JUNE 18, 1968

No. 104

Senate

NEGATIVE FAULT-FINDING WITH EVERYTHING AMERICAN

Mr. MURPHY. Mr. President, my remarks today have to do with the development of an attitude on the part of some Americans which I have watched with a great deal of disturbance and discouragement over the last few years. It seems that a strangely defensive, almost defeatist attitude seems to be developing in our country. Negative faultfinding with everything American is becoming the order of the day. Here in the freest, most progressive and productive society ever created, I am astonished to find that our schools and universities, our culture, our Armed Forces, our laws and civic leaders, our free enterprise system, and our social structure in general are routinely downgraded and often subjected to open attack.

The rules of the game played by America's detractors seem to require that they seek out and expose what are often minor imperfections, while they carefully avoid any mention of the positive, creative, and productive aspects of our society. Moreover, at the same time that America's difficulties are being magnified out of all proper proportion, many more basic faults in the social and economic structure of countries opposed to us are dismissed as transient and unimportant.

I am distressed to find that it is becoming fashionable in some circles, in fact in far too many circles, to speak of America as a "sick society." Certain political leaders and highly publicized opinionmakers seem to enjoy promoting the idea of a "mass guilt" for recent tragic events. A Presidential Commission has even suggested that this type of general condemnation is the main source of many of our problems.

I personally have never subscribed to the theory that 200 million Americans are responsible for the violence, lawlessness, and general breakdown of our legal, moral, and social system. On the contrary, I think such activities are completely unrepresentative and un-American. In fact, I have always had the feeling that a small group of troublemakers are seeking to use America's problems as an excuse for violent, undemocratic actions—actions which are in no way connected with potential solutions to our problems.

Rather than accept the "mass guilt" theory as a basis for increasing violence, I am strongly inclined toward the thinking of Eric Hoffer, the San Francisco longshoreman and philosopher. Mr. Hoffer has said that if in fact any mass guilt exists, it arises out of our cumulative failure to react violently enough to the growing violence around us. Mr. President, I am delighted that this prominent Californian has been named to President Johnson's new Commission on Violence.

I am sorry, however, to point out that the negative, fault-finding game continues—America's detractors are redoubling their efforts. Just a few days ago, Prof. Arthur Schlesinger, Jr., a former adviser to President Kennedy, declared on nationwide TV that the new Presidential Commission on Violence was not constituted in a serious manner,

apparently because he disagreed with the political philosophies of some of the people named to the Commission. He demanded that our colleague, Senator Hruska, and Mr. Hoffer resign from the Commission, because, in his opinion, these two distinguished Americans had closed their minds to the matter which the Commission will investigate. Frankly, in this Senator's view, Mr. Schlesinger appears to be the one who is guilty of prejudgment and narrowmindedness.

Instead of talking so extensively and morbidly about "mass guilt" and a "sick society," I would suggest that attention be given to some of the real causes of our problems. Let us start, for instance, with the character and the background of some of the individuals charged with the horrible crime of political assassination. Lee Harvey Oswald's record shows he was discharged from the Marine Corps under highly questionable circumstances, which clearly sets him apart from that great body of fine, and I think representative, young Americans. By his own choice Oswald then went to live in the Soviet Union, a country whose ideologies are violently opposed to those of America, and this obviously sets him further apart from the great majority of ordinary, God-fearing, law-abiding American citizens. When he came back to the United States—and there were those who counseled against allowing him to return—he exhibited many antisocial attitudes and if I recall correctly, he actively attempted to drum up support for Castro's repressive regime in Cuba. I see no reason why 200 million Americans should be blamed for the actions of this unfortunate young man.

To date we know very little about what motivated the accused killer of Dr. Martin Luther King. But this much seems to be true, and this much has been alleged in the press: He is a habitual lawbreaker, an escaped convict, whose record clearly indicates he is an outcast, rather than a representative member of American society. However, something more is known of the man alleged to have taken our beloved colleague Senator Robert F. Kennedy from us. As it turns out, he is not an American at all. In fact, he has lived here only part of his life. His formative years were spent in the Middle East, where he was most likely exposed to intrigue and alien ideologies.

Although I do not wish to say anything which might prejudice the case being developed against Sirhan Sirhan, I think it appropriate to note that most Palestinian refugees are steeped in the politics of hate from early childhood. Schools for Palestinian refugees in particular, and for Arabs in general, I am afraid, emphasize hate for Israel and the West in the most undisguised and offensive manner. For instance, a typical math problem describes one Arab meeting 10 Israelis. The refugee child is told that the brave Arab kills eight Israelis and is asked how many Israelis are left. This sounds like an exaggeration, I am sure, but it is an accurate, although brief, description of a situation that has obtained in that part of the world for too many years.

Moreover, it is worth noting that we, the 200 million allegedly guilty people of America, provide much of the money to pay for such textbooks. Until the June Arab-Israeli war of last year, the United States provided two-thirds of the budget for the United Nations Relief and Works Agency—UNRWA—which supports refugee programs, including refugee educational programs—and including the type of textbooks to which I have just referred. Although as of last June we had contributed \$425 million out of UNRWA's budget of \$625 million, to my knowledge we have never seriously tried to stop the hate propaganda generated in the schools and in other ways among the unfortunate refugees.

I regret to say Americans may have indirectly, and certainly unknowingly, subsidized the politics of hate in the Middle East. Yet, having lived in the United States for well over 50 years, I must note that hatred does not seem to be a normal characteristic of the individual American citizen. Certainly, we should insist that those who preach hate should pay their own bills. And from now on, we would vigorously oppose any of the distortions and lies which are told about us. Let us, for a change, insist that the truth be told about the 200 million people who live in the United States.

Mr. President, it is high time that the practitioners of political hatred abroad and the prophets of gloom in the United States be put in their proper place. We are most fortunate that two alleged assassins, James Earl Ray and Sirhan Sirhan, will be brought to trial. Hopefully, this will happen in the not-too-distant future, and it will afford us an opportunity to learn exactly what hatred or sickness motivated these two men—exactly what, if any, additional individuals or groups prompted or supported their unthinkable crimes. Once the evidence is presented and once the jury has reached its verdict, it is my sincere hope that he will have conclusive proof that 200 million Americans do not have to share any part of the guilt of these alleged assassins.

In the meantime, Mr. President, I feel that we owe a tremendous debt of gratitude to the often maligned and frequently impeded law enforcement agencies—local, State, Federal, and even international—which have done such a masterful job in apprehending these suspects. Operating in a calm, professional manner despite the atmosphere of unrest, distrust and confusion, which I regret to say is created at times by the actions of certain public figures, these men have performed in a magnificent manner.

I hope my colleagues in the Senate will join me in paying tribute to my long-time friends, Chief Thomas Reddin of the Los Angeles Police Department, Sheriff Peter Pitchess of Los Angeles County, and District Attorney Evelle Younger, for the careful, proficient, and yet swift manner in which they and their men have handled the Sirhan case. I further would ask my colleagues to join me in expressing our appreciation for the magnificent work done by the men of the Federal Bureau of Investigation, di-

rected by that great American, Mr. J. Edgar Hoover.

We Americans also owe a debt of gratitude to law enforcement officers in other countries who were involved in this fine example of advanced police work and international cooperation. We must particularly single out the Royal Canadian Mounted Police, who untiringly screened thousands upon thousands of passport photos, and the men of the famed Scotland Yard, who patiently waited for an opportunity to apprehend the suspect.

Finally, I urge all Americans to support our law enforcement agencies at the local, State, and Federal levels. We must all realize and understand the complex problems involved in the maintenance of law and order. As I noted recently on the Senate floor, the effectiveness of our laws depends most upon good enforcement. Due process of the law is also a function of timely and just enforcement. Reestablishment of respect for the existing laws of the land, combined with public support for our police officials, may well be the most vital imperative of our time.

To sum up, Mr. President, I think it is time that we all stop acting like the character in my good friend Al Capp's Little Abner cartoon who is always walking around with a big black cloud over his head labeled "gloom." It is time to reemphasize those attributes of individual character—the pride, the charity, the kindness—for which our society has been renowned throughout the world. There is nothing in all of history to compare with the assistance and support America has extended to other nations. Never have a people been more charitable or well disposed toward others than have the people of our great country. This is the American tradition as it really is—not as the troublemakers and the prophets of turmoil would have us believe.

In the past, Americans have many times faced great challenges and seemingly insurmountable problems. In the past, Americans have always risen in unison and with determination to confront those challenges. They have attacked their problems with commonsense, inventiveness, faith, self-confidence, and have been very successful in finding solutions.

Today, our leaders must once again inspire our people to face adversity with the optimism, the creativeness, and the determination which are basic in the character and in the soul of every American citizen.

Today, we, the people of America, must vow to emphasize what is right, what is decent, what is good about our great country. Certainly, we face many complex problems today—but, to borrow some words from an old song, it is time to "accentuate the positive and eliminate the negative."

So let us try to convince America's detractors to concentrate their efforts in other areas of the globe more worthy of their attention and questionable talents.

Above all, let us agree to tell the truth, the whole truth, and nothing but the truth about this great country of ours and its 200 million citizens. I believe we have more to be proud of than we have to be ashamed of.

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Telegraph Editors

Priority stories for Wednesday AMS:

PARIS - French crisis.

SAIGON - Rocket attacks.

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WASHINGTON Gun Control Lead A104WX add: that time. 3 0

A ban on mail order sale of pistols was included in a broad crime control bill which Congress sent to President Johnson last week. The House completed action on that bill following the fatal shooting of Sen. Robert F. Kennedy, D.N.Y.

But Johnson spoke out strongly, saying a tougher measure is needed to keep guns out of the hands of irresponsible people. He called specifically for restrictions on sales of rifles and shotguns.

Sen. Dodd proposed also federal registration of all firearms in a second bill he introduced.

Johnson, meeting at the White House with Democratic congressional leaders Tuesday, had Atty. Gen. Ramsey Clark outline the administration proposal.

Sen. Mike Mansfield of Montana, the Senate Democratic leader, said: "We had a good conversation on the gun bill." Asked about the outlook in Congress, he replied: "That's up to the committees" which will handle the legislation.

In the wake of the Kennedy assassination, meanwhile, the National Council for a Responsible Firearms Policy pushed more strongly for tight federal gun control legislation.

James V. Bennett, former director of the Federal Bureau of Prisons and president of the association told a news conference: "People are aroused now over the need for action."

The nation is sickened by guilt consciousness over political assassinations and other firearms murders," he said.

Bennett said he would prefer a law as tight as that in Japan where he said all firearms, whether long guns or pistols, are denied to anyone except law enforcement officials and a very few other closely screened individuals.

But he said he does not envision any such stringent controls in the United States at least for many years. There will long be sportsmen in this country who will make what they consider wholly legitimate use of the long guns, Bennett said.

Bennett said even the newest administration control proposal is inadequate. A major lack, he said, is the absence of a federal registration system for all firearms.

The major current aim, Bennett said, would be to "put all the guns in the country into a computer so that any weapon found in connection with a crime could be immediately traced."

There is no need for exemption of long guns, Bennett said, and asserted that more than 30 per cent of more than 6,000 annual killings in the United States involve such weapons.

As Congress, 5th graf A001WX counting A097 insert

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URGENT

Gun Control Lead

WASHINGTON AP - President Johnson's latest bid for a tougher gun control law was defeated today in the House Judiciary Committee by a tie vote but Chairman Emanuel Celler, D-N.Y., held out hope for a favorable vote next week.

The committee deadlocked 16-16 on Celler's motion to report immediately the bill submitted by the administration Monday.

That measure, introduced in the House by Celler and in the Senate by Sen. Thomas J. Dodd, D-Conn., would forbid mail order sales of rifles and shotguns as well as of handguns.

Rep. William M. McCulloch, R-Ohio, senior committee Republican, voted against immediate action but made a motion to reconsider the vote. It was agreed the committee would vote again June 20.

Celler said he expected a compromise version of the legislation would be approved at that time.

Congress sent 4th graf A001WX counting A097WX insert.

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Gun Control Insert 120

WASHINGTON Gun Control Lead A104WX insert after 5th graf; that time. At the White House, the President called on the committee to reconsider promptly what he called "this shocking blow to the safety of every citizen in this country."

He said in a statement the deadlock "is a bitter disappointment to all Americans and to the President. There is no excuse whatsoever for failure to act to prohibit the interstate mail order sale of rifles."

He added: "Of the two million guns added each year to the arsenal already in the hands of millions of Americans one million are sold by mail-order houses in interstate commerce. And 30 per cent of the murders by firearms committed each year in this country are by rifle and shotgun fire."

A ban, 6th graf 1st graf A002 add

CZ213ped June 11

NYT
Senate Chiefs Call for Caution
On Johnson Gun Control Plans

6/11/68

By JOHN W. FINNEY

Special to The New York Times

18-1

WASHINGTON, June 10—stringent," represented a
"cure-all."
The Senate leadership took the political initiative in Congress away from the White House today by urging caution toward stronger gun control legislation proposed by the Administration.

The Republican leader, Everett McKinley Dirksen of Illinois, rejected Administration proposals for new controls over the interstate sale of rifles and shotguns. He contended, "There is enough gun legislation on the books now."

The Democratic leader, Mike Mansfield of Montana, though promising prompt consideration of any gun control legislation submitted by the Administration, expressed doubt that new gun laws, "no matter how

The two leaders sounded the negative note in statements on the Senate floor only a few hours before the Justice Department sent to Congress the Administration's specific proposals for strengthening controls over sales of firearms.

Immediately after the death of Senator Robert F. Kennedy of New York last week, President Johnson said he would seek stronger controls on the sale of firearms.

Congress last week completed action on legislation restricting the interstate sale of handguns, but the President said this was "a halfway meas-

Continued on Page 33, Column 3

Senate Chiefs Call for Caution on Johnson Gun Control Plans

Continued From Page 1, Col. 7

ure" inadequate to deal with the "deadly commerce" in firearms."

The legislation proposed today would ban the mail order sale of rifles and shotguns and prohibit over-the-counter sales of such firearms to out-of-state residents. It would also forbid the sale of rifles and shotguns to persons under 18 years of age.

The Administration has proposed basically the same legislation in the past only to have it rejected by the Senate and ignored by the House.

The only innovation was a revival of a once abandoned proposal for a ban on the interstate sale of ammunition. As a concession to hunters, however, the proposed legislation would not ban over-the-counter sale of ammunition to residents of another state.

In a letter to Speaker John W. McCormack of Massachusetts submitting the Administration's bill, Attorney General Ramsey Clark said: "Rifles and shotguns have become the chosen instruments of slaughter for snipers and assassins. Any truly effective firearms legislation simply must cover long guns as well as handguns."

"We have debated the issue beyond reason," Mr. Clark said. "I urge the Congress to give immediate consideration to this extremely important legislation." He went on:

"There must be action now

before the Congress adjourns. While the time is short before adjournment, so also is the time short for the country to move to control the principal weapon of crime—the gun."

The legislation was submitted with a minimum of political fanfare by the Justice Department. One reason was that up until the last minute the Administration was debating what new gun curbs should be proposed to Congress.

Some consideration was given to proposing registration of all guns. But that proposal was laid aside on the grounds that it was too controversial to be quickly adopted by Congress.

Not until some three hours

after the Clark letter had gone to Capitol Hill did the Justice Department get around to announcing the action. Justice Department officials explained the delay was caused by the "problem of getting clearances" for the press release.

By its delay in submitting the legislation to Congress, and then with a minimum of publicity, the Administration appeared to have weakened its chances of pushing stronger gun controls through an already skeptical Congress.

Both Senator Mansfield and Senator Dirksen took the position that Congress had made a good start on gun controls by incorporating into the recently

passed crime control bill a provision banning mail order sales of revolvers and pistols.

Deploring what he called the "emotional outbursts" in the press for stronger gun controls, Senator Dirksen said:

"Let's start applying what we've got. The people who are pressuring for more controls don't know what's in the bill."

Also referring to "pressure" for gun laws, Senator Mansfield said, "It is imperative for the American people to understand that no type of gun law will prevent murder, and that any law passed will not prevent persons who are bent on breaking the law from acquiring guns or weapons of any sort."

"The answer," Mr. Mansfield

continued, "lies in a sense of responsibility, parental control, more and better-trained police, improvement of environmental conditions, obedience of the law, and less protection for the criminal and more protection for the innocent."

Before an empty Senate chamber, Senator Thomas J. Dodd, Democrat of Connecticut, introduced two gun control bills today. One would prohibit mail order sales of rifles and shotguns. The other would provide for compulsory Federal registration of all firearms. In addition, the Dodd bills would prohibit the sale of ammunition to any person who could not prove that his gun had been registered.

N

NIXON FOR PRESIDENT COMMITTEE,
NATIONAL HEADQUARTERS,
1726 PENNSYLVANIA AVE., N.W., WASHINGTON, D.C. 20006 (202) 783-4201

MEMORANDUM

TO: Alan Greenspan
FROM: Don Webster
cc: Robert Ellsworth

June 10, 1968

The attached remarks by Rep. Curtis make a very interesting point on how the Administration has failed to enforce gun control laws now on the books. Conceivably RN could use this to good effect at the appropriate time.

Individual views of Senators Dirksen, Hruska, and Thurmond, which I have included, also make the same point. I also am getting the 1965 hearings of Ways and Means which document this more fully, and will send them up to you.

Don Webster



Mr. CORMAN. Mr. Speaker, the shock of the assassination attempt on Senator ROBERT KENNEDY's life early this morning has penetrated deeply into the hearts and minds of every decent person in this country and throughout the world. We wonder with horror how, once again, such a thing could happen to us.

We do not yet know any details, and so we cannot point an accusing finger at any one person, any one group, or any one reason for this malevolent act. But, we do know that the thin veneer of decency in human beings apparently can be scratched very easily—to the point that an evil act such as this can be perpetrated upon another of our Nation's leading citizens.

The forces of hate and violence must be dispelled in our society. We must find a way to make words such as decency, love, freedom, and democracy have real meaning to every person.

I hope for the termination of hate and violence in our society with the same intensity that I hope for the full recovery of Senator KENNEDY. We must have a country where man can walk and work unafraid and unmolested.

Mrs. Corman and I extend our heartfelt sorrow to the Senator's family, and we hope that the hours ahead will bring the good news of his complete recovery.

GENERAL LEAVE TO EXTEND

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that all Members who desire to do so may extend their remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

GENERAL LEAVE

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD on the terrible tragedy which occurred earlier today.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO HAVE UNTIL MIDNIGHT, JUNE 7, TO FILE A PRIVILEGED REPORT ON SECOND SUPPLEMENTAL APPROPRIATION BILL FOR 1968

Mr. MAHON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight, Friday, June 7, to file a privileged report on the second supplemental appropriation bill for 1968.

Mr. JONAS reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MAHON. Mr. Speaker, it is hoped it will be possible for the bill to be on the floor on Tuesday next June 11.

LAW ENFORCEMENT

(Mr. JONES of Missouri asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JONES of Missouri. Mr. Speaker, I believe there is unanimity in deploring the dastardly attempt to take the life of the junior Senator from New York. I join with others in the prayer he will enjoy a complete recovery.

It is regrettable we do not have the same unanimity in recognizing the need for attempting to correct the conditions which have brought about the increasing return of lawlessness, including violence, which has been rampant over the past several months.

I am referring particularly to the attitude of those in high places—in the executive, in the judicial, and in the legislative branches of our Government—where we apparently have been more interested in protecting and justifying the lawless actions of those who riot, kill, burn, steal, and rape than in protecting the innocent.

We do not need more laws. We need the determination to enforce the laws that are already on the books.

I cannot in these brief remarks set forth all of the incidents which are so well known by all of us, but I would cite the disgusting conduct of the chief law enforcement officer of this Nation, the Attorney General, who, yesterday in capitulating to the demands of anarchists, permitted not the 20 representatives from the so-called Resurrection City that he had originally agreed to hear but 100 representatives, who took over his office and made illegal threats and demands as he passively submitted to this abuse, without calling into action the law enforcement officers who were readily available.

The Attorney General listened submissively to the threats of increased violence. I do not know if he was acting under directions of the President in permitting this mob to take over his office, but I do recall that many months ago the President did permit the late Martin Luther King to inform him that his group would obey those laws of which they approved and would violate those laws with which they did not agree, and that the President did not discourage the threats that were made at that time. This was notice to the world that the President could be intimidated and that he would yield to the illegal demands of other groups, thereby losing not only the respect but inviting the accelerated increase in crime and violence, by the lawless element of this Nation.

There is a need for return to law enforcement by all the departments of the Government, and this new direction should start at the White House, with direction to the Department of Justice to get on the side of the people who respect law and order.

REPUBLICAN URBAN AFFAIRS TASK FORCE HEARINGS ON MAJOR PROBLEMS CONFRONTING THE URBAN AREAS

(Mr. STEIGER of Wisconsin asked and was given permission to address the

House for 1 minute and to revise and extend his remarks.)

Mr. STEIGER of Wisconsin. Mr. Speaker, Senator CHARLES H. PERCY will testify before the House Republican urban affairs task force on Thursday, June 6, at 12 o'clock noon in room H-202 in the Capitol. This will be the 10th in a series of task force hearings on major problems confronting the urban areas.

Senator PERCY, a recognized proponent of involving the private sector in meeting our Nation's housing needs through his proposed National Home-Ownership Foundation, will address the task force on our Nation's housing needs. Additionally he will present his views on involving the private sector in programs to meet other urban problems.

I am very proud of the record established by the House Republican urban affairs task force in seeking the advice of these several experts on the urban crisis. Among the experts testifying before the task force have been New York City Mayor John Lindsay, the executive directors of the League of Cities, Patrick Healey; the National Association of Counties, Bernard Hillenbrand; the U.S. Conference of Mayors, John Gunther; and Dr. Thomas Matthew, of the National Economic Growth and Reconstruction Organization.

These public hearings have produced invaluable information for the continuing dialog on one of our Nation's foremost problems. In speaking for the Republican urban affairs task force, I wish to say we are glad to be a part of this constructive dialog.

ENFORCEMENT OF CRIME LAWS

(Mr. CURTIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and to include extraneous matter.)

Mr. CURTIS. Mr. Speaker, I am moved to take the floor to commend my colleague from Missouri [Mr. JONES] for what I think is a splendid statement. I think it is about time this were underlined. We do not need more laws. We need enforcement of the laws that are on the books. Let me illustrate specifically. We have the Federal Firearms Act and the National Firearms Act. If these acts were properly enforced, the assassination of President Kennedy and the assassination of Martin Luther King could never have occurred. This will probably prove to be the case in the attempted assassination of Senator ROBERT KENNEDY, as well.

Our Committee on Ways and Means held hearings on this matter two years ago. We had the Attorney General of the United States come before us with examples of guns being sold across our borders to criminals, this is against these laws. I think 40 were sold by one operator in Maryland which were shipped to criminals in the District of Columbia. I asked the Attorney General then whether they had revoked the Federal license that this gun dealer in Maryland had. They had not done that. Had they carried out the law requiring this gun dealer to keep a list by name and address of those to whom he sold the guns? They did not

check on that. Did they require these people to identify themselves so that they could not use fictitious names? They had not done that. They had done nothing. To this very day the Attorney General of the United States is not enforcing these laws, nor is the Department of the Treasury, which has a part of this jurisdiction for the enforcement of these laws, enforcing them.

Mr. Speaker, under permission to revise and extend my remarks I will put some further details in, but let me say that this is what we need—a little law enforcement of the acts that we have on the books today, particularly by people in high positions.

In this context it is important to bear in mind that we have had firearms legislation on our Federal statute books for the past 30 years. The history of the firearms legislation began with the National Firearms Act of 1934, which was enacted to curb the flow of machineguns, sawed-off shotguns, and other nonsporting weapons to the gangsters who flourished in that period. In 1938 the Federal Firearms Act was enacted. This legislation was more comprehensive than the original National Firearms Act in that it included provisions for the regulation of interstate transportation of all varieties of firearms. Both of these acts provide for enforcement by the Secretary of the Treasury under licensing and fees provisions under sections 5801-5862 of the Internal Revenue Code.

The House Ways and Means Committee, of which I am a member, considers all legislation dealing with amendments to the Internal Revenue Code. Consequently, in 1965 when the Johnson administration sought to amend these provisions dealing with firearms regulation, the proposed revisions came before the Ways and Means Committee. I held the view then, and do now, that we may need to revise and improve the existing Federal statutes regulating firearms importation, sales, and shipments. However, I was interested in first hearing testimony on the adequacy or inadequacy of the existing laws from those responsible for administering and enforcing the present laws. During the public hearings before the committee in July of 1965 I was shocked at the inadequate preparation and study of this important matter of firearms sales made by the executive department witnesses who testified at that time. These officials were the then Attorney General Katzenbach and Commissioner Cohen of the Internal Revenue Service. Both the Attorney General and the Commissioner, in urging new legislation, pointed out that an investigation revealed that 40 percent of the firearms sold by a hardware store in Maryland which had a Federal license to sell firearms, were sold to convicted criminals in the District of Columbia. I asked both witnesses whether or not the license which had been issued to the hardware store had been revoked. It had not been. I then asked what regulations the Treasury Department had issued to enforce the present law which requires all licensed dealers to keep permanent records of firearms sales and also forbids sales to convicts or even persons under indictment for a crime.

I was distressed to find out that there were no requirements by regulation. Not even the apparently obvious one of requiring that a purchaser of firearms produce identification to show that he is not using a fictitious name, and that the seller check with the police department to see whether the prospective purchaser had a criminal record. The Attorney General and the Commissioner of Internal Revenue obtained their original data that 40 percent of the sales of a particular store were to convicts in the District of Columbia by checking with the District of Columbia Police Department. It seems obvious that a regulation requiring a similar check by a store owner would have stopped the sales in the first place. So, incidentally, would this kind of enforcement have caught up with Oswald, who assassinated President Kennedy, when he sought to purchase a gun by mail from a federally licensed dealer, as well as the assassinator of Martin Luther King, inasmuch as it appears that he purchased a gun not under his own name but under an alias.

The testimony of the Attorney General and the Commissioner revealed how inadequately the present laws have been enforced, even after the assassination of President Kennedy. It is tragic that the news media failed to report these facts to the people when they were adduced in open public hearings. The people need to understand where our laws need improvement, and where the administration of the laws need improvement. These are two distinct matters, the first under the jurisdiction of the Congress, the second of the President.

In the summer of 1965 the Ways and Means Committee asked the administration to give a full report on its present methods of administering the existing laws on firearms regulations. To this date the administration has not done so. Instead it sought to bypass the Ways and Means Committee by including new gun control legislation in an unrelated bill which was before the House Judiciary Committee. The House Judiciary Committee has been considering this overall legislation but has not yet reported a bill to the House.

CALL OF THE HOUSE

Mr. SMITH of Iowa. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 163]

Andrews, Ala.	Dawson	Hagan
Arends	Dickinson	Hall
Bates	Dowdy	Halleck
Belcher	Edwards, Calif.	Hardy
Bell	Evans, Colo.	Harrison
Berry	Fisher	Hawkins
Bolton	Ford	Hicks
Bow	William D.	Holifield
Brown, Calif.	Fuqua	Holland
Burton, Calif.	Gardner	Ichord
Carter	Gettys	Karsten
Clawson, Del.	Gilbert	Leggett
Cohelan	Green, Oreg.	McMillan
Culver	Griffin	Machen

Mailliard	Pirnie	Selden
May	Price, Ill.	Stratton
Mayne	Rees	Teague, Calif.
Miller, Calif.	Resnick	Teague, Tex.
Murphy, Ill.	Rivers	Utt
O'Hara, Ill.	Rooney, N.Y.	Vigorito
Olsen	Roybal	Waldie
O'Neal, Ga.	St Germain	Wilson
Passman	Scheuer	Charles H.

The SPEAKER. On this rollcall 366 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

AMENDING THE NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES ACT OF 1965—CONFERENCE REPORT

Mr. THOMPSON of New Jersey. Mr. Speaker, I call up the conference report on the bill (H.R. 11308) to amend the National Foundation on the Arts and Humanities Act of 1965, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of June 3, 1968.)

Mr. THOMPSON of New Jersey (during the reading). Mr. Speaker, I ask unanimous consent that the statement of the managers be considered as read.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The SPEAKER. The gentleman from New Jersey is recognized for 1 hour.

Mr. THOMPSON of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to urge House approval of the conference report on H.R. 11308, a bill to extend the life of the National Foundation on the Arts and Humanities for 2 fiscal years. Aside from technical and some rather minor differences between the bill passed by the House and that passed by the other body, the main substantive difference between the two versions of the bill was the respective authorizations.

The bill passed by the House authorized the appropriation of funds for the Foundation for fiscal year 1969 only. This authorization totaled \$11.2 million, plus funds to match private gifts and necessary administrative funds. The other body's version authorized the appropriation of funds for fiscal year 1969 and fiscal year 1970. For fiscal 1969, its bill authorized \$22.5 million plus necessary administrative funds.

For fiscal year 1970, it authorized \$25 million plus administrative funds. The conference report would authorize for fiscal year 1969, \$16 million plus funds to match private gifts and necessary administrative funds; for fiscal year 1970, the conference report authorizes the appropriation of \$18 million plus funds to match private gifts and necessary administrative funds. Under the conference

legislation which would give State and local officials notice of the flow of handguns into their jurisdictions to enable them to enforce applicable local laws.

ENFORCEMENT OF EXISTING FEDERAL LAW

Experience and testimony indicate that the operation of the Federal Firearms Act over the years has demonstrated certain weaknesses which call for correction. The object is to remove these weaknesses in the interest of more effective and efficient law enforcement.

Many of the problems which some persons ascribe to the present Federal firearms statutes are, in reality, not the fault of the law itself but a result of the yet unsolved problem of uniform and effective administration of the criminal law. This problem has several factors, not the least of which are overworked and understaffed enforcement agencies and similarly overworked, but frequently too lenient, prosecutors and courts. The record shows that indictments and convictions under the existing Federal firearms statutes have been relatively few, and the comparative rarity of successful action in the courts by the Federal Government have contributed to a compounding of the problems of reasonable and effective firearms regulation.

An indictment handed down by a Federal grand jury in the Southern District of New York against a firearms dealer is demonstrative of the rarity of prosecutions under the Federal Firearms Act of 1938, Section 2(c) of the Act declares it unlawful for a dealer to ship a firearm in interstate commerce to any person in any state where the laws require that a license be obtained for the purchase of such firearms, unless such license is exhibited to the dealer. As testified to by police officials before the Committee, mail-order shipments of firearms made by a few unscrupulous dealers constitute a real problem for local law enforcement officials. Despite evidence of long-term continued violations of the Act, the New York grand jury indictment is held to be the first Federal prosecution, in the 34-year history of the Act, of a dealer for unlawful interstate shipment of firearms. This is an encouraging, yet woefully tardy, utilization of existing firearms controls.

Similarly, in a number of instances, the public authorities are not fully utilizing the other tools, available to them at present under Federal law. Testimony has been presented that a State conservation agency, in the course of apprehending individuals in violation of game laws or in routine checking, has had occasion to turn over to Federal enforcement personnel weapons in violation of the National Firearms Act. To its knowledge, this conservation agency has never heard of a Federal prosecution resulting from those seizures. Further, testimony before the committee has brought out that in a number of instances Federal agents have apprehended individuals in serious violation of various provisions of the Federal firearms laws but that no action has resulted from the arrest of these individuals. This is a matter of concern to us and ought to be considered in evaluating the desirability and necessity for additional firearms controls.

A police official of a large American city testified before the committee that in the first 6 months of 1965, police officers "stopped and searched and found 256 persons carrying, in most instances, handguns. The arrested persons were charged with carrying a concealed weapon and warrants were applied for in all these cases. However, due to frailties in the law, only 81 warrants were issued."

We are fully aware that the foregoing examples could be amplified many times. If this be the case, and the evidence points in that direction, then we believe that the solution to the problem of firearms in crime lies not in highly restrictive legislative controls but in the understanding and proper handling of all operative factors in the field of crime and criminal administration.

LAWFUL USE OF FIREARMS

As detailed earlier in this report, specific needs for amendment of the Federal Firearms Act have been demonstrated in the hearings before the committee. S. 1853 addresses itself to these problems which must be resolved. Yet, it avoids any undue restrictions upon the legitimate, proper, and beneficial use of firearms, for when taken in the entire context and on balance, the place and role of privately owned and used firearms are necessary and wholesome; a position they have always held in the history of this Nation. Their legitimate role should be maintained.

Any legislation intended to deal with those who unlawfully use firearms must be made to concentrate on them as effectively as possible without unnecessarily encroaching upon the vast preponderance of the public who use firearms in a lawful and beneficial manner.

In seeking to protect the constitutionally guaranteed right of our citizenry to keep and bear arms for lawful purposes, we have considered a factor in our society of no mean proportion. Best estimates indicate that there are, within the United States, over 100 million privately owned firearms in the possession of over 20 million citizens.

We must consider the hundreds of thousands of shooters who enter into formal rifle, pistol, and shotgun competitive shooting, and the millions who use these same types of firearms for informal skeet, trap, and target shooting. Not only does this use of firearms provide a healthy recreational activity, but it provides, as a valuable national asset, a great number of young men who are, prior to their entering our Armed Forces, familiar with firearms and skilled in their use. In Vietnam, as in every armed conflict, it is evident that, in spite of spectacular advances in weaponry systems, we are still faced with a need for skilled riflemen capable of aimed fire. The plain fact that preinduction firearms training produces more capable and effective soldiers was made clear by a 1965 Department of Defense study.

The study, which was conducted for the Department of the Army by the Arthur D. Little, Inc., a private industrial and management research firm, undertook to review completely the Army's civilian marksmanship program conducted by the National Board for the promotion of Rifle Practice.

A brief summary of the findings of that evaluation follows:

The results of our study indicate that the civilian marksmanship program * * * contributes significantly to the development of rifle marksmanship proficiency and confidence in the ability to use a rifle effectively in combat on the part of those who participate in the program or benefit indirectly from it.

We believe that those aspects of the DCM program which relate to the broader interest and participation in rifle shooting among the youth of our country (primarily club activities)

TO: MESSRS. GARMENT
BUCHANAN
ANDERSON

JUNE 13, 1968

FROM: MARTY POLLNER

RE: RMN'S STATEMENT
GUN CONTROL LEGISLATION

Attached please find LBJ's recent submission to the Congress on gun control legislation and his statement endorsing same. Paragraph 2 on page 1 of Ramsey Clark's letter explains how it differs from the legislation recently passed by the Congress.

As you know, the House Judiciary Committee is re-examining this legislation on June 20th. Therefore RMN's statement must be issued prior to that date.

Congressman McCulloch, the Committee's ranking Republican indicated that he expected favorable action on reconsideration. As reported in today's New York Times the Senate is expected to act favorably.

My recommendation: In my judgment, for the following reasons, I would recommend that RMN urge the Congress to enact the Administration's proposal.

- (i) The Gallop poll and all other barometers of public opinion clearly demonstrate the popular support for tighter gun control legislation;
- (ii) The bill is likely to pass the Congress anyway;
- (iii) The arguments in support of such legislation are much more compelling than those opposed to it (I have some statistics and arguments for you if you need same);
- (iv) It would eliminate a key issue from the '68 campaign (Rockefeller, Clark and Tydings have already taken a shot at us for supporting the weaker measure).

RMN's present position: I do not believe we are "locked in" any position. Just as many Congressmen have "reconsidered the issue," we may do the same.

RMN's statement: Assuming we endorse this legislation, our statement could include a few shots at the Administration: RMN could repeat some of his criticism of the Administration's handling of the crime problem in general.

#

Johnson Statement on Strong Gun Law

Following is a transcript of a statement President Johnson sent to Congress yesterday on the gun control bill. Mr. Johnson read the statement at the White House and it was recorded by The New York Times.

Today the nation cries out to the conscience of the Congress. Criminal violence from the muzzle of a gun has once again brought heartbreak to America. Surely this must be clear beyond question: The hour has come for the Congress to enact a strong and effective gun control law governing the full range of lethal weapons.

I have sought and I have fought for such a law through all the days of my Presidency. On many occasions before, I have spoken of the terrible toll inflicted on our people by firearms—750,000 Americans dead since the turn of the century.

This is far more than have died at the hands of all of our enemies in all of the wars that we have fought—sorrow and suffering that just cannot be counted and fear that can never be measured.

Each year in this country, guns are involved in more than 6,500 murders. This compares with 30 in England, 99 in Canada, 68 in West Germany and 37 in Japan.

Forty-four thousand aggravated assaults are committed with guns in America each year. Fifty thousand robberies are committed with guns in America each year.

I have told the Congress and I have told the nation of the brutal loophole in our

nation's laws. Two million guns were sold in the United States last year. Far too many of those guns were bought by the demented and the deranged, the hardened criminal and the convict, the addict and the alcoholic.

And we cannot expect these irresponsible people to be prudent in their protection of us. But we can and we have a right to expect the Congress of the United States to protect us from them.

Weapons of destruction can be purchased by mail as easily as baskets of fruit or cartons of cigarettes.

We must eliminate the dangers of mail-order murder in this country.

The Congress has finally begun to take some action. The Senate has passed a watered-down version of the gun control law I sent to the Congress some time ago with my recommendations.

The House has taken action on the Senate bill. But this halfway measure is not near enough. It covers adequately only transactions involving hand guns. It leaves the deadly commerce in lethal shotguns and rifles without effective control 55 long months after the mail-order murder of President John F. Kennedy.

So today I call upon the Congress in the name of sanity. I call upon the Congress in the name of safety and in the name of an aroused citizenship to give America the gun control law that American citizens need.

I urge the Congress to make it unlawful to sell rifles and shotguns as well as hand

guns by mail order. I urge the Congress to make it unlawful to sell rifles and shotguns as well as hand guns to persons who are too young to bear the terrible responsibility that is placed in the hands of a gun owner.

I urge the Congress and plead with it to make it unlawful to sell rifles and shotguns as well as hand guns in one state to the residents of another state.

This will not prevent legitimate hunters or sportsmen from purchasing firearms, but with this reinforced law we can then give the states the proper incentive to shape their own gun control legislation and the country can at long last have a network of systematic safeguards for all of our citizens.

And today I am asking each of the Governors of the 50 states to immediately and to comprehensively review their gun laws and to amend them where necessary and rewrite them in order to fully protect the citizens of the states that they serve, protect them from the deadly weapons that are now in dangerous hands.

The voices of the few must no longer prevail over the interest of the many. When I last appealed to the Congress on this subject again—and that was only a month ago—I asked this question: What in the name of conscience will it take to pass a truly effective gun control law in the Congress.

And now in this new hour of tragedy that question should at last be answered.

So let us now spell out our grief in constructive action.



Office of the Attorney General

Washington, D. C. 20530

IDENTICAL SUBMISSION
TO THE VICE PRESIDENT

JUN 10 1968

The Speaker
House of Representatives
Washington, D.C. 20515

Dear Mr. Speaker:

Last week the President wrote to you stating his emphatic concern that Congress not stop with a "half-way measure," or enact a "watered-down version" of a gun control law, but that it "give America the Gun Control Law it needs." The enclosed draft bill would carry out the President's request.

The proposed bill differs from Title IV of H.R. 5037, recently passed by this Congress, in two principal respects. First, it imposes restrictions on rifles and shotguns parallel to those that H.R. 5037 imposes on hand guns. These provisions prohibit mail-order purchases, sales to nonresidents, and sales to juveniles. Second, the proposed bill includes provisions to control the interstate shipment of ammunition and the sale of ammunition to juveniles, matters omitted altogether in H.R. 5037. Additionally, the draft embodies a few minor technical refinements.

By recognizing the Federal responsibility to control the indiscriminate flow of firearms and ammunition across State borders, this bill will give States and local communities the capacity and the incentive to enforce effectively their own gun control laws. Once enacted into law, it will ensure that strong local or State laws are not subverted by a deadly interstate traffic in firearms and ammunition.

The President has repeatedly urged Congress to put an end to "mail order murder," and to arrest the violence in our nation by tightening controls over firearms.

The need for immediate action can no longer be ignored. Each year 6,500 murders, 43,000 aggravated assaults, and 60,000 robberies are committed with firearms. Each day, 50 lives--more than one every half-hour--are destroyed by firearms. Since 1900, three-quarters of a million people have died in the United States by firearms, more than in all our wars. In 1967 alone, assaults with a gun rose 22%. One out of every 5 assaults is committed with a gun. Firearms are used in 58% of all robberies.

Nor is this solely a problem of hand guns. Thirty per cent of the homicides each year with firearms are by rifles or shotguns. Between 1960 and 1966, more than 95% of all law enforcement officers killed in the United States were slain with firearms, and one in four of these officers was slain by a rifle or a shotgun. A recent survey of police departments in some 40 cities over a five year period revealed that during the survey period more than 50,000 rifles and shotguns were confiscated from murderers, robbers, juvenile offenders, and others engaging in unlawful activities. Rifles and shotguns have become the chosen instruments of slaughter for snipers and assassins. Any truly effective firearms legislation simply must cover long guns as well as hand guns.

So also is it clear that controlling the distribution of ammunition is as important as regulating the sale of the firearms which use it. In previous firearms bills, including S. 1592 introduced in the last Congress, the President has urged inclusion of ammunition. With an estimated 50 million firearms now privately owned in the Nation, the control of the ammunition they fire is crucial to controlling the abuse of these weapons.

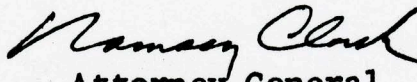
The people of this country have indicated overwhelmingly that they want immediate Federal controls over all kinds of firearms. We have debated the issue beyond reason. The increasing number of violent crimes committed with firearms and the tragic events of the last few months have made it abundantly clear that Congress must act now to help prevent further violence.

The proposed bill is substantially similar to a number of bills sent to the Congress by the President and considered by both chambers during the past two Congresses. These include S. 1592, H.R. 6628 and H.R. 6783 of the 89th Congress, and S. 1 - Amendment 90 and H.R. 5384 of the 90th Congress.

The Senate Commerce Committee held two months of hearings on firearms control in 1963 and 1964. The Senate Juvenile Delinquency Subcommittee held hearings on firearms bills in 1963, and again in 1964, 1965, and 1967. The House Judiciary Committee has held hearings on this matter at length in 1965 and again in 1967.

In light of this extensive background, and at the request of the President, I urge the Congress to give immediate consideration to this extremely important legislation. There must be action now, before the Congress adjourns. While the time is short before adjournment, so also is the time short for the country to move to control the principal weapon of crime--the gun.

Sincerely,


Attorney General

Enclosure

..... CONGRESS
..... SESSION

H. R.

(NOTE.--Fill in all blank lines except those provided for the date and number of bill.)

IN THE HOUSE OF REPRESENTATIVES

Mr. introduced the following bill; which was referred to
the Committee on

A BILL

To amend title 18, United States Code, to provide
for better control of the interstate traffic in
firearms. (Insert title of bill here)

1 *Be it enacted by the Senate and House of Representatives of the*
2 *United States of America in Congress assembled, That this Act may*
be cited as the "State Firearms Control Assistance Act of
1968."

FINDINGS AND DECLARATION

Sec. 2. (a) The Congress hereby finds and declares --

(1) that there is a widespread traffic in firearms
moving in or otherwise affecting interstate or foreign
commerce, and that the existing Federal controls over
such traffic do not adequately enable the States to control
this traffic within their own borders through the exercise
of their police power;

(2) that the ease with which any person can acquire
firearms (including criminals, juveniles without the
knowledge or consent of their parents or guardians,

narcotics addicts, mental defectives, armed groups who would supplant the functions of duly constituted public authorities, and others whose possession of such weapons is similarly contrary to the public interest) is a significant factor in the prevalence of lawlessness and violent crime in the United States;

(3) that only through adequate Federal control over interstate and foreign commerce in these weapons, and over all persons engaging in the businesses of importing, manufacturing, or dealing in them, can this grave problem be properly dealt with, and effective State and local regulation of this traffic be made possible;

(4) that the acquisition on a mail-order basis of firearms by nonlicensed individuals, from a place other than their State of residence, has materially tended to thwart the effectiveness of State laws and regulations, and local ordinances;

(5) that the sale or other disposition of firearms by importers, manufacturers, and dealers holding Federal licenses, to nonresidents of the State in which the licensees' places of business are located, has tended to make ineffective the laws, regulations, and ordinances in the several States and local jurisdictions regarding such firearms;

(6) that there is a causal relationship between the easy availability of firearms and juvenile and youthful criminal behavior, and that firearms have been widely sold by federally licensed importers and dealers to emotionally immature, or thrill-bent juveniles and minors prone to criminal behavior;

(7) that the United States has become the dumping ground of the castoff surplus military weapons of other nations, and that such weapons, and the large volume of relatively inexpensive firearms (largely worthless for sporting purposes), imported into the United States in recent years, has contributed greatly to lawlessness and to the Nation's law enforcement problems;

(8) that the lack of adequate Federal control over interstate and foreign commerce in highly destructive weapons (such as bazookas, mortars, antitank guns, and so forth, and destructive devices such as explosive or incendiary grenades, bombs, missiles, and so forth) has allowed such weapons and devices to fall into the hands of lawless persons, including armed groups who would supplant lawful authority, thus creating a problem of national concern;

(9) that the existing licensing system under the Federal Firearms Act does not provide adequate license fees or proper standards for the granting or denial of licenses, and that this has led to licenses being issued to persons not reasonably entitled thereto, thus distorting the purposes of the licensing system.

(b) The Congress further hereby declares that the purpose of this title is to cope with the conditions referred to in the foregoing subsection, and that it is not the purpose of this title to place any undue or unnecessary Federal restrictions or burdens on law-abiding citizens with respect to the acquisition, possession, or use of firearms appropriate to the purpose of hunting, trap shooting, target shooting, personal protection, or any other lawful activity, and that this title is not intended

to discourage or eliminate the private ownership or use of firearms by law-abiding citizens for lawful purposes, or provide for the imposition by Federal regulations of any procedures or requirements other than those reasonably necessary to implement and effectuate the provisions of this title.

Sec. 3. Title 18, United States Code, is amended by inserting after section 917 thereof Chapter 44 to read as follows:

"Chapter 44.--FIREARMS

"Sec.
"921. Definitions.
"922. Unlawful acts.
"923. Licensing.
"924. Penalties.
"925. Exceptions: Relief from disabilities.
"926. Rules and regulations.
"927. Effect on State law.
"928. Separability clause.

"§921. Definitions

"(a) As used in this chapter--

"(1) The term 'person' and the term 'whoever' includes any individual, corporation, company, association, firm, partnership, society, or joint stock company.

"(2) The term 'interstate or foreign commerce' includes commerce between any State or possession (not including the Canal Zone) and any place outside thereof; or between points within the same State or possession (not including the Canal Zone), but through any place outside thereof; or within any possession or the District of Columbia. The term 'State' shall include the Commonwealth of Puerto Rico, the Virgin Islands, and the District of Columbia.

"(3) The term 'firearm' means any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; or any firearm muffler or firearm silencer; or any destructive device.

"(4) The term 'destructive device' means any explosive, incendiary, or poison gas bomb, grenade, mine, rocket, missile, or similar device; and includes any type of weapon which will or is designed to or may readily be converted to expel a projectile by the action of any explosive and having any barrel with a bore of one-half inch or more in diameter.

"(5) The term 'shotgun' means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

"(6) The term 'short-barreled shotgun' means a shotgun having one or more barrels less than eighteen inches in length and any weapon made from a shotgun (whether by alteration, modification, or otherwise) if such weapon as modified has an overall length of less than twenty-six inches.

"(7) The term 'rifle' means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

"(8) The term 'short-barreled rifle' means a rifle having one or more barrels less than sixteen inches in length and any weapon made from a rifle (whether by alteration, modification, or otherwise) if such weapon as modified has an overall length of less than twenty-six inches.

"(9) The term 'importer' means any person engaged in the business of importing or bringing firearms or ammunition into the United States for purposes of sale or distribution; and the term 'licensed importer' means any such person licensed under the provisions of this chapter.

"(10) The term 'manufacturer' means any person engaged in the manufacture of firearms or ammunition for purposes of sale or distribution; and the term 'licensed manufacturer' means any such person licensed under the provisions of this chapter.

"(11) the term 'dealer' means (A) any person engaged in the business of selling firearms or ammunition at wholesale or retail, (B) any person engaged in the business of repairing such firearms or of making or fitting special barrels, stocks, or trigger mechanisms to firearms or (C) any person who is a pawnbroker. The term 'licensed dealer' means any dealer who is licensed under the provisions of this chapter.

"(12) the term 'pawnbroker' means any person whose business or occupation includes the taking or receiving, by way of pledge or pawn, of any firearm or ammunition as security for the payment or repayment of money.

"(13) the term 'indictment' includes an indictment or an information in any court under which a crime punishable

by imprisonment for a term exceeding one year may be prosecuted.

"(14) The term 'fugitive from justice' means any person who has fled from any State or possession to avoid prosecution for a crime or to avoid giving testimony in any criminal proceeding.

"(15) The term 'antique firearm' means any firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar early type of ignition system or replica thereof, whether actually manufactured before or after the year 1898) and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

"(16) The term 'ammunition' means ammunition or cartridge cases, primers, bullets, or propellant powder designed for use in any firearm.

"(17) The term 'Secretary' or 'Secretary of the Treasury' means the Secretary of the Treasury or his delegate.

"(b) As used in this chapter--

"(1) The term 'firearm' shall not include an antique firearm.

"(2) The term 'destructive device' shall not include--

"(A) a device which is neither designed nor redesigned nor used nor intended for use as a weapon; or

"(B) any device, although originally designed as a weapon, which is redesigned so that it may be used solely as a signaling, linethrowing, safety or similar device; or

"(C) any shotgun other than a short-barreled shotgun; or

"(D) any nonautomatic rifle (other than a short-barreled rifle) generally recognized or particularly suitable for use for the hunting of big game; or

"(E) surplus obsolete ordnance sold, loaned, or given by the Secretary of the Army pursuant to the provisions of sections 4684(2), 4685, or 4686 of title 10, United States Code; or

"(F) any other device which the Secretary finds is not likely to be used as a weapon.

"(3) The term 'crime punishable by imprisonment for a term exceeding one year' shall not include any Federal or State offenses pertaining to antitrust violations, unfair trade practices, restraints of trade, or other similar offenses relating to the regulation of business practices as the Secretary may by regulation designate.

"§922. Unlawful acts

"(a) It shall be unlawful--

"(1) for any person, except a licensed importer, licensed manufacturer, or licensed dealer, to engage in the business of importing, manufacturing, or dealing

in firearms, or ammunition, or in the course of such business to ship, transport, or receive any firearm or ammunition in interstate or foreign commerce.

"(2) for any importer, manufacturer, or dealer licensed under the provisions of this chapter to ship or transport in interstate or foreign commerce, any firearm or ammunition to any person other than a licensed importer, licensed manufacturer, or licensed dealer, except that--

"(A) this paragraph shall not be held to preclude a licensed importer, licensed manufacturer, or licensed dealer from returning a firearm or replacement firearm of the same kind and type to a person from whom it was received;

"(B) this paragraph shall not be held to preclude a licensed importer, licensed manufacturer, or licensed dealer from depositing a firearm for conveyance in the mails to any officer, employee, agent, or watchman who, pursuant to the provisions of section 1715 of title 18 of the United States Code, is eligible to receive through the mails pistols, revolvers, and other firearms capable of being concealed on the person, for use in connection with his official duty;

"(C) nothing in this paragraph shall be construed as applying in any manner in the District of Columbia, the Commonwealth of Puerto Rico, or any possession of the United States differently than it would apply if the District of Columbia, the Commonwealth of Puerto Rico, or the possession were in fact a State of the United States.

"(3) for any person, other than a licensed importer, licensed manufacturer, or licensed dealer to transport into or receive in the State where he resides (or if the person is a corporation or other business entity, in which he maintains a place of business) any firearm purchased or otherwise obtained by him outside that State.

"(4) for any person, other than a licensed importer, licensed manufacturer, or licensed dealer, to transport in interstate or foreign commerce any destructive device, machinegun (as defined in section 5848 of the Internal Revenue Code of 1954), a short-barreled shotgun, or short-barreled rifle, except as specifically authorized by the Secretary consistent with public safety and necessity.

"(5) for any person other than a licensed importer, licensed manufacturer, or licensed dealer, to transfer, sell, trade, give, transport, or deliver any firearm to any person (other than a licensed importer, licensed manufacturer, or licensed dealer) who the transferor knows or has reasonable cause to believe resides in any State other than that in which the transferor resides

(or in which his place of business is located if the transferor is a corporation or other business entity).

"This paragraph shall not apply to transactions between licensed importers, licensed manufacturers, and licensed dealers.

"(6) for any person in connection with the acquisition or attempted acquisition of any firearm or ammunition from a licensed importer, licensed manufacturer, or licensed dealer, knowingly to make any false or fictitious oral or written statement or to furnish or exhibit any false or fictitious or misrepresented identification, intended or likely to deceive such importer, manufacturer, or dealer with respect to any fact material to the lawfulness of the sale or other disposition of such firearm or ammunition under the provisions of this chapter.

"(b) It shall be unlawful for any licensed importer, licensed manufacturer, or licensed dealer to sell or deliver--

"(1) any firearm or ammunition to any individual who the licensee knows or has reasonable cause to believe is less than eighteen years of age and, if the firearm or ammunition is other than a shotgun or rifle, or ammunition for a shotgun or rifle, to any individual who the licensee knows or has reasonable cause to believe is less than twenty-one years of age.

(2) any firearm or ammunition to any person in any State where the purchase or possession by such

person of such firearm or ammunition would be in violation of any State or local law applicable at the place of sale, delivery or other disposition, unless the licensee knows or has reasonable cause to believe that the purchase or possession would not be in violation of such State or local law.

"(3) any firearm to any person who the licensee knows or has reasonable cause to believe does not reside in (or if the person is a corporation or other business entity, does not maintain a place of business in) the State in which the licensee's place of business is located.

"(4) to any person any destructive device, machine gun (as defined in section 5848 of the Internal Revenue Code of 1954), short-barreled shotgun, or short-barreled rifle, except as specifically authorized by the Secretary consistent with public safety and necessity.

"(5) any firearm or ammunition to any person unless the licensee notes in his records required to be kept pursuant to section 923 of this chapter, the name, age, and place of residence of such person if the person is an individual, or the identity and principal and local places of business of such person if the person is a corporation or other business entity.

Paragraphs (1), (2), (3) and (4) of this subsection shall not apply to transactions between licensed importers, licensed manufacturers, and licensed dealers.

"(c) It shall be unlawful for any licensed importer, licensed manufacturer, or licensed dealer to sell or otherwise dispose of any firearm or ammunition to any person, knowing or having reasonable cause to believe that such person is a fugitive from justice or is under indictment or has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year. This subsection shall not apply with respect to sale or disposition of a firearm or ammunition to a licensed importer, licensed manufacturer, or licensed dealer who pursuant to subsection (b) of section 925 of this chapter is not precluded from dealing in firearms or ammunition, or to a person who has been granted relief from disabilities pursuant to subsection (c) of section 925 of this chapter.

"(d) It shall be unlawful for any person knowingly to deliver or cause to be delivered to any common or contract carrier for transportation or shipment in interstate or foreign commerce, to persons other than licensed importers, licensed manufacturers or licensed dealers, any package or other container in which there is any firearm or ammunition without written notice to the carrier that such firearm or ammunition is being transported or shipped.

"(e) It shall be unlawful for any common or contract carrier to transport or deliver in interstate or foreign commerce any firearm or ammunition with knowledge or reasonable cause to believe that the shipment, transportation, or receipt thereof would be in violation of the provisions of this chapter.

"(f) It shall be unlawful for any person who is under indictment or who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year, or who is a fugitive from justice, to ship or transport any firearm or ammunition in interstate or foreign commerce.

"(g) It shall be unlawful for any person who is under indictment or who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year, or is a fugitive from justice, to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

"(h) It shall be unlawful for any person to transport or ship in interstate or foreign commerce, any stolen firearm or stolen ammunition, knowing or having reasonable cause to believe the same to have been stolen.

"(i) It shall be unlawful for any person to receive, conceal, store, barter, sell, or dispose of any stolen firearm or stolen ammunition, or pledge or accept as security for a loan any stolen firearm or stolen ammunition, moving as or which is a part of or which constitutes interstate or foreign commerce, knowing or having reasonable cause to believe the same to have been stolen.

"(j) It shall be unlawful for any person knowingly to transport, ship, or receive, in interstate or foreign commerce, any firearm the importer's or manufacturer's serial number of which has been removed, obliterated, or altered.

"(k) It shall be unlawful for any person knowingly to import or bring into the United States or any possession thereof any firearm or ammunition, except as provided in subsection (d) of section 925 of this chapter; and it shall be unlawful for any person knowingly to receive any firearm or ammunition which has been imported or brought into the United States or any possession thereof in violation of the provisions of this chapter.

"(l) It shall be unlawful for any licensed importer, licensed manufacturer, or licensed dealer knowingly to make any false entry in, or to fail to make appropriate entry in or to fail to properly maintain, any record which he is required to keep pursuant to section 923 of this chapter or regulations promulgated thereunder.

"§923. Licensing

"(a) No person shall engage in business as a firearms or ammunition importer, manufacturer, or dealer until he has filed an application with, and received a license to do so from, the Secretary. The application shall be in such form and contain such information as the Secretary shall by regulation prescribe. Each applicant shall be required to pay a fee for obtaining such a license, a separate fee being required for each place in which the applicant is to do business, as follows:

"(1) if a manufacturer--

"(A) of destructive devices and/or ammunition for destructive devices a fee of \$1,000 per year;

"(B) of firearms other than destructive devices a fee of \$500 per year;

"(C) of ammunition for firearms other than destructive devices a fee of \$10 per year.

"(2) If an importer--

"(A) of destructive devices and/or ammunition for destructive devices a fee of \$1,000 per year;

"(B) of firearms other than destructive devices and/or ammunition for firearms other than destructive devices a fee of \$500 per year.

"(3) If a dealer--

"(A) in destructive devices and/or ammunition for destructive devices a fee of \$1,000 per year;

"(B) who is a pawnbroker dealing in firearms other than destructive devices or ammunition for firearms other than destructive devices a fee of \$250 per year;

"(C) who is not a dealer in destructive devices or a pawnbroker, a fee of \$10 per year.

"(b) Upon the filing of a proper application and payment of the prescribed fee, the Secretary may issue to the applicant the appropriate license which, subject to the provisions of this chapter and other applicable provisions of law, shall entitle the licensee to transport, ship, and receive firearms and ammunition covered by such license in interstate or foreign commerce during the period stated in the license.

"(c) Any application submitted under subsections (a) and (b) of this section shall be disapproved and the license denied and the fee returned to the applicant if the Secretary, after notice and opportunity for hearing, finds that--

"(1) the applicant is under twenty-one years of age; or

"(2) the applicant (including in the case of a corporation, partnership, or association, any individual possessing directly or indirectly, the power to direct or cause the direction of the management and policies of the corporation, partnership, or association) is prohibited from transporting, shipping, or receiving firearms or ammunition in interstate or foreign commerce under the provisions of this chapter; or is, by reason of his business experience, financial standing, or trade connections, not likely to commence business operations during the term of the annual license applied for or to maintain operations in compliance with this chapter; or

"(3) the applicant has willfully violated any of the provisions of this chapter or regulations issued thereunder; or

"(4) the applicant has willfully failed to disclose any material information required, or has made any false statement as to any material fact, in connection with his application; or

"(5) the applicant does not have, or does not intend to have or to maintain, in a State or possession, business premises for the conduct of the business.

"(d) Each licensed importer, licensed manufacturer, and licensed dealer shall maintain such records of importation, production, shipment, receipt, and sale or other disposition, of firearms and ammunition at such place, for such period and in such form as the Secretary may by regulations prescribe.

Such importers, manufacturers, and dealers shall make such records available for inspection at all reasonable times, and shall submit to the Secretary such reports and information with respect to such records and the contents thereof as he shall by regulations prescribe. The Secretary or his delegate may enter during business hours the premises (including places of storage) of any firearms or ammunition importer, manufacturer, or dealer for the purpose of inspecting or examining any records or documents required to be kept by such importer or manufacturer or dealer under the provisions of this chapter or regulations issued pursuant thereto, and any firearms or ammunition kept or stored by such importer, manufacturer, or dealer at such premises. Upon the request of any State, or possession, or any political subdivision thereof, the Secretary of the Treasury may make available to such State, or possession, or any political subdivision thereof, any information which he may obtain by reason of the provisions of this chapter with respect to the identification of persons within such State, or possession, or political subdivision thereof, who have purchased or received firearms or ammunition, together with a description of such firearms or ammunition.

"(e) Licenses issued under the provisions of subsection (b) of this section shall be kept posted and kept available for inspection on the business premises covered by the license.

"(f) Licensed importers and licensed manufacturers shall identify, in such manner as the Secretary shall by regulations prescribe, each firearm imported or manufactured by such importer or manufacturer.

"§924. Penalties

"(a) Whoever violates any provision of this chapter or knowingly makes any false statement or representation with respect to the information required by the provisions of this chapter to be kept in the records of a person licensed under this chapter, or in applying for any license or exemption or relief from disability under the provisions of this chapter, shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

"(b) Whoever, with intent to commit therewith an offense punishable by imprisonment for a term exceeding one year, or with knowledge or reasonable cause to believe that an offense punishable by imprisonment for a term exceeding one year is to be committed therewith, ships, transports, or receives a firearm or any ammunition in interstate or foreign commerce shall be fined not more than \$10,000 or imprisoned not more than ten years, or both.

"(c) Any firearm or ammunition involved in, or used or intended to be used in, any violation of the provisions of this chapter, or a rule or regulation promulgated thereunder, or violation of any other criminal law of the United States, shall be subject to seizure and forfeiture and all provisions of the Internal Revenue Code of 1954 relating to the seizure, forfeiture, and disposition of firearms, as defined in section 5848(1) of said Code, shall, so far as applicable, extend to seizures and forfeitures under the provisions of this chapter.

"§925. Exceptions: relief from disabilities

"(a) The provisions of this chapter shall not apply with respect to the transportation, shipment, receipt, or

importation of any firearm or ammunition imported for, or sold or shipped to, or issued for the use of the United States or any department, or agency thereof; or any State or possession, or any department, agency, or political subdivision thereof.

"(b) A licensed importer, licensed manufacturer, or licensed dealer who is indicted for a crime punishable by imprisonment for a term exceeding one year, may, notwithstanding any other provisions of this chapter, continue operations pursuant to his existing license (provided that prior to the expiration of the term of the existing license timely application is made for a new license) during the term of such indictment and until any conviction pursuant to the indictment becomes final.

"(c) A person who has been convicted of a crime punishable by imprisonment for a term exceeding one year (other than a crime involving the use of a firearm or other weapon or a violation of this chapter or of the National Firearms Act) may make application to the Secretary for relief from the disabilities under this chapter incurred by reason of such conviction, and the Secretary may grant such relief if it is established to his satisfaction that the circumstances regarding the conviction, and the applicant's record and reputation, are such that the applicant will not be likely to conduct his operations in an unlawful manner, and that the granting of the relief would not be contrary to the public interest. A licensee conducting operations under this

chapter, who makes application for relief from the disabilities incurred under this chapter by reason of such a conviction, shall not be barred by such conviction from further operations under his license pending final action on an application for relief filed pursuant to this section. Whenever the Secretary grants relief to any person pursuant to this section he shall promptly publish in the Federal Register notice of such action, together with the reasons therefor.

"(d) The Secretary may authorize a firearm or ammunition to be imported or brought into the United States or any possession thereof if the person importing or bringing in the firearm or ammunition establishes to the satisfaction of the Secretary that the firearm or ammunition--

"(1) is being imported or brought in for scientific or research purposes, or is for use in connection with competition or training pursuant to chapter 401 of title 10 of the United States Code; or

"(2) is an unserviceable firearm, other than a machinegun as defined in section 5848(2) of the Internal Revenue Code of 1954 (not readily restorable to firing condition), imported or brought in as a curio or museum piece; or

"(3) is of a type that does not fall within the definition of a firearm as defined in section 5848(1) of the Internal Revenue Code of 1954 and is generally recognized as particularly suitable for or readily adaptable to sporting purposes, and in the case of surplus military firearms is a rifle or shotgun; or

"(4) was previously taken out of the United States or a possession by the person who is bringing in the firearm or ammunition:

Provided, That the Secretary may permit the conditional importation or bringing in of a firearm or ammunition for examination and testing in connection with the making of a determination as to whether the importation or bringing in of such firearm or ammunition will be allowed under this subsection.

"§926. Rules and regulations

"The Secretary may prescribe such rules and regulations as he deems reasonably necessary to carry out the provisions of this chapter. The Secretary shall give reasonable public notice, and afford to interested parties opportunity for hearing, prior to prescribing such rules and regulations. Violation of any provision of this chapter, or rule or regulation promulgated hereunder, shall be grounds for revocation by the Secretary, upon due notice and hearing, of any license issued hereunder.

"§927. Effect on State law

"No provision of this chapter shall be construed as indicating an intent on the part of the Congress to occupy the field in which such provision operates to the exclusion of the law of any State or possession on the same subject matter, unless there is a direct and positive conflict between such provision and the law of the State or possession so that the two cannot be reconciled or consistently stand together.

"8928. Separability

"If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of the chapter and the application of such provision to other persons not similarly situated or to other circumstances shall not be affected thereby."

Sec. 4. The administration and enforcement of the amendment made by this title shall be vested in the Secretary of the Treasury.

Sec. 5. Nothing in this title or amendment made thereby shall be construed as modifying or affecting any provision of--

(a) the National Firearms Act (chapter 53 of the Internal Revenue Code of 1954); or

(b) section 414 of the Mutual Security Act of 1954 (22 U.S.C. 1934), as amended, relating to munitions control; or

(c) section 1715 of title 18, United States Code, relating to nonmailable firearms.

Sec. 6. The table of contents to "PART I.--CRIMES" of title 18, United States Code, is amended by inserting after

"43. False personation-----911"
a chapter reference as follows:

"44. Firearms-----921".

Sec. 7. The Federal Firearms Act (52 Stat. 1250; 15 U.S.C. 901-910), as amended, is repealed.

Sec. 8. The provisions of this title shall become effective one hundred and eighty days after the date of its enactment; except that repeal of the Federal Firearms Act shall not in itself terminate any valid license issued pursuant to that Act and any such license shall be deemed valid until it shall expire according to its terms unless it be sooner revoked or terminated pursuant to applicable provisions of law.

TO: MESSRS. NIXON
BUCHANAN
GARMENT
ANDERSON

JUNE 15, 1968

FROM: MARTY POLLNER

RE: GUN REGISTRATION LEGISLATION

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Assignment: RN requested my views on federal gun registration legislation, its practicability and statistics relating to same.

Conclusion: In my judgment registration of firearms is a matter to be left to the states to explore--each state should base its standards and requirements on its particular problems and needs. (Rural states have needs different from industrialized states.) I hasten to add that since gun registration is so intimately connected with the issue of mail order sales, my opinion on gun registration is only sound if RN takes a strong position endorsing legislation banning the mail order sales of rifles and shotguns.

Those in agreement with the above conclusion:
Friday, in Washington, D. C., I had informal off-the-record discussions with Tom Bishop, Public Relations, Director of the FBI and Quinn Tamm, Executive Director, International Association of Chiefs of Police, both of whom believe this to be a sound approach. Also, Evelle Younger feels this would be an excellent political position.

Suggested position: I suggest the following as RN's position:

--He should indicate that he was the first of the candidates to speak out forthrightly on the issue of crime--recognizing it as a major national crisis.

--He should renew his criticism of the Administration's weakness in the law enforcement area in general--i.e. LBJ and Ramsey Clark still oppose wiretapping legislation in *CASES* relating to organized crime--and in particular, its failure to utilize present federal firearms legislation effectively. In 1966 the Senate Judiciary Committee criticized the

Government's failure to utilize available legislation effectively:

"The record shows that indictments and convictions under the existing Federal firearms statutes have been relatively few, and the comparative rarity of successful action in the courts by the Federal Government have contributed to a compounding of the problems of reasonable and effective firearms regulation.

"Apparently, in a number of instances, the public authorities are not fully utilizing the tools available to them at present under Federal law. Testimony has been presented to this committee that a State conservation agency, in the course of apprehending individuals in violation of game laws or in routine checking, has had occasion to turn over to Federal enforcement personnel weapons in violation of the National Firearms Act. To its knowledge, this conservation agency has never heard of a Federal prosecution resulting from those seizures. Further, testimony before this committee has brought out that in a number of instances Federal agents have apprehended individuals in serious violation of the Federal firearms laws but that no action has resulted from the arrest of these individuals. This is a matter of concern to this committee and ought to be considered in evaluating the desirability and necessity for additional firearms controls."

--He should prod LBJ to fish or cut bait with the Omnibus Crime Bill on his desk and not use it for political leverage.

--He should strongly support legislation banning the mail order shipment of rifles and shotguns.

--He should not support federal gun registration, leaving such legislation to the states which are in a better position to base such legislation upon their individual needs and requirements. (However, he may propose federal minimum standards be set).

--He should indicate that (contrary to Rockefeller's charge) he has always supported tighter gun control legislation.

We must point out that RN strongly endorses the Omnibus Crime Control and Safe Streets Act of 1968 (now before LBJ) which contains the following provisions relating to gun control:

Title IV: (1) Prohibits the interstate mail order sale of handguns except between federally licensed dealers.

(2) Prohibits the over-the-counter sale of handguns to persons not residing in the State in which the dealer's place of business is located.

(3) Prohibits a Federal dealer from selling a handgun to a person under 21 years of age.

(4) Prohibits a Federal dealer from selling a firearm to a person who the licensee believes is prohibited by State or local law from receiving or possessing a firearm. (Rifles and shotguns are including in the definition of "firearm.")

(5) Considerably strengthens the standards for obtaining Federal firearms dealer licenses and increases the licensing fees for dealers, importers and manufacturers.

(6) Regulates the importation of firearms into the United States by excluding surplus military handguns. All other firearms, including rifles and shotguns, not suitable for sporting purposes are excluded if the Secretary of Treasury so declares.

(7) Prohibits the sale of destructive devices (antitank guns, bombs, grenades), machineguns and sawed-off rifles and shotguns unless the dealer has

a sworn statement from the purchaser's local law enforcement officer stating that no law would be violated by such person's possession.

(8) Prohibits the interstate transportation of destructive devices, machineguns, and sawed-off rifles and shotguns in interstate commerce except between licensed dealers or as authorized by the Treasury Secretary.

(9) Prohibits the transportation or receipt in interstate commerce of a firearm (including rifles and shotguns) with intent to commit a felony or with knowledge that a felony is to be committed with it.

Title VII: Prohibits the receipt, possession and transportation in commerce or affecting commerce of any firearm, including rifles and shotguns by a convicted felon, a person receiving other than an honorable discharge, a mental incompetent, and aliens illegally residing in the United States.

Additional Suggested RN Statements

--No panacea: It would be appropriate to point out that no legislation, even curbing mail order rifles and shotguns, is a cure-all. RN should repeat the message in "Freedom From Fear": we need effective leadership, a commitment by the American people and an attack on crime on all levels.

--Hunters and sportsmen: All this publicity on the "gun lobby" has given the honest, law abiding hunter and sportsman a bad name. RN knows many responsible hunters and sportsmen who do not object to reasonable legislation; they have nothing to hide--all they ask, and rightly so, is

reasonable responsible legislation which would not adversely affect their hobby or sport. RN supports that proposition.

--State Gun Registration: The states are the arenas where the fight for law and order will be won. Congress recognized that proposition in the Omnibus Crime Act (Title I):

"Congress finds further that crime is essentially a local problem that must be dealt with by State and local governments if it is to be controlled effectively."

But, it is a proper exercise of the federal police powers, to prohibit the circumvention of rigid state gun control laws, by the simple expediency of having guns shipped through the mail.

--Limitations on Any Gun Registration Law: The young man who killed 14 people from the Texas tower would have been able to obtain a gun in any state--even those with the strictest registration laws. Although registration shall weed out many misfits, its prime use is as a speedy and certain starting point to trace a person after a crime has been committed and the weapon found (i.e. RFK assassination within minutes).

Authoritative Support that States
Should Enact Gun Registration
Legislation as Opposed to the
Federal Government

J. Edgar Hoover's Recommendation

J. Edgar Hoover favors, on a federal level, banning the mail order shipment of all firearms, leaving the registration of guns to local authorities. Following is his message:

EACH YEAR, THOUSANDS OF BUSINESSMEN look up from their work into the menacing muzzle of a gun wielded by a trigger-happy robber. In recent months, murderous snipers have waged guerrilla warfare against law enforcement officers in our city streets. In 1963, our President was slain with a mail-order rifle. During the calendar year of 1966 alone, more citizens were killed or assaulted with guns in American streets and homes than were killed in battle during the entire Korean conflict.

The use of firearms in crime is indeed a serious and major problem in our country today.

A firearm continues to be the instrument of death in virtually every murder of a law enforcement officer. Last year, 55 of the 57 law enforcement victims killed in the line of duty died from gunshot wounds. These figures are in keeping with the trend since 1960 which reflects that firearms have been the murder weapons in 96 percent of the 335 police killings.

There has been an increasing interest on the part of the public in this admittedly complex issue. I have publicly stated my view for many years that better control of firearms is not only desirable, but also necessary to public welfare. We have reached the point where the time for debate is past; the time for action is here.

I think mail-order firearm purchases should be banned, interstate transportation of firearms controlled, and local registration of weapons required and enforced.

The primary thrust against this serious problem must be from the local level, but Federal

assistance must strongly complement State gun legislation. While it is true a hardened criminal will obtain a gun regardless of statutes in force, most authorities agree that controls would make acquisition more difficult. With a large percentage of the murders in the United States occurring within the family or among acquaintances, the readily available lethal firearm, seven times more deadly than other murder weapons, becomes a major factor.

Enforced controls at the local level provide the possibility of investigative leads in tracing stolen weapons and those used in crime. This possibility takes on added significance in view of the nationwide capabilities of the rapidly expanding FBI National Crime Information Center. Pertinent weapons information stored in this computer network is available to law enforcement throughout the country in a matter of seconds.

Some States and jurisdictions have laws which allow courts to impose stiffer penalties for criminals who use firearms in the commission of felonies. A realistic application of these laws by the courts, plus the passage of similar legislation in areas where none now exists, together with mandatory prohibitions against suspended sentences in cases involving firearms, would certainly be a strong deterrent to those who contemplate using firearms for violence.

There is no doubt in my mind that the easy accessibility of firearms is responsible for many killings, both impulse and premeditated. The statistics are grim and realistic. Strong measures must be taken, and promptly, to protect the public.


JOHN EDGAR HOOVER, *Director.*

SEPTEMBER 1, 1967

President's Crime Commission Recommendations

The President's Crime Commission, while recommending legislation prohibiting the interstate shipment of handguns (except for federally licensed dealers), did not recommend legislation banning the mail order shipment of rifles

and shotguns. Instead, the Commission recommended:

"The interstate shipment of shotguns and rifles should be delayed a sufficient time for law enforcement authorities in the buyer's hometown to examine his sworn statement concerning age and other factors affecting his eligibility to purchase such a weapon, and the consent of these authorities should be required before the weapon may be shipped."

Concerning gun registration, the Commission recommended that the states should enact registration of all handguns, rifles and shotguns, but if, after five years, some states still have not enacted such laws, Congress should pass a Federal firearms registration act applicable to those states.

Following is the Commission's complete recommendation on firearms control:

"Since laws, as they now stand, do not accomplish the purposes of firearms control, the Commission believes that all States and the Federal Government should act to strengthen them. Any legislative scheme should maximize the possibility of keeping firearms out of the hands of potential criminal offenders, while at the same time affording citizens ample opportunity to purchase such weapons for legitimate purposes.

"It is appropriate to ban absolutely the sale of those weapons no citizen has a justifiable reason for owning.

"Federal and State Governments should enact legislation outlawing transportation and private possession of military-type firearms such as bazookas, machine guns, mortars, and antitank guns.

"In addition, dangerous or potentially dangerous persons should be prohibited from purchasing firearms.

"States should enact laws prohibiting certain categories of persons, such as habitual drunkards, drug addicts, mental incompetents, persons with a history of mental disturbance, and persons convicted of certain offenses, from buying, owning, or possessing firearms.

"Prevention of crime and apprehension of criminals would be enhanced if each firearm were registered with a governmental jurisdiction. A record of ownership would aid the police in tracing and locating those who

have committed or who threaten to commit violent crime. Law enforcement officers should know where each gun is and who owns it.

"Each State should require the registration of all handguns, rifles, and shotguns. If, after 5 years, some State still have not enacted such laws, Congress should pass a Federal firearms registration act applicable to those States.

"Government regulation to prevent those with criminal purposes from purchasing firearms cannot be effective as long as mail-order sales and retail sales to persons living outside the seller's State are not controlled. It is essential, also, to reduce and to regulate the importation into the United States of large numbers of cheap firearms. Since sporting weapons such as rifles and shotguns apparently present less danger of criminal use than do handguns, control over the latter should be more stringent. A truly effective system of regulation requires a meshing of State and Federal action.

"Each State should require a person to obtain a permit before he can either possess or carry a handgun. Through licensing provisions, Federal law should prohibit mail-order and other interstate sales of handguns and should regulate such sales of rifles and shotguns.

"Federal legislation to implement these goals should prohibit the interstate shipment of handguns except between federally licensed importers, manufacturers, and dealers. A Federal licensee should also be prohibited from selling handguns to an individual not living in the State of the seller. The interstate shipment of shotguns and rifles should be delayed a sufficient time for law enforcement authorities in the buyer's hometown to examine his sworn statement concerning age and other factors affecting his eligibility to purchase such a weapon, and the consent of these authorities should be required before the weapon may be shipped. Antique dealers could continue to operate under reasonable regulations. States may also want to prohibit firearms sales to persons under a certain age, such as 18 or 21, or require parental approval for firearms registration in a minor's name."

American Bar Foundation Study

The American Bar Foundation in its report on this subject concluded that the available evidence is insufficient to warrant taking a position on the effectiveness of existing

and proposed firearm legislation. However, it did conclude that there is a lack of uniformity in state legislation which suggests "different views among the states of the seriousness of the firearms problems." It further concluded that the "likelihood of the adoption of strict uniform state legislation appears highly doubtful." (I annex hereto the American Bar Foundation study which contains a survey of state laws regulating firearms as of June 30, 1966).

Administrative Burdens Inherent in
Federal Gun Registration Legislation

Since no hearings have been held on this proposal, Senator Hruska's aide reports that there are no figures to establish the number of additional Treasury Department employees (which would be needed) to implement Federal gun registration legislation. (Senate Hearings are scheduled for Tuesday, June 18th). He estimates that the figure may range from 3,000 to 50,000 additional employees.

This estimate is based upon some statistics: in Illinois, which has a gun licensing law, in 6 to 7 months, 1,500,000 applications were processed. It is estimated that there were 20,000,000 hunting licenses and permits issued last year and as many as 50,000,000 to 200,000,000 ~~million~~ guns in hands of non-law enforcement personnel. One FBI official told me that Federal gun registration would be "an administrative nightmare."

The other side of the coin is the argument that, because of the NRA, the states cannot get legislation enacted.

Proposed Federal Gun Registration
Legislation and Statistics Sup-
porting its Desirability

Senators Dodd and Tydings have introduced legislation on June 12 at which time they set forth the statistical need for such legislation, the principal arguments in favor of same, and an up-to-date review of present state law. Because I do not feel we would seriously support such legislation, and in view of our time schedule, I have not attempted to summarize the bills or the arguments but, instead, annexed the statements of Senators Dodd and Tydings as set forth in the Congressional Record.

#

S. 3024

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Richard Smith (Noboru Kawano) may be classified as a child within the meaning of section 101(b) (1) (F) of the Act, upon approval of a petition filed in his behalf by Technical Sergeant Robert E. Smith, a citizen of the United States, pursuant to section 204 of the Act: Provided, That no brothers or sisters of the beneficiary shall thereafter, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1223), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to facilitate the entry into the United States in an immediate relative status of the adopted son of a citizen of the United States. The bill has been amended in accordance with established precedents.

ADMISSION OF CERTAIN INHABITANTS OF THE BONIN ISLANDS

The Senate proceeded to consider the bill (S. 3483) to provide for the admission to the United States of certain inhabitants of the Bonin Islands which had been reported from the Committee on the Judiciary, with amendments, on page 2, line 7, after the word "a" strike out "United States"; and on page 3, after line 4, insert a new section, as follows:

Sec. 4. Except as otherwise specifically provided for in this Act, the definitions contained in section 101 of the Immigration and Nationality Act, as amended (8 U.S.C. 1101), shall apply to the administration of this Act.

So as to make the bill read:

S. 3483

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of any other law, nothing contained in title II of the Immigration and Nationality Act, as amended, except for section 212(a) (9), (10), (11), (12), (13), (23), (27), (28), and (29), section 215, and section 241(a) (1), (6), and (7) of the Act (8 U.S.C. 1151 et seq.) shall limit, restrict, deny, or otherwise affect the entry into the United States or its outlying possessions, as defined in section 101(a) (29) and (33) of the Immigration and Nationality Act (8 U.S.C. 1101(a) (29) and (33)), within two years after the enactment of this Act, or the departure from the United States or its outlying possessions, of not more than 205 inhabitants of the Bonin Islands, and the children described in section 2 of this Act, who present a document of identity and nationality issued by the Military Governor of the Bonin Islands or by a United States consular officer in Japan. This section shall not grant any privileges, rights, benefits, exemptions, or immunities to such inhabitant or child which are not specifically granted by this Act.

Sec. 2. This Act applies to—

(1) natives of the Bonin Islands, or of Japan, who are nationals of Japan and who

resided in such islands on November 15, 1967, including an inhabitant temporarily absent from the islands on that date; and

(2) any inhabitant of the Bonin Islands who was born to eligible parents after November 15, 1967, but before two years after the enactment of this Act and continued to reside in the islands or in the United States or its outlying possessions;

and has taken no affirmative steps to acquire another foreign nationality.

Sec. 3. Any person who enters the United States under the provisions of this Act shall, upon completion of the residence and physical presence requirements of section 316(a) of the Immigration and Nationality Act (8 U.S.C. 1427 (a)), be deemed to have been lawfully admitted to the United States for permanent residence as of the date of such entry, for the purpose of petitioning for naturalization.

Sec. 4. Except as otherwise specifically provided for in this Act, the definitions contained in section 101 of the Immigration and Nationality Act, as amended (8 U.S.C. 1101), shall apply to the administration of this Act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1224), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to facilitate the entry into the United States of not to exceed 205 inhabitants of the Bonin Islands and certain of their children within 2 years after enactment of this act, and to provide such aliens a means whereby they may petition for naturalization upon completion of the residence and physical presence requirements of section 316(a) of the Immigration and Nationality Act.

STANISLAW AND JULIANNA SZYMONIK

The Senate proceeded to consider the bill (H.R. 1879) for the relief of Stanislaw and Julianna Szymonik which had been reported from the Committee on the Judiciary, with amendments, on page 1, line 4, after the word "shall" strike out "be held to be included in the class of applicants for naturalization exempted from the provisions of section 313(a)" and, in lieu thereof, insert "not be regarded to be or to have been within the classes of persons whose naturalization is prohibited by section 313"; and in line 9, after the word "Act," strike out "as such class is specified in section 313 (c) of the said Act,"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Stanislaw and Julianna Szymonik, lawfully admitted for permanent residence in the United States, shall not be regarded to be or to have been within the classes of persons whose naturalization is prohibited by section 313 of the Immigration and Nationality Act, and that Stanislaw and Julianna Szymonik shall be considered to have met the residence and physical presence requirements of section 316(a) of the said Act, and their petitions for naturalization may be filed with any court having naturalization jurisdiction.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1225), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to waive the provisions of section 313 of the Immigration and Nationality Act in behalf of Stanislaw and Julianna Szymonik, and to provide that they be held to have complied with the residence and physical presence requirements of section 316 of that act, thus permitting them to file petitions for naturalization. The amendments are technical in nature.

COMMITTEE MEETING DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. I thank the distinguished Senator from Maryland for his patience and courtesy.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Chair recognizes the Senator from Maryland.

Mr. TYDINGS. Mr. President, I ask unanimous consent that I may yield to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. I am grateful to my colleague and friend, the distinguished Senator from Maryland, for yielding to me.

S. 3633—INTRODUCTION OF BILL TO AMEND TITLE 18, UNITED STATES CODE

Mr. DODD. Mr. President, President Johnson, in his deep concern over the assassination of Senator Robert F. Kennedy and his anguish over the continued killings in this country, has sent a firearms bill to Congress, the State Firearms Control Assistance Act of 1968.

At the administration's request, I now introduce this bill and send it to the desk for appropriate reference to committee.

On Monday, because I shared the President's concern over the epidemic of violence that plagues our country, I introduced two bills of my own.

The first was similar to the one I now introduce on behalf of the administration. The second was a measure calling for the compulsory registration of all firearms.

The President's proposed gun bill is virtually the same as title IV, my amendment to H.R. 5037, which passed the Congress on June 6.

There are, however, two significant extensions of coverage in this new bill.

It imposes the following restrictions on rifles and shotguns, paralleling those imposed by title IV on handguns:

First. It prohibits the interstate mail order sale of rifles and shotguns, except between licensed dealers.

Second. It prohibits the over-the-counter sales to nonresidents of rifles and shotguns.

Third. It prohibits the sale of long guns to persons under 18.

There are also provisions to control the shipment and sale of ammunition. These would first, prohibit the interstate mail-order sale of ammunition except between licensed dealers; second, prohibit the sale of handgun ammunition to persons under 21, and the sale of long gun ammunition to persons under 18; and, third, require manufacturers and dealers in ammunition to be licensed, the licensee fee to be set at \$10 annually.

There will be those who claim that these restrictions interfere with the constitutionally given right for any and all to possess "hunting" weapons, and that this amendment if enacted would disarm our citizenry, leaving them helpless in the face of possible attack from within or without. They view such legislation as the first step in some sinister conspiracy.

But this amendment is, in fact, an extremely limited measure which takes only a minimal first step toward effective regulation in gun traffic.

The argument that an amendment such as this would "inconvenience" a large segment of the population is so obviously contrived that I think it is worth noting all of the things that this amendment does not do:

It does not prohibit any responsible person from owning a rifle or shotgun.

It does not prohibit any responsible person from using a rifle or shotgun.

It does not prohibit a person from taking his long gun from his State and carrying it with him to another State.

Under this amendment a person can even give a rifle or shotgun to his child if he thinks that wise, whether or not the child is 18 years old.

One of the principal arguments against this amendment will unquestionably be the requirement that a man appear in person at some point in the course of purchasing a rifle or shotgun would "inconvenience" him. This may be true, to a certain extent.

But let us not exaggerate this inconvenience.

First of all, a person will still be able to choose from the same variety of long guns that is available to him now through mail-order catalogs. This is true because the only difference this amendment would make is that he would have to order the long gun through a dealer at whose place of business he will appear at some point before receiving the gun. He can have the catalogs at home, or go look at those at the dealer's shop. In either case, he will have exactly the same variety of choice as he does today.

Registration and control of the purchase of new guns will not give us a 100-percent guarantee that incompetents will

not acquire firearms. But it will at least serve to keep firearms out of the hands of many people who should not have them.

As an added safeguard there are the controls over the sale of ammunition. These will further restrict the illicit use of guns, because, for guns to do their damage, there must be ammunition.

The restriction of ammunition sales to those over 21 in the case of handguns, and to those over 18 in the case of rifles and shotguns, is the simplest kind of precaution. It will provide an additional check by limiting the sale of ammunition to those who possess their guns lawfully and are known to be neither felons nor lunatics. But it will cause no inconvenience to the serious sportsman.

I believe that these controls over the sales of ammunition would be more effective if coupled with the provisions governing the sale of ammunition in the gun registration bill which I introduced Monday.

In short, the controls over ammunition in both bills would complement each other.

Mr. President, we know that one of the prime arguments against gun-control legislation is that gun laws do not work, that they are ineffective and meaningless as a deterrent to crimes of violence.

I submit that quite the opposite is true, and this can be demonstrated by massive evidence in the files of the Juvenile Delinquency Subcommittee.

In England for example the murder rate by guns is only one fifty-fifth the rate in this country.

Again, in England firearms were used in 3 percent of the 9,000 robberies in 1966, whereas in the United States robberies in which firearms are used stand at 40 percent of the total, or some 60,000 gun robberies in 1966.

These comparisons are meaningful in light of the fact that England stringently controls access to firearms by its citizens.

Similar low incidences of firearms abuse are the rule in other Western European nations.

I submit that if we acknowledge these facts and then relate them to the presence of gun controls in those countries, then we must conclude that gun controls are indeed effective.

I, of course, recognize that there are other contributing causes to crime in this land and in other nations of the world. But I firmly believe that the presence or absence of gun controls is a significant factor in the number of gun crimes and, therefore, in the general level of violence.

And, of course, the facts on gun crimes in the United States bear out my conviction that the absence of gun controls in the United States is a major factor in our appalling rates for crimes of violence.

It is also highly significant that those areas of the Nation from which the staunchest opposition to gun-control legislation emanates have generally the highest percentages of murder by gun.

In Montana, 72 percent of the murders are by gun.

In Nevada, 67 percent of the murders are by gun.

In Texas, 69 percent of the murders are by gun.

In South Carolina, it is 73 percent and in Nebraska 70 percent.

All of the above States do not have stringent gun controls.

When one contrasts these percentages of murder by gun with States with stringent gun controls, we find the following:

New York, 32 percent.

New Jersey, 39 percent.

Massachusetts, 36 percent.

Rhode Island, 24 percent.

Mr. President, the conclusion is obvious to me.

A State or a nation with strong gun-control laws fares much better than does a State or a nation that has no gun controls.

It is just as simple as that.

Last year, 6,500 Americans were shot down by guns in the hands of murderers. Another 100,000 were the victims of other crimes, ranging from rape and assault to robbery, committed by felons armed with guns.

The assassination of President John F. Kennedy by a mail-order rifle in the hands of an individual with a known political obsession deprived the entire Nation of its President.

The assassination of Dr. Martin Luther King by a rifle in the hands of an escaped felon deprived the Nation of one of its great moral leaders, a symbol and advocate of nonviolence.

The assassination of Robert F. Kennedy by a cheap handgun in the hands of an individual with a strong personal hatred deprived this Nation of an outstanding Senator and an important candidate in a race that symbolizes, more than any other, the very heartbeat of democracy in these United States.

The atmosphere of violence and the obessional recourse to guns by demented individuals to achieve their goals are, in the end, destructive to all citizens.

In this environment, the availability of firearms to unstable individuals, whether they be children, felons, or lunatics is a continuing affront to the attempt of this Nation to maintain a civilization where life and the pursuit of happiness are everyone's right and expectation.

The opponents of adequate firearms control laws have coined a slogan: Guns do not kill people, people kill people.

This is a deceptive phrase.

The truth is that guns do kill people, and, indeed, it is often the trigger which pulls the finger. This is something that has been established by psychologists.

I made reference yesterday to a study by Dr. Leonard Berkowitz at the University of Wisconsin. It showed that the mere presence of a firearm in the vicinity of an angered person tends to increase such a person's aggressiveness, hostility, and potential for violence.

I add to this conclusion the findings of the Federal Bureau of Investigation that a gun is seven times more deadly than all other weapons used in crime combined.

It is my earnest hope, as I said yesterday, that Congress will heed the plea of the President and will enact both the new legislation which I have introduced today on behalf of the administration,

June 12, 1968

and the legislation providing for the compulsory registration of firearms, which I introduced on Monday.

With this legislation on the books, our country would for the first time have effective controls over the sale and purchase and ownership of firearms.

By providing ourselves with these controls, we shall bring America into the company of other civilized nations, rather than being looked upon by our friends in other countries as a well intentioned but hopelessly anachronistic nation whose popular mentality and gun laws belong to the age of General Custer rather than to the mid-20th century.

Congress knows that the people of this country favor the stringent gun control legislation incorporated in the administration's proposal and in my own proposal for compulsory registration. This has been borne out by every poll that has been taken in recent years.

I therefore appeal to the Congress to give the American people the protective gun legislation which they demand and deserve.

And I appeal to the people of this country not to content themselves with voicing their opinions to occasional pollsters, but to make their opinions, yes, and their demands, known to Members of Congress in an unending torrent of letters and telegrams.

The gun lobby, although it represents only a tiny minority, has often boasted that it can inundate Washington with a million communications on 24 hours notice.

Let those decent law-abiding citizens who want the protection of gun legislation respond to this infamous lobby by flooding Washington with tens of millions of communications.

Let the trade unions and the women's clubs and the civic organizations and clergymen of all denominations join in an active crusade in support of compulsory registration.

The success of the gun lobby over a period of over 30 years constitutes another tragic proof of the dictum that "all that is necessary for the triumph of evil, is for good men to do nothing."

It is time for the people of America to break the grip of the gun lobby and to assert themselves.

Mr. President, I send the bill to the desk, for appropriate reference, and I ask unanimous consent that the entire text of the bill may be printed at the end of my remarks along with a letter of transmittal to the Vice President of the United States from Attorney General Ramsey Clark.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill and letter will be printed in the RECORD.

The bill (S. 3623) to amend title 18, United States Code, to provide for better control of the interstate traffic in firearms, introduced by Mr. DOMP (for himself and other Senators), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 3623

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this

Act may be cited as the "State Firearms Control Assistance Act of 1968."

FINDINGS AND DECLARATION

Sec. 2. (a) The Congress hereby finds and declares—

(1) that there is a widespread traffic in firearms moving in or otherwise affecting interstate or foreign commerce, and that the existing Federal controls over such traffic do not adequately enable the States to control this traffic within their own borders through the exercise of their police power;

(2) that the ease with which any person can acquire firearms (including criminals, juveniles without the knowledge or consent of their parents or guardians, narcotics addicts, mental defectives, armed groups who would supplant the functions of duly constituted public authorities, and others whose possession of such weapons is similarly contrary to the public interest) is a significant factor in the prevalence of lawlessness and violent crime in the United States;

(3) that only through adequate Federal control over interstate and foreign commerce in these weapons, and over all persons engaging in the businesses of importing, manufacturing, or dealing in them, can this grave problem be properly dealt with, and effective State and local regulation of this traffic be made possible;

(4) that the acquisition on a mail-order basis of firearms by nonlicensed individuals, from a place other than their State of residence, has materially tended to thwart the effectiveness of State laws and regulations, and local ordinances;

(5) that the sale or other disposition of firearms by importers, manufacturers, and dealers holding Federal licenses, to non-residents of the State in which the licensee's places of business are located, has tended to make ineffective the laws, regulations, and ordinances in the several States and local jurisdictions regarding such firearms;

(6) that there is a causal relationship between the easy availability of firearms and juvenile and youthful criminal behavior, and that firearms have been widely sold by federally licensed importers and dealers to emotionally immature, or thrill-bent juveniles and minors prone to criminal behavior;

(7) that the United States has become the dumping ground of the castoff surplus military weapons of other nations, and that such weapons, and the large volume of relatively inexpensive firearms (largely worthless for sporting purposes), imported into the United States in recent years, has contributed greatly to lawlessness and to the Nation's law enforcement problems;

(8) that the lack of adequate Federal control over interstate and foreign commerce in highly destructive weapons (such as bazookas, mortars, antitank guns, and so forth, and destructive devices such as explosive or incendiary grenades, bombs, missiles, and so forth) has allowed such weapons and devices to fall into the hands of lawless persons, including armed groups who would supplant lawful authority, thus creating a problem of national concern;

(9) that the existing licensing system under the Federal Firearms Act does not provide adequate license fees or proper standards for the granting or denial of licenses, and that this has led to licenses being issued to persons not reasonably entitled thereto, thus distorting the purposes of the licensing system.

(b) The Congress further hereby declares that the purpose of this title is to cope with the conditions referred to in the foregoing subsection, and that it is not the purpose of this title to place any undue or unnecessary Federal restrictions or burdens 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, and that this title is not in-

tended to discourage or eliminate the private ownership or use of firearms by law-abiding citizens for lawful purposes, or provide for the imposition by Federal regulations of any procedures or requirements other than those reasonably necessary to implement and effectuate the provisions of this title.

Sec. 3. Title 18, United States Code, is amended by inserting after section 917 thereof chapter 44 to read as follows:

"CHAPTER 44.—FIREARMS

"Sec.

"921. Definitions.

"922. Unlawful acts.

"923. Licensing.

"924. Penalties.

"925. Exceptions: Relief from disabilities.

"926. Rules and regulations.

"927. Effect on State law.

"928. Separability clause.

"§ 921. Definitions

"(a) As used in this chapter—

"(1) The term 'person' and the term 'whoever' includes any individual, corporation, company, association, firm, partnership, society, or joint stock company.

"(2) The term 'interstate or foreign commerce' includes commerce between any State or possession (not including the Canal Zone) and any place outside thereof; or between points within the same State or possession (not including the Canal Zone), but through any place outside thereof; or within any possession or the District of Columbia. The term 'State' shall include the Commonwealth of Puerto Rico, the Virgin Islands, and the District of Columbia.

"(3) The term 'firearm' means any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; or any firearm muffler or firearm silencer; or any destructive device.

"(4) The term 'destructive device' means any explosive, incendiary, or poison gas bomb, grenade, mine, rocket, missile, or similar device; and includes any type of weapon which will or is designed to or may readily be converted to expel a projectile by the action of any explosive and having any barrel with a bore of one-half inch or more in diameter.

"(5) The term 'shotgun' means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

"(6) The term 'short-barreled shotgun' means a shotgun having one or more barrels less than eighteen inches in length and any weapon made from a shotgun (whether by alteration, modification, or otherwise) if such weapon as modified has an overall length of less than twenty-six inches.

"(7) The term 'rifle' means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

"(8) The term 'short-barreled rifle' means a rifle having one or more barrels less than sixteen inches in length and any weapon made from a rifle (whether by alteration, modification, or otherwise) if such weapon as modified has an overall length of less than twenty-six inches.

"(9) The term 'importer' means any person engaged in the business of importing or bringing firearms or ammunition into the United States for purposes of sale or distribution; and the term 'licensed importer' means any such person licensed under the provisions of this chapter.

"(10) The term 'manufacturer' means any person engaged in the manufacture of firearms or ammunition for purposes of sale or distribution; and the term 'licensed manufacturer' means any such person licensed under the provisions of this chapter.

"(11) The term 'dealer' means (A) any person engaged in the business of selling firearms or ammunition at wholesale or retail, (B) any person engaged in the business of repairing such firearms or of making or fitting special barrels, stocks, or trigger mechanisms to firearms or (C) any person who is a pawnbroker. The term 'licensed dealer' means any dealer who is licensed under the provisions of this chapter.

"(12) The term 'pawnbroker' means any person whose business or occupation includes the taking or receiving, by way of pledge or pawn, of any firearm or ammunition as security for the payment or repayment of money.

"(13) The term 'indictment' includes an indictment or an information in any court under which a crime punishable by imprisonment for a term exceeding one year may be prosecuted.

"(14) The term 'fugitive from justice' means any person who has fled from any State or possession to avoid prosecution for a crime or to avoid giving testimony in any criminal proceeding.

"(15) The term 'antique firearm' means any firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar early type of ignition system or replica thereof, whether actually manufactured before or after the year 1898) and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

"(16) The term 'ammunition' means ammunition or cartridge cases, primers, bullets, or propellant powder designed for use in any firearm.

"(17) The term 'Secretary' or 'Secretary of the Treasury' means the Secretary of the Treasury or his delegate.

"(b) As used in this chapter—

"(1) The term 'firearm' shall not include an antique firearm.

"(2) The term 'destructive device' shall not include—

"(A) a device which is neither designed nor redesigned nor used nor intended for use as a weapon; or

"(B) any device, although originally designed as a weapon, which is redesigned so that it may be used solely as a signaling, linethrowing, safety or similar device; or

"(C) any shotgun other than a short-barreled shotgun; or

"(D) any nonautomatic rifle (other than a short-barreled rifle) generally recognized or particularly suitable for use for the hunting of big game; or

"(E) surplus obsolete ordnance sold, loaned, or given by the Secretary of the Army pursuant to the provisions of sections 4684 (2), 4685, or 4686 of title 10, United States Code; or

"(F) any other device which the Secretary finds is not likely to be used as a weapon.

"(3) The term 'crime punishable by imprisonment for a term exceeding one year' shall not include any Federal or State offenses pertaining to antitrust violations, unfair trade practices, restraints of trade, or other similar offenses relating to the regulation of business practices as the Secretary may by regulation designate.

"§ 922. Unlawful acts

"(a) It shall be unlawful—

"(1) for any person, except a licensed importer, licensed manufacturer, or licensed dealer, to engage in the business of import-

ing, manufacturing, or dealing in firearms, or ammunition, or in the course of such business to ship, transport, or receive any firearm or ammunition in interstate or foreign commerce.

"(2) for any importer, manufacturer, or dealer licensed under the provisions of this chapter to ship or transport in interstate or foreign commerce, any firearm or ammunition to any person other than a licensed importer, licensed manufacturer, or licensed dealer, except that—

"(A) this paragraph shall not be held to preclude a licensed importer, licensed manufacturer, or licensed dealer from returning a firearm or replacement firearm of the same kind and type to a person from whom it was received;

"(B) this paragraph shall not be held to preclude a licensed importer, licensed manufacturer, or licensed dealer from depositing a firearm for conveyance in the mails to any officer, employee, agent, or watchman who, pursuant to the provisions of section 1715 of title 18 of the United States Code, is eligible to receive through the mails pistols, revolvers, and other firearms capable of being concealed on the person, for use in connection with his official duty;

"(C) nothing in this paragraph shall be construed as applying in any manner in the District of Columbia, the Commonwealth of Puerto Rico, or any possession of the United States differently than it would apply if the District of Columbia, the Commonwealth of Puerto Rico, or the possession were in fact a State of the United States.

"(3) for any person, other than a licensed importer, licensed manufacturer, or licensed dealer to transport into or receive in the State where he resides (or if the person is a corporation or other business entity, in which he maintains a place of business) any firearm purchased or otherwise obtained by him outside that State.

"(4) for any person, other than a licensed importer, licensed manufacturer, or licensed dealer, to transport in interstate or foreign commerce any destructive device, machinegun (as defined in section 5843 of the Internal Revenue Code of 1954), a short-barreled shotgun, or short-barreled rifle, except as specifically authorized by the Secretary consistent with public safety and necessity.

"(5) for any person other than a licensed importer, licensed manufacturer, or licensed dealer, to transfer, sell, trade, give, transport, or deliver any firearm to any person (other than a licensed importer, licensed manufacturer, or licensed dealer) who the transferor knows or has reasonable cause to believe resides in any State other than that in which the transferor resides (or in which his place of business is located if the transferor is a corporation or other business entity).

"This paragraph shall not apply to transactions between licensed importers, licensed manufacturers, and licensed dealers.

"(6) for any person in connection with the acquisition or attempted acquisition of any firearm or ammunition from a licensed importer, licensed manufacturer, or licensed dealer, knowingly to make any false or fictitious oral or written statement or to furnish or exhibit any false or fictitious or misrepresented identification, intended or likely to deceive such importer, manufacturer, or dealer with respect to any fact material to the lawfulness of the sale or other disposition of such firearm or ammunition under the provisions of this chapter.

"(b) It shall be unlawful for any licensed importer, licensed manufacturer, or licensed dealer to sell or deliver—

"(1) any firearm or ammunition to any individual who the licensee knows or has reasonable cause to believe is less than eighteen years of age and, if the firearm or ammunition is other than a shotgun or rifle, or ammunition for a shotgun or rifle, to any individual who the licensee knows or has

reasonable cause to believe is less than twenty-one years of age.

"(2) any firearm or ammunition to any person in any State where the purchase or possession by such person of such firearm or ammunition would be in violation of any State or local law applicable at the place of sale, delivery or other disposition, unless the licensee knows or has reasonable cause to believe that the purchase or possession would not be in violation of such State or local law.

"(3) any firearm to any person who the licensee knows or has reasonable cause to believe does not reside in (or if the person is a corporation or other business entity, does not maintain a place of business in) the State in which the licensee's place of business is located.

"(4) to any person any destructive device, machine gun (as defined in section 5843 of the Internal Revenue Code of 1954), short-barreled shotgun, or short-barreled rifle, except as specifically authorized by the Secretary consistent with public safety and necessity.

"(5) any firearm or ammunition to any person unless the licensee notes in his records required to be kept pursuant to section 923 of this chapter, the name, age, and place of residence of such person if the person is an individual, or the identity and principal and local places of business of such person if the person is a corporation or other business entity.

Paragraphs (1), (2), (3) and (4) of this subsection shall not apply to transactions between licensed importers, licensed manufacturers, and licensed dealers.

"(c) It shall be unlawful for any licensed importer, licensed manufacturer, or licensed dealer to sell or otherwise dispose of any firearms or ammunition to any person, knowing or having reasonable cause to believe that such person is a fugitive from justice or is under indictment or has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year. This subsection shall not apply with respect to sale or disposition of a firearm or ammunition to a licensed importer, licensed manufacturer, or licensed dealer who pursuant to subsection (b) of section 925 of this chapter is not precluded from dealing in firearms or ammunition, or to a person who has been granted relief from disabilities pursuant to subsection (c) of section 925 of this chapter.

"(d) It shall be unlawful for any person knowingly to deliver or cause to be delivered to any common or contract carrier for transportation or shipment in interstate or foreign commerce, to persons other than licensed importers, licensed manufacturers or licensed dealers, any package or other container in which there is any firearm or ammunition without written notice to the carrier that such firearm or ammunition is being transported or shipped.

"(e) It shall be unlawful for any common or contract carrier to transport or deliver in interstate or foreign commerce any firearm or ammunition with knowledge or reasonable cause to believe that the shipment, transportation, or receipt thereof would be in violation of the provisions of this chapter.

"(f) It shall be unlawful for any person who is under indictment or who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year, or who is a fugitive from justice, to ship or transport any firearm or ammunition in interstate or foreign commerce.

"(g) It shall be unlawful for any person who is under indictment or who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year, or is a fugitive from justice, to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

"(h) It shall be unlawful for any person to transport or ship in interstate or foreign

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commerce, any stolen firearm or stolen ammunition, knowing or having reasonable cause to believe the same to have been stolen.

"(i) It shall be unlawful for any person to receive, conceal, store, barter, sell, or dispose of any stolen firearm or stolen ammunition, or pledge or accept as security for a loan any stolen firearm or stolen ammunition, moving as or which is a part of or which constitutes interstate or foreign commerce, knowing or having reasonable cause to believe the same to have been stolen.

"(j) It shall be unlawful for any person knowingly to transport, ship, or receive, in interstate or foreign commerce, any firearm the importer's or manufacturer's serial number of which has been removed, obliterated, or altered.

"(k) It shall be unlawful for any person knowingly to import or bring into the United States or any possession thereof any firearm or ammunition, except as provided in subsection (d) of section 925 of this chapter; and it shall be unlawful for any person knowingly to receive any firearm or ammunition which has been imported or brought into the United States or any possession thereof in violation of the provisions of this chapter.

"(l) It shall be unlawful for any licensed importer, licensed manufacturer, or licensed dealer knowingly to make any false entry in, or to fail to make appropriate entry in or to fail to properly maintain, any record which he is required to keep pursuant to section 923 of this chapter or regulations promulgated thereunder.

"§ 923 Licensing

"(a) No person shall engage in business as a firearms or ammunition importer, manufacturer, or dealer until he has filed an application with, and received a license to do so from, the Secretary. The application shall be in such form and contain such information as the Secretary shall by regulation prescribe. Each applicant shall be required to pay a fee for obtaining such a license, a separate fee being required for each place in which the applicant is to do business, as follows:

"(1) If a manufacturer—

"(A) of destructive devices and/or ammunition for destructive devices a fee of \$1,000 per year;

"(B) of firearms other than destructive devices a fee of \$500 per year;

"(C) of ammunition for firearms other than destructive devices a fee of \$10 per year.

"(2) If an importer—

"(A) of destructive devices and/or ammunition for destructive devices a fee of \$1,000 per year;

"(B) of firearms other than destructive devices and/or ammunition for firearms other than destructive devices a fee of \$500 per year.

"(3) If a dealer—

"(A) in destructive devices and/or ammunition for destructive devices a fee of \$1,000 per year;

"(B) who is a pawnbroker dealing in firearms other than destructive devices or ammunition for firearms other than destructive devices a fee of \$250 per year;

"(C) who is not a dealer in destructive devices or a pawnbroker, a fee of \$10 per year.

"(b) Upon the filing of a proper application and payment of the prescribed fee, the Secretary may issue to the applicant the appropriate license which, subject to the provisions of this chapter and other applicable provisions of law, shall entitle the licensee to transport, ship, and receive firearms and ammunition covered by such license in interstate or foreign commerce during the period stated in the license.

"(c) Any application submitted under subsections (a) and (b) of this section shall be disapproved and the license denied and the

fee returned to the applicant if the Secretary, after notice and opportunity for hearing, finds that—

"(1) the applicant is under twenty-one years of age; or

"(2) the applicant (including in the case of a corporation, partnership, or association, any individual possessing directly or indirectly, the power to direct or cause the direction of the management and policies of the corporation, partnership, or association) is prohibited from transporting, shipping, or receiving firearms or ammunition in interstate or foreign commerce under the provisions of this chapter; or is, by reason of his business experience, financial standing, or trade connections, not likely to commence business operations during the term of the annual license applied for or to maintain operations in compliance with this chapter; or

"(3) the applicant has willfully violated any of the provisions of this chapter or regulations issued thereunder; or

"(4) the applicant has willfully failed to disclose any material information required, or has made any false statement as to any material fact, in connection with his application; or

"(5) the applicant does not have, or does not intend to have or to maintain, in a State or possession, business premises for the conduct of the business.

"(d) Each licensed importer, licensed manufacturer, and licensed dealer shall maintain such records of importation, production, shipment, receipt, and sale or other disposition, of firearms and ammunition at such place, for such period and in such form as the Secretary may by regulations prescribe. Such importers, manufacturers, and dealers shall make such records available for inspection at all reasonable times, and shall submit to the Secretary such reports and information with respect to such records and the contents thereof as he shall by regulations prescribe. The Secretary or his delegate may enter during business hours the premises (including places of storage) of any firearms or ammunition importer, manufacturer, or dealer for the purpose of inspecting or examining any records or documents required to be kept by such importer or manufacturer or dealer under the provisions of this chapter or regulations issued pursuant thereto, and any firearms or ammunition kept or stored by such importer, manufacturer, or dealer at such premises. Upon the request of any State, or possession, or any political subdivision thereof, the Secretary of the Treasury may make available to such State, or possession, or any political subdivision thereof, any information which he may obtain by reason of the provisions of this chapter with respect to the identification of persons within such State, or possession, or political subdivision thereof, who have purchased or received firearms or ammunition, together with a description of such firearms or ammunition.

"(e) Licenses issued under the provisions of subsection (b) of this section shall be kept posted and kept available for inspection on the business premises covered by the license.

"(f) Licensed importers and licensed manufacturers shall identify, in such manner as the Secretary shall by regulations prescribe, each firearm imported or manufactured by such importer or manufacturer.

"§ 924. Penalties

"(a) Whoever violates any provision of this chapter or knowingly makes any false statement or representation with respect to the information required by the provisions of this chapter to be kept in the records of a person licensed under this chapter, or in applying for any license or exemption or relief from disability under the provisions of this chapter, shall be fined not more than \$5,000

or imprisoned not more than five years, or both.

"(b) Whoever, with intent to commit therewith an offense punishable by imprisonment for a term exceeding one year, or with knowledge or reasonable cause to believe that an offense punishable by imprisonment for a term exceeding one year is to be committed therewith, ships, transports, or receives a firearm or any ammunition in interstate or foreign commerce shall be fined not more than \$10,000 or imprisoned not more than ten years, or both.

"(c) Any firearm or ammunition involved in, or used or intended to be used in, any violation of the provisions of this chapter, or a rule or regulation promulgated thereunder, or violation of any other criminal law of the United States, shall be subject to seizure and forfeiture and all provisions of the Internal Revenue Code of 1954 relating to the seizure, forfeiture, and disposition of firearms, as defined in section 5848(1) of said Code, shall, so far as applicable, extend to seizures and forfeitures under the provisions of this chapter.

"§ 925. Exceptions: relief from disabilities

"(a) The provisions of this chapter shall not apply with respect to the transportation, shipment, receipt, or importation of any firearm or ammunition imported for, or sold or shipped to, or issued for the use of the United States or any department, or agency thereof; or any State or possession, or any department, agency, or political subdivision thereof.

"(b) A licensed importer, licensed manufacturer, or licensed dealer who is indicted for a crime punishable by imprisonment for a term exceeding one year, may, notwithstanding any other provisions of this chapter, continue operations pursuant to his existing license (provided that prior to the expiration of the term of the existing license timely application is made for a new license) during the term of such indictment and until any conviction pursuant to the indictment becomes final.

"(c) A person who has been convicted of a crime punishable by imprisonment for a term exceeding one year (other than a crime involving the use of a firearm or other weapon or a violation of this chapter or of the National Firearms Act) may make application to the Secretary for relief from the disabilities under this chapter incurred by reason of such conviction, and the Secretary may grant such relief if it is established to his satisfaction that the circumstances regarding the conviction, and the applicant's record and reputation, are such that the applicant will not be likely to conduct his operations in an unlawful manner, and that the granting of the relief would not be contrary to the public interest. A licensee conducting operations under this chapter, who makes application for relief from the disabilities incurred under this chapter by reason of such a conviction, shall not be barred by such conviction from further operations under his license pending final action on an application for relief filed pursuant to this section. Whenever the Secretary grants relief to any person pursuant to this section he shall promptly publish in the Federal Register notice of such action, together with the reasons therefor.

"(d) The Secretary may authorize a firearm or ammunition to be imported or brought into the United States or any possession thereof if the person importing or bringing in the firearm or ammunition establishes to the satisfaction of the Secretary that the firearm or ammunition—

"(1) is being imported or brought in for scientific or research purposes, or is for use in connection with competition or training pursuant to chapter 401 of title 10 of the United States Code; or

"(2) is an unserviceable firearm, other than a machinegun as defined in section

5848(2) of the Internal Revenue Code of 1954 (not readily restorable to firing condition), imported or brought in as a curio or museum piece; or

"(3) is of a type that does not fall within the definition of a firearm as defined in section 5848(1) of the Internal Revenue Code of 1954 and is generally recognized as particularly suitable for or readily adaptable to sporting purposes, and in the case of surplus military firearms is a rifle or shotgun; or

"(4) was previously taken out of the United States or a possession by the person who is bringing in the firearm or ammunition;

Provided, That the Secretary may permit the conditional importation or bringing in of a firearm or ammunition for examination and testing in connection with the making of a determination as to whether the importation or bringing in of such firearm or ammunition will be allowed under this subsection.

"§ 926. Rules and regulations

"The Secretary may prescribe such rules and regulations as he deems reasonably necessary to carry out the provisions of this chapter. The Secretary shall give reasonable public notice, and afford to interested parties opportunity for hearing, prior to prescribing such rules and regulations. Violation of any provision of this chapter, or rule or regulation promulgated hereunder, shall be grounds for revocation by the Secretary, upon due notice and hearing, of any license issued hereunder.

"§ 927. Effect on State law

"No provision of this chapter shall be construed as indicating an intent on the part of the Congress to occupy the field in which such provision operates to the exclusion of the law of any State or possession on the same subject matter, unless there is a direct and positive conflict between such provision and the law of the State or possession so that the two cannot be reconciled or consistently stand together.

"§ 928. Separability

"If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of the chapter and the application of such provision to other persons not similarly situated or to other circumstances shall not be affected thereby."

Sec. 4. The administration and enforcement of the amendment made by this title shall be vested in the Secretary of the Treasury.

Sec. 5. Nothing in this title or amendment made thereby shall be construed as modifying or affecting any provision of—

(a) the National Firearms Act (chapter 53 of the Internal Revenue Code of 1954); or

(b) section 414 of the Mutual Security Act of 1954 (22 U.S.C. 1934), as amended, relating to munitions control; or

(c) section 1715 of title 18, United States Code, relating to nonmailable firearms.

Sec. 6. The table of contents to "PART I.—CRIMES" of title 18, United States Code, is amended by inserting after

"43. False personation..... 911"

a chapter reference as follows:

"44. Firearms..... 921"

Sec. 7. The Federal Firearms Act (52 Stat. 1250; 18 U.S.C. 901-910), as amended, is repealed.

Sec. 8. The provisions of this title shall become effective one hundred and eighty days after the date of its enactment; except that repeal of the Federal Firearms Act shall not in itself terminate any valid license issued pursuant to that Act and any such license shall be deemed valid until it shall expire according to its terms unless it be sooner revoked or terminated pursuant to applicable provisions of law.

The letter, presented by Mr. DODD, is as follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C.

The VICE PRESIDENT,
U.S. Senate,
Washington, D.C.

DEAR MR. VICE PRESIDENT: Last week the President wrote to you stating his emphatic concern that Congress not stop with a "half-way measure," or enact a "watered-down version" of a gun control law, but that it "give America the Gun Control Law it needs." The enclosed draft bill would carry out the President's request.

The proposed bill differs from Title IV of H.R. 5037, recently passed by this Congress, in two principal respects. First, it imposes restrictions on rifles and shotguns parallel to those that H.R. 5037 imposes on hand guns. These provisions prohibit mail-order purchases, sales to nonresidents, and sales to juveniles. Second, the proposed bill includes provisions to control the interstate shipment of ammunition and the sale of ammunition to juveniles, matters omitted altogether in H.R. 5037. Additionally, the draft embodies a few minor technical refinements.

By recognizing the Federal responsibility to control the indiscriminate flow of firearms and ammunition across State borders, this bill will give States and local communities the capacity and the incentive to enforce effectively their own gun control laws. Once enacted into law, it will ensure that strong local or State laws are not subverted by a deadly interstate traffic in firearms and ammunition.

The President has repeatedly urged Congress to put an end to "mail order murder," and to arrest the violence in our nation by tightening controls over firearms.

The need for immediate action can no longer be ignored. Each year 6,500 murders, 43,000 aggravated assaults, and 60,000 robberies are committed with firearms. Each day, 50 lives—more than one every half-hour—are destroyed by firearms. Since 1900, three-quarters of a million people have died in the United States by firearms, more than in all our wars. In 1967 alone, assaults with a gun rose 22%. One out of every 5 assaults is committed with a gun. Firearms are used in 58% of all robberies.

Nor is this solely a problem of hand guns. Thirty per cent of the homicides each year with firearms are by rifles or shotguns. Between 1960 and 1968, more than 95% of all law enforcement officers killed in the United States were slain with firearms, and one in four of these officers was slain by a rifle or a shotgun. A recent survey of police departments in some 40 cities over a five year period revealed that during the survey period more than 50,000 rifles and shotguns were confiscated from murderers, robbers, juvenile offenders, and others engaging in unlawful activities. Rifles and shotguns have become the chosen instruments of slaughter for snipers and assassins. Any truly effective firearms legislation simply must cover long guns as well as hand guns.

So also it is clear that controlling the distribution of ammunition is as important as regulating the sale of the firearms which use it. In previous firearms bills, including S. 1592 introduced in the last Congress, the President has urged inclusion of ammunition. With an estimated 50 million firearms now privately owned in the Nation, the control of the ammunition they fire is crucial to controlling the abuse of these weapons.

The people of this country have indicated overwhelmingly that they want immediate Federal controls over all kinds of firearms. We have debated the issue beyond reason. The increasing number of violent crimes committed with firearms and the tragic events of the last few months have made it abundantly clear that Congress must act now to help prevent further violence.

The proposed bill is substantially similar to a number of bills sent to the Congress by the President and considered by both chambers during the past two Congresses. These include S. 1592, H.R. 6028 and H.R. 6793 of the 89th Congress, and S. 1—Amendment 90 and H.R. 5384 of the 90th Congress.

The Senate Commerce Committee held two months of hearings on firearms control in 1963 and 1964. The Senate Juvenile Delinquency Subcommittee held hearings on firearms bills in 1963, and again in 1964, 1965, and 1967. The House Judiciary Committee has held hearings on this matter at length in 1965 and again in 1967.

In light of this extensive background, and at the request of the President, I urge the Congress to give immediate consideration to this extremely important legislation. There must be action now, before the Congress adjourns. While the time is short before adjournment, so also is the time short for the country to move to control the principal weapon of crime—the gun.

Sincerely,

RAMSEY CLARKE,
Attorney General.

Mr. DODD. Mr. President, I ask unanimous consent that the names of the Senator from Washington [Mr. MAGNUSON], the Senator from Rhode Island [Mr. PASTORE], the Senator from New York [Mr. JAVITS], the Senator from Hawaii [Mr. FONG], the Senator from Florida [Mr. SMATHERS], the Senator from Connecticut [Mr. RIBICOFF], and the Senator from Maryland [Mr. BREWSTER] be added as cosponsors to the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. DODD. I yield.

Mr. TYDINGS. Mr. President, I ask unanimous consent that my name may be added to the list of cosponsors of the legislation just proposed by the Senator from Connecticut.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, the Senator from Maryland has been a great strength and a strong supporter in this struggle for better gun control legislation. I wish to thank him publicly for his help.

Mr. TYDINGS. I thank the Senator from Connecticut.

Mr. DODD. Mr. President, I ask that the bill lie on the desk throughout the day so that other Senators who wish to do so may add their names as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FONG. Mr. President, the time for the Congress to enact the strongest possible gun control laws is long, long overdue.

America can no longer tolerate the easy access to weapons by immature juveniles, felons, drug addicts, and persons with a record of emotional instability. This Nation can no longer fail to enact legislation—strong and effective, and comprehensive—to control the indiscriminate sale and use of all firearms.

STAGGERING TOLL

The urgency of the need for immediate action cannot be overstated or overemphasized. The toll that guns take annually is a staggering one.

Each year, 6,550 murders, 43,000 aggravated assaults, and 60,000 robberies

are committed with firearms. Each year, firearms cause some 19,000 deaths and 100,000 nonfatal injuries.

Each day, it has been estimated that 50 lives—more than one every half-hour—are maimed or destroyed by gunmen.

Incredibly, more than 200,000 have been killed by privately owned firearms since 1900 than have died in all wars in which the United States has been involved. Between 1900 and 1966, guns were responsible for 280,000 murders, 370,000 suicides, and 145,000 deaths by accident—a total of more than three-quarters of a million Americans. In that same period, from the Spanish-American War to Vietnam, American war dead totaled 550,000.

In 1967 alone, 59 percent of all murders were committed with guns—the highest percentage ever recorded; aggravated assaults with a gun rose by 22 percent; and armed robbery increased by 10 percent. One out of every five assaults is committed with a gun, and 58 percent of all robberies involved the use of firearms.

The annual rate of murder by firearms for this country is astronomic when compared to the rates for other civilized nations of the world.

According to Library of Congress figures, the American homicide rate for 1963 was nearly three for every 100,000 population—a rate 55 times the rate for Great Britain, 25 times the rate for Germany, 55 times the rate for Japan, and 90 times the rate for the Netherlands.

During the early 1960's, the average number of firearm homicides per year for Great Britain and Japan was 30—a figure roughly equivalent to the number of firearm murders in our country in 2 days. During the period 1960 to 1963, the Netherlands did not have a single case of murder by firearms.

LAW'S INEFFECTIVE

In this country, according to one estimate, some 20,000 laws deal with the manufacture, sale, and use of firearms. But none are effective.

In 41 States and the District of Columbia, one can buy either a rifle or a pistol without a license of any kind; in seven States the law requires a permit to buy a handgun; one State, South Carolina, prohibits the sale of handguns; and two States, Hawaii and New Jersey, now require the registration of all guns by description, serial number, and ownership.

Extremely compelling is the fact that in States which have strong gun control laws, homicides committed with guns are less common than in States with no law or which have ineffective controls. For example: in four States having strong gun control laws, the proportion of murders committed in the last 4 years, according to the FBI report, was well below the national average of 57 percent. In Pennsylvania, firearm murders were 43 percent of the total; in New Jersey, 39 percent; in Massachusetts, 35 percent; in New York, 32 percent. On the other hand, States with minimal controls or no such law had much higher rates: Colorado, 59 percent; Louisiana, 62 percent; Arizona, 66 percent; Montana, 68 percent; Texas, 69 percent; and Nebraska, 70 percent.

Figures for our cities told the same story.

During 1965 hearings of the Judiciary Subcommittee on Juvenile Delinquency, Attorney General Katzenbach pointed out that, in Dallas, Tex., and Phoenix, Ariz., where firearms regulations are virtually nonexistent, the percentage of homicides committed by guns in 1963 was 72 percent in Dallas and 65.9 percent in Phoenix.

On the other hand, in cities having strong regulations, the figures were markedly lower: Chicago, 46.4 percent; Los Angeles, 43.5 percent; Detroit, 40 percent; Philadelphia 36 percent; New York, 25 percent.

The only Federal laws concerning firearms—the National Firearms Act of 1934, and the Federal Firearms Act of 1938—have been aptly described by one commentator as "antiquated and impotent legal travesties."

Even where strong State laws and municipal ordinances on firearms exist, these laws and ordinances are violated wholesale because of the total absence of effective Federal laws. It is astonishingly easy for any resident of a city or State having strict gun laws to circumvent the laws and purchase a weapon—by mail-order sale, or by simply travelling to a neighboring State with a weak or no law and buying a firearm over the counter.

In short, strong local and State laws are subverted with the greatest of ease by the deadly interstate traffic in firearms.

No one can make even a rough guess at how many guns are in private hands in this country. Estimates have ranged from a low of 50 million to a high of 200 million.

It is known, however, that each year 2 million domestically manufactured guns and 1 million imported guns are sold. In other words, in the course of each working day, about 10,000 guns reach private hands.

These are rather frightening statistics.

HANDGUN CONTROL VERY INADEQUATE

The Congress has now taken the first step in the right direction. By approving Federal controls on the interstate sale and distribution of handguns, we have brought under some degree of regulation the traffic in pistols—weapons designed primarily for the purpose of killing or maiming human beings. To this limited extent, we have advanced the safety of our citizens.

Handgun control represents the least the Congress can do to meet the pressing public interest to protect against unrestricted gun traffic in this country, and if just this much firearms regulatory legislation finally becomes law, it will be the first time in 30 years that any such law has been adopted.

But it is not nearly enough.

When the Senate last month debated the handgun-control title of the crime control bill, I strongly urged—as I have ever since strict comprehensive firearms control was first proposed in 1962—that Federal regulation be extended to cover long guns and shotguns. I feel very, very strongly that the handgun section of the anticrime bill falls far short of the strong and effective firearms control leg-

islation so urgently required by the Nation.

Rifles and shotguns are every bit as lethal as handguns. They account for a shocking 30 percent of all gun crimes in this country.

Between 1960 and 1965, more than 95 percent of all law enforcement officers killed in this United States were slain by a rifle or a shotgun.

A recent survey conducted by the Senate Judiciary Subcommittee on Juvenile Delinquency, of which I am a member, showed that during the years 1960 through 1965, according to the police departments of 40 of our major cities, including Honolulu, 805 rifles and shotguns were confiscated from juveniles, 1,210 rifles and shotguns were used to commit murder, 2,908 rifle and shotgun robberies were committed, 4,179 assaults were committed with shotguns and rifles, 23,130 rifles and shotguns were confiscated from persons involved in illegal activities, and 4,478 long guns were seized on illegal weapons charges. A total of 50,745 cases were ones in which long guns were used in crimes of violence or other illegal activities.

According to the FBI Uniform Crime Report for 1966, 1,747 persons were murdered in the United States with rifles and shotguns that year.

In a report dated August 11, 1967, the Director of the Alcohol and Tobacco Tax Division wrote that the strongest argument for including long guns in a firearms control law is the fact that they can be, frequently are, converted into concealable weapons for criminal use.

We have reviewed 200 recent firearms violation case reports—

He said—

and found that there were 98 sawed-off shotguns and 14 sawed-off rifles out of a total of 207 guns involved in these cases.

It seems obvious to me that if strict controls are imposed on handguns without imposing similar restrictions on long guns, the criminal element will continue to have ready access to concealable weapons by the simple expedient of purchasing an uncontrolled long gun and converting it into a handgun.

Rifles and shotguns have become the chosen instrument of murder for snipers and assassins.

Our law enforcement authorities across the Nation—including the chiefs of police of our biggest cities—have implored the Congress to enact legislation to control the long gun.

And now the President has once again appealed to the Congress for such legislation.

COSPONSOR ADDITIONAL FIREARMS LEGISLATION

For all the reasons I have cited, and for the overriding reason that the public interest demands it, I have cosponsored legislation to control the sale and distribution of rifles and shotguns—(S. 3604, S. 3605, and S. 3633).

As I have done so repeatedly in the past, I once again join my distinguished colleague from Connecticut [Mr. Dodd]—who for so long has ably championed this cause in the Senate—in strongly supporting efforts to pass a long gun control measure.

In addition to this bill, I am also cosponsoring the administration's long gun control measure. Besides providing for long gun regulations, the administration bill would control the interstate shipment of ammunition and its sale to juveniles.

Regulating the interstate flow of ammunition, I am convinced, should be every bit as stringent as firearms controls. These provisions are rightly included in the bill.

While these proposals would go a long way to control the future sale of firearms, there still remains the problem of the millions of weapons which are now extant in the land—possibly many thousands of them in the hands of criminals, drug addicts, juveniles, the mentally unstable, and political extremists.

I am therefore cosponsoring a bill to require the compulsory Federal registration of all firearms. Like all civilized nations of the world, America must make registration of all guns mandatory.

In summary, the bill would provide as follows:

First, it calls for compulsory Federal registration of all firearms under administrative machinery to be set up by the Secretary of the Treasury.

Second, it exempts those States which have or will have laws requiring compulsory registration.

Third, it establishes a nominal registration fee of one dollar to cover the cost of administering the registration program.

Fourth, it provides for a period of 90 days after the law is enacted before it becomes effective. This will make it possible to set up the necessary administrative machinery before registration begins.

Fifth, it provides for a registration period that will commence 90 days after its enactment and will extend for a period of 6 months thereafter.

Sixth, it grants an amnesty from prosecution under this act to all persons who come forward to turn in their firearms before the close of the registration period.

Seventh, it establishes a penalty of a maximum of up to 2 years in prison and \$2,000 fine, or both, for those who are found in possession of unregistered firearms after the close of the registration period.

It is evident from this outline that no law-abiding citizen who wishes to have a firearm would be barred from its purchase under this bill, which is patterned after the firearms registration laws of other civilized nations.

Certainly, firearms registration requirements are no more objectionable, and no less necessary, than motor vehicle registration and the licensing of motor vehicle operators.

The bill is clearly an eminently reasonable one which is, at the same time, simple and workable.

BILLS SHOULD HAVE HIGHEST PRIORITY

Mr. President, these proposals—tough, comprehensive, and feasible—are the very bills I have been calling for all these years.

It has long been very evident to me that any truly effective firearms legis-

lation simply must cover long guns as well as hand guns, provide for control of ammunition sales, and require national registration of all weapons.

None of these proposals imposes any inconvenience whatsoever on hunters and sportsmen. They do, however, frustrate the juveniles, the felons, and the fugitives who can today, with impunity and anonymity, buy firearms whenever and in whatever quantity they may desire.

The people of this Nation have given the Congress a very clear mandate for the immediate enactment of precisely legislation I have today cosponsored.

Two public opinion polls in the last 2 years underline this fact most emphatically.

In September 1966, the Gallup poll reported 68 percent of all Americans favored legislation making a police permit a prerequisite to any firearm purchase. The Harris poll released April 23, 1968, showed that public support of such a regulation had mounted to 71 percent—nearly three out of every four Americans favoring legislation to control the sales of firearms “such as making all persons register all gun purchases no matter where they buy them.”

Quite significantly, both polls indicated that most gunowners themselves support Federal firearms control, including registration. Gallup reported 56 percent of all gunowners favored such a law; Harris registered support by a better than 2-to-1 margin, 65 to 31 percent.

The International Association of Chiefs of Police, representing law enforcement officers from across the Nation, have overwhelmingly endorsed a strong and comprehensive law. So have the American Bar Association, the National Association of Citizens Crime Commissions, and the President's Commission on Law Enforcement and Administration of Justice.

These bills, substantially similar to measures introduced in past sessions of Congress, have been the subject of very extensive hearings since 1963. The Senate Commerce Committee held 2 months of hearings on firearms control in 1963 and 1964. The Juvenile Delinquency Subcommittee held lengthy hearings on firearms bills in 1963, and again in 1964, 1965, and 1967.

I call upon the Senate leadership to assign these proposals its highest priority; the Senate should give its immediate consideration to them; the Congress must enact them before we adjourn.

Enactment of any one or even all of these measures would not, of course, prevent all murders for all time; nor would even the most stringent firearms regulations end the incidence of all other crimes.

The senseless killings and assaults by firearms now plaguing the Nation would, however, most assuredly be drastically reduced. Many lives, I am sure, would be saved.

The ethic upon which our Republic was founded is clear in rendering the life or death of any one of its citizens a matter of the greatest significance. Our heritage of the sanctity of human life—the transcendent concern for the in-

dividual—permeates the very fabric of our national existence.

Consonant with this ethic, and in keeping with our heritage, these bills should be enacted into law—and it should be done with urgency and with expedition.

ORDER OF BUSINESS

Mr. HAYDEN. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield to the Senator from Arizona.

ORDER PROVIDING FOR INCREASE IN COMPENSATION OF OFFICERS AND EMPLOYEES OF THE SENATE EFFECTIVE JULY 1, 1968

Mr. HAYDEN. Mr. President, acting in my capacity as President pro tempore and under authority vested by section 212 of the Federal Salary Act of 1967, I have on this date signed an order providing for an increase in the compensation of officers and employees of the Senate, effective July 1, 1968. I send to the desk a copy of this order and I ask unanimous consent that it be printed at this point in the Record.

There being no objection, the order was ordered to be printed in the Record, as follows:

U.S. SENATE,

OFFICE OF THE PRESIDENT PRO TEMPORE.

By virtue of the authority vested in me by section 212 of the Federal Salary Act of 1967 (81 Stat. 634), it is hereby

Ordered, That (a) (1) effective July 1, 1968, the annual rate of gross compensation of each officer or employee whose compensation is disbursed by the Secretary of the Senate (1) shall be increased by 5.85 per centum, and (11) as so increased, shall be adjusted to the nearest multiple of \$199. As used in this subsection, the term “officer” does not include a Senator.

(2) No annual rate of gross compensation which is \$23,000 or more shall be increased under this subsection, and no annual rate of gross compensation shall be increased under this subsection to an amount in excess of \$28,000.

(b) In any case in which the rate of compensation of any officer, employee, or position, or class of officers, employees, or positions, the compensation for which is disbursed by the Secretary of the Senate, or any minimum or maximum rate with respect to such officer, employee, position, or class is referred to in or provided by statute or Senate resolution, such statutory provision or resolution shall be deemed to refer to the rate which an officer or employee, subject to the provisions of subsection (a) receiving such rate immediately prior to the effective date of the increase provided by such subsection would be entitled (without regard to such statutory provision or resolution) to receive on and after such date.

(c) The annual rate of gross compensation of each employee in the office of a Senator shall be adjusted, effective on July 1, 1968, to the lowest multiple of \$199 which is not lower than the rate such employee was receiving immediately prior thereto, except that the foregoing provisions of this subsection shall not apply in the case of any employee if on or before June 30, 1968, the Senator by whom such employee is employed notifies the disbursing office of the Senate in writing that he does not wish such provisions to apply to such employee. In any case in which, at the expiration of the time within which a Senator may give notice under this subsection, such Senator is de-

ceased, such notice shall be deemed to have been given.

(d) The table contained in section 105(d) (1) of the Legislative Branch Appropriation Act, 1968, as amended, shall be deemed on and after July 1, 1968, to read as follows:

"\$210,940 if the population of his State is less than 3,000,000;

"\$224,870 if such population is 3,000,000 but less than 4,000,000;

"\$236,810 if such population is 4,000,000 but less than 5,000,000;

"\$247,755 if such population is 5,000,000 but less than 7,000,000;

"\$259,695 if such population is 7,000,000 but less than 9,000,000;

"\$273,625 if such population is 9,000,000 but less than 10,000,000;

"\$287,555 if such population is 10,000,000 but less than 11,000,000;

"\$301,485 if such population is 11,000,000 but less than 12,000,000;

"\$315,415 if such population is 12,000,000 but less than 13,000,000;

"\$329,345 if such population is 13,000,000 but less than 15,000,000;

"\$343,275 if such population is 15,000,000 but less than 17,000,000;

"\$358,200 if such population is 17,000,000 or more."

(e) The limitation on gross rate per hour per person provided by applicable law on July 1, 1968, with respect to the folding of speeches and pamphlets for the Senate is hereby increased, effective on such date, by 5.85 per centum. The amount of such increase shall be computed to the nearest cent, counting one-half cent and over as a whole cent. The provisions of subsection (a) shall not apply to employees whose compensation is subject to such limitation, or to employees referred to in the last proviso in the second paragraph under the heading "SENATE" in the Second Deficiency Appropriation Act, 1948.

(f) The figure "\$188" contained in section 105(a)(1) of the Legislative Branch Appropriation Act, 1968, as amended, shall be deemed on and after July 1, 1968, to refer to the figure "\$199".

(g) Except as provided in section 2(b) of this Order, whenever the figures "\$1,128", "\$6,392", "\$11,092", "\$11,280", "\$14,852", "\$15,040", "\$16,356", "\$16,544", "\$18,988", "\$23,312", "\$24,440", and "\$25,568" appear in section 105 of such Act, they shall be deemed on and after July 1, 1968, to refer to the figures "\$1,194", "\$6,766", "\$11,741", "\$11,940", "\$15,721", "\$15,920", "\$17,313", "\$17,512", "\$20,099", "\$24,676", "\$25,870", and "\$27,064", respectively.

(h) The figure "\$564" contained in the first sentence of section 106(b) of the Legislative Branch Appropriation Act, 1968, as amended (2 U.S.C. 60j), shall be deemed on and after July 1, 1968, to refer to the figure "\$597".

(i) The figure "\$6,256" contained in section 5533(c)(1)(A) of title 5, United States Code, insofar as it relates to individuals whose pay is disbursed by the Secretary of the Senate, shall be deemed on and after July 1, 1968, to refer to the figure "\$6,622".

Sec. 2. (a) If the annual rate of basic pay for positions in level V of the Executive Schedule under section 5316 of title 5, United States Code, is increased effective on or before May 31, 1969, to \$30,000 or more, the annual rates of gross compensation of the Secretary of the Senate, the Sergeant at Arms, the Secretary for the Majority, the Secretary for the Minority, the Parliamentarian, the Chief Clerk, the Financial Clerk, the Chief Reporter of Debates, the Legislative Counsel, and the four Senior Counsel in the Office of the Legislative Counsel (1) shall be increased to the amounts to which such rates would have been increased and adjusted under subsection (a) of the first section except for the provisions of paragraph (2) thereof, and (H) (A) such rates, as so increased and

adjusted, (B) the annual rates of gross compensation of the seven Reporters of Debates, the Deputy Sergeant at Arms, the Administrative Assistant to the Sergeant at Arms, the Assistant Financial Clerk, and the Director, Recording Studio, and (C) the maximum rates of gross compensation authorized for the present incumbent of the office of Secretary for the Majority and for the Assistant Secretary for the Majority, the Assistant Secretary for the Minority, the Research Assistant to the Majority Leader, the Research Assistant to the Minority Leader, the Assistant to the Majority and the Assistant to the Minority in the Office of the Secretary, the Assistant Parliamentarian, the Legislative Clerk, and the Journal Clerk, shall be increased on the first day of the month following the effective date of such increase in the rate for positions in level V by 5 per centum. Such rates, as increased under clause (ii), shall be adjusted to the nearest multiple of \$199.

(b) If the annual rate of basic pay for positions in level V of the Executive Schedule under section 5316 of title 5, United States Code, is increased effective on or before May 31, 1969, to \$30,000 or more, the figures "\$20,099", "\$24,676", "\$25,870", and "\$27,064" contained in subsection (g) of the first section shall be deemed on and after the first day of the month following the effective date of such increase to refer to the figures "\$21,492", "\$26,069", "\$27,263", and "\$28,457", respectively.

(c) If the annual rate of basic pay for positions in level V of the Executive Schedule under section 5316 of title 5, United States Code, is increased effective on or before May 31, 1969, to \$30,000 or more, each amount contained in the table referred to in subsection (d) of the first section shall be increased on the first day of the month following the effective date of such increase in the rate for positions in level V by \$6,965.

CARL HAYDEN,
President pro tempore.

JUNE 12, 1968.

S. 3634—INTRODUCTION OF NATIONAL GUN CRIME PREVENTION ACT OF 1968

Mr. TYDINGS. Mr. President, I am today introducing, for appropriate reference, a bill to assist State and local law enforcement agencies in preventing and solving gun crimes. The bill is entitled the "National Gun Crime Prevention Act of 1968."

Basically, the bill carries out the recommendations of the National Crime Commission report.

The time has arrived to stop talking about effective gun control. The time to act is here. The American people are demanding strong and responsible gun control. During the past 3 days I have received 205 telegrams, 363 telephone calls, and 2,183 letters—2,751 messages in all—which, with only 68 exceptions, all ask for strong gun control.

Mr. President, our mail is not the only evidence that the American people want effective gun control.

The Gallup poll reported on June 8 that:

The public, gunowners and non-gunowners alike . . . favor a law requiring the registration of all guns, a law banning the sale of all guns through the mails, and strict restrictions on the use of guns by persons under 18 years of age.

According to the Harris poll, 85 per cent of the public favors strong gun control legislation.

Law enforcement officials throughout the Nation are demanding—for society's protection and their own—strong gun control. Chief Thomas Reddin, of Los Angeles, said in the aftermath of last week's tragedy, that we must have gun control.

J. Edgar Hoover has written:

There is no doubt in my mind that the easy accessibility of firearms is responsible for many killings, both impulse and premeditated. The statistics are grim and realistic. Strong measures must be taken, and promptly, to protect the public.

Quinn Tamm, director of the International Association of Chiefs of Police has written:

Law-abiding citizens and the police are tired of living in a country which is becoming a veritable armed camp, erupting too frequently into violence, bringing death and destruction by firearms to innocent citizens . . . The ease with which any person can acquire firearms . . . is a significant factor in the prevalence of lawlessness and violent crime in the United States.

The Director of the FBI, the President's Commission on Law Enforcement and the Administration of Justice, the International Association of Police Chiefs, the National Council on Crime and Delinquency, the American Bar Association—all of these organizations and many more—as well as 85 per cent of the American people are demanding an end to our firearms anarchy.

I ask my colleagues—Can we really afford to wait? Must we endure more tragedies, more weeks like last week before we act?

The bill I am introducing today—the Gun Crime Prevention Act of 1968—will provide, as recommended by the President's Crime Commission, for registration of every firearm in the United States—a simple registration. It will also require a license for the purchase or possession of any firearm and ammunition in the United States.

This legislation is specifically structured to encourage the States to provide these protections for the public, but if the States fail to act, then the Federal Law will protect the public.

This bill will deny a license to purchase or possess firearms and ammunition to anyone convicted of a felony or a misdemeanor involving violence. It will deny firearms to aliens, alcoholics, narcotics addicts, mental incompetence, and juveniles. But it will impose no significant burden on law-abiding gun owners, hunters, hobbyists, and sportsmen.

I ask my colleagues to study the bill closely because, without question, it will be the subject to a propaganda drive of massive misrepresentation throughout the United States by the National Rifle Association.

I might add that my love of hunting and shooting is second to none in this Chamber. My marksmanship is not so expert as that of the distinguished Presiding Officer now in the chair (Mr. TALMADGE). But I love to shoot. I learned to shoot at my father's knee. My son is learning to shoot at my knee.

My bill represents moderate responsible gun control legislation. It will not, in any way, injure the law-abiding citizen, the law-abiding sportsman, or the

homeowner who wishes to protect his home.

Mr. President, some will call this bill too tough. Certainly, it is the strongest firearms control bill yet introduced in Congress. It is complementary to the bill just introduced by the Senator from Connecticut [Mr. Dodd] and others. But in view of what has happened in our Nation and to our Nation, and in view of what happens every day in this Nation, I do not feel that we can do less.

A brief glance at some of the statistics on gun crime shows the need for this bill:

1. Homicide by gun:

a. 1964: 5,090 gun murders, 55% of the total homicides.

b. 1965: 5,634 gun murders, 57% of the total homicides.

c. 1966: 6,552 gun murders, 60% of the total homicides.

2. Rifle and shotgun murders (about 30% of the annual total):

a. 1964: 1,527 long gun murders.

b. 1965: 1,690 long gun murders.

c. 1966: 1,747 long gun murders.

3. Gun homicide rates in states with strong gun laws vs. states with weak gun laws (four year period 1962-1965—Overall homicide rate per 100,000 population in parenthesis).

STRONG LAW

Pennsylvania: 43.2% of all murders (3.2).

New Jersey: 38.6% of all murders (3.5).

New York: 31.8% of all murders (4.8).

Massachusetts: 35.3% of all murders (2.4).

Rhode Island: 24.0% of all murders (1.4).

WEAK LAW

Florida: 66.0% of all murders.

Arizona: 66.4% of all murders (6.1).

Nevada: 66.9% of all murders (10.6).

Texas: 68.7% of all murders (9.1).

Mississippi: 70.9% of all murders (9.7).

Louisiana: 62.0% of all murders (9.9).

4. Law enforcement officers killed in line of duty:

a. Since 1960, firearms have been the weapon in 96% (322) of all 335 murders of police officers.

b. In 1966, 57 police officers were killed in the line of duty, and 55 of them were killed with firearms.

c. Of the 335 officers killed, 53 were killed in the Northeastern states, 60 in western states, 71 in North Central states, and 151 in southern states. (The most stringent gun control laws exist in Northeastern states, and the weakest in southern states.)

5. Aggravated assault by gun:

a. 1964: 27,700

b. 1965: 34,700

c. 1966: 43,500

During the three years, 1964-66, assaults with a gun increased 36%. Regionally, 11.7% of the aggravated assaults committed in Northeastern states were committed with a gun; 18.5% in Western states; 19.2% in North Central states; and 23.5% in Southern states.

6. Armed robbery by gun:

a. 1964: 42,600

b. 1965: 52,000

c. 1966: 59,300

7. Firearms control in other nations:

a. Britain requires a certificate from local police before a long gun can be purchased.

b. In a recent three-year period in England and Wales, of the 400,000 criminals arrested, only 159 were carrying guns.

c. In England, guns are used in 10% of the homicides; in the United States, 60%.

d. France requires police permits for handguns and military rifle purchases.

e. Sweden requires a need for a gun, and demonstrated knowledge of its use.

f. Germany issues permits only to regis-

tered hunters and members of shooting clubs.

g. Japan prohibits entirely private ownership of guns.

h. Canada requires registration of all handguns.

8. Comparative gun fatalities in sixteen nations:

TOTAL NUMBER AND RATE PER 100,000 POPULATION

Country (Year is the latest for which figures are available)	Homicide		Suicide		Accident	
	Number	Rate	Number	Rate	Number	Rate
United States, 1963.....	5,126	2.7	9,595	5.1	2,263	1.2
Australia, 1963.....	61	.55	335	3.1	87	.80
Belgium, 1963.....	24	.25	64	.69	10	.11
Canada, 1963.....	99	.52	555	2.9	150	.8
Denmark, 1962.....	6	.13	59	1.3	15	.32
England and Wales, 1963.....	24	.05	161	.34	77	.16
France, 1962.....	584	1.3	777	1.7	265	.56
German Federal Republic, 1962.....	68	.12	438	.80	93	1.17
Ireland, 1963.....			7	.25	15	.53
Italy, 1962.....	351	.70	362	.73	181	.36
Japan, 1962.....	37	.04	93	.10	90	.09
Netherlands, 1963.....	3	.03	11	.09	4	.03
New Zealand, 1962.....	4	.17	39	1.7	6	.26
Scotland, 1963.....	3	.05	20	.38	13	.25
Sweden, 1963.....	8	.11	163	2.1	27	.36
Switzerland, 1962.....					26	.46

Gun homicide rates in States with strong gun laws versus States with weak gun laws show a marked contrast. In those States with strong gun laws, the gun murder rate is substantially lower than in those States with weak laws.

In Pennsylvania, with a relatively strong law, 43.2 percent of all murders are gun murders. In New Jersey, 38.6 percent of all murders are gun murders. In New York, 31.8 percent. In Massachusetts, 35.3 percent. In Rhode Island, 24 percent.

Those are States with at least minimal gun regulations.

Now let us look at those States with no laws or weak laws: Florida, 66 percent of all murders are by gun. Arizona, 66.4 percent. Nevada, 66.9 percent, Texas, 68.7 percent, Mississippi, 70.9 percent, Louisiana, 62 percent.

Mr. President, in these days we think no sacrifice too great for our police officers. We do not hesitate to call them to become sociologists, traffic directors, and community relations counsellors as well as courageous protectors of public order; and yet, since 1960, there have been 335 murders of police officers in this country, and 96 percent were by gun.

In 1966, 57 police officers were killed in the line of duty, and 55 of them were killed with firearms.

These next statistics are very interesting. Of the 335 police officers murdered by gun in the United States since 1960, only 53 police officers were shot down with guns in the Northeastern States, which have highly populated areas but relatively strong gun laws. In the Southern States, with much less population and little gun legislation to speak of, 151 police officers were shot down with guns.

It is interesting to note that some of the most stringent gun control laws exist in the Northeastern States and some of the weakest in the Southern States.

It is interesting to take a look at firearms control in other "civilized" nations of the Western World.

Britain requires a certificate from local police before a handgun or a rifle can be purchased. In a recent 3-year period in England and Wales, of the

400,000 criminals arrested, only 159 were carrying guns.

In England guns are used in 10 percent of the homicides; in the United States, in 60 percent of the homicides.

France requires police permits for handguns and military rifles.

Sweden requires a need for a gun and demonstrated knowledge of its use.

Germany issues permits only to registered hunters and members of shooting clubs.

Japan prohibits entirely private ownership of guns.

Canada requires registration of all handguns.

I have a little chart here, Mr. President, which gives the comparative gun fatalities in 16 nations of the Western World. I would like to read them, because they are illustrative. We will start with the United States and use the United States as a base. The rate is per 100,000 population.

In 1963, the homicide rate—the gun murder rate—in the United States per 100,000 population was 2.7; five times the rate of Australia; 10 times the rate of Belgium; five times the rate of Canada; 20 times the rate of Denmark; 54 times the rate of Great Britain; 23 times the rate of the German Federal Republic; 67 times the rate of Japan; 90 times the rate of the Netherlands.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. TYDINGS. I am delighted to yield.

Mr. HOLLAND. Does the Senator have the figures indicating what percentage or what number of those murders were by handguns and what number by long guns?

Mr. TYDINGS. I have the ratio only for the United States.

Mr. HOLLAND. I mean in the United States.

Mr. TYDINGS. Approximately 30 percent by long guns in the United States and 70 percent by handguns.

Mr. HOLLAND. I thank the Senator.

Mr. TYDINGS. Mr. President, in 1963 there were 5,126 gun murders in the United States.

In Denmark there were six.

In England and Wales there were 24.

In Belgium there were 24.

June 12, 1968

In Japan there were 37.
There were three in the Netherlands.
There were four in New Zealand.
There were eight in Sweden.
And yet—I repeat—5,126 gun murders in the United States.

Mr. President, the bill I am introducing is called the Gun Crime Prevention Act of 1968. It is complementary to the President's gun sales legislative proposal, introduced by the Senator from Connecticut, and which has been before the Congress every year since I have been in the Senate. But unlike the President's gun sales bill, my proposal applies to possession and the use of firearms. It is designed to take guns out of the hands of the lawless elements of this country and thus help reduce the staggering and tragic gun crime problem we face.

My proposal applies both to firearms and ammunition. It will require the registration, by a simple form, of every firearm now in the United States and all firearms produced in or imported into this country in the future, and the reregistration or transfer each time a firearm changes hands.

Mr. President, that is a basic law-enforcement need—to be able to locate where the firearms are in this country. Fortunately, California was one of those States which had at least registration statute for initial sales. That is how the name of the accused in the assassination of Senator Kennedy, our colleague, was discovered.

Registration is a bare minimum of assistance for police officers.

In addition, my bill will also require a license for the transfer or possession or purchase of any firearm or any ammunition used in a firearm.

It will disqualify from gun ownership, felons, aliens, those convicted of misdemeanors involving violence, drug addicts, alcoholics, the mentally incompetent, and juveniles.

The Gun Crime Prevention Act will not disarm law-abiding citizens who own guns. It will not significantly inconvenience law-abiding hunters, sportsmen, collectors, or other gun fanciers, any more than the obtaining of a license for an automobile owner inconveniences the automobile driver.

It will not nullify any State gun law, and will provide specifically that any State can preempt this legislative proposal by enacting a State law equally as effective for registration and licensing of firearms.

The entire purpose and thrust of this legislation is to encourage and persuade the legislatures across the Nation to provide this minimal assistance to law enforcement.

I might point out, parenthetically, Mr. President, that with the exception of New Jersey, no State in the past several decades has been able to enact any gun legislation which has been opposed by the National Rifle Association and their gun lobby.

If a State does not preempt the field, then the Federal law created by this bill would apply, and would protect from gun crimes the people of that State and visitors to that State.

The bill provides for registration of all firearms within a year from the effective date of the act. It provides that all transfers of firearms will be registered after the effective date of the act. The effective date will be 180 days after enactment of the bill.

Anyone who owns a firearm will be able to register a firearm, and, in fact, every owner will be required to do so. This is to provide a record of the serial number, kind of weapon, and its owner for every firearm in the Nation.

In addition, every person who wishes to keep or use a firearm or ammunition 1 year after the act takes effect will have to apply for a license to do so. To obtain a license, all a person need do is to affirm on a form that he is over 18 years old, is a citizen, is not a felon or under indictment for a felony, has not been convicted of a misdemeanor involving violence, and has never been committed to an institution by a court for drug addiction, alcoholism, or mental incompetence.

In addition, an applicant will have to submit a photograph and fingerprints with his application, so that his identity can be firmly established and his freedom from a criminal record confirmed. But in a State or part of a State where the photograph-fingerprint requirement is impractical—as in a sparsely populated area—the Governor of the State can apply to have either or both of these requirements waived.

The Secretary of the Treasury will administer the act, except where a State enacts as effective a law. In that case, of course, the Federal law will not apply; the State law will preempt. Under the bill, the Secretary may borrow the services of other agencies of Government—such as the Post Office—to administer the act. I contemplate that both registration and licensing under this bill can be conducted through post offices all over the country, because basically all it will require is filling out and signing your name to a form, and, in the case of licensing, supplying a photograph and your fingerprints.

The bill further provides the means for disposing of some of the more than 100 million guns now in private hands in this country, when their owners no longer want them or do not or cannot qualify for a license to possess a firearm under the act. In either case, the bill authorizes the Secretary to buy up and destroy those weapons.

Finally, the bill provides stringent penalties for its violation in order to severely discourage gun possession by felons, addicts, aliens, and juveniles.

The Gun Crime Control Act is a moderate, but effective, measure to meet the nationwide gun crime crisis we face.

Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the National Crime Commission report, beginning on page 240 with the heading "Limited Effectiveness of Present Laws," and ending, at the end of page 243, with the recommendations of the Commission.

There being no objection, the excerpt from the Crime Commission Report was ordered to be printed in the Record, as follows:

LIMITED EFFECTIVENESS OF PRESENT LAWS

At first glance, the combined regulatory machinery established by these firearms laws may appear to provide sufficient control. This appearance is misleading. A 1966 Federal Bureau of Investigation survey of the chief administrators of police departments in 10 large cities discloses that all but one believe that the easy accessibility of firearms is a serious law enforcement problem.

On the Federal level, the statutes do little to control the retail and mail-order sale of handguns, rifles, and shotguns. The provision of the Federal Firearms Act of 1933 prohibiting Federal licensees from transporting firearms into States in violation of State laws requiring a permit to purchase firearms has an extremely limited effect. Only eight States have enacted permit laws. If there are local ordinances within a State, but no State law, the Federal provision does not apply. The prohibition against transport of firearms to, or receipt by, felons or fugitives applies only to direct interstate shipment and does not prevent such persons from buying firearms locally after they have been transported from another State. Despite the Federal laws, therefore, practically anyone—the convicted criminal, the mental incompetent, or the habitual drunkard—can purchase firearms simply by ordering them in those States that have few controls.

Strict controls by one State or city are nullified when a potential criminal can secure a firearm merely by going into a neighboring jurisdiction with lax controls, or none at all. While information is sparse, there are strong indications that mail-order houses and other out-of-State sources provide a substantial number of guns to those who commit crimes. One study by the Massachusetts State Police showed that 87 percent of concealable firearms used during the commission of crimes in Massachusetts in a recent year were obtained from sources outside the State.

In order to prevent criminal use of firearms, the police must have some way of following weapons into the hands of the ultimate consumer. But only in four States do police agencies have a method of determining who owns firearms and where they are located. The requirement that each person register firearms—a tool available to law enforcement in almost every industrial nation in the world—has been compared with the State control of automobiles and drivers. At a time when there were very few automobiles, registration was not thought necessary. When automobiles became so numerous that they posed a serious physical threat to society, comprehensive registration was felt to be essential.

A final failing in the present system of control is the ease with which extremely low-priced, and therefore widely available, surplus weapons are brought into the United States from foreign countries. At the present time it is estimated that at least 1 million such weapons are reaching the civilian market each year. During the recent hearings of the Senate Subcommittee on Juvenile Delinquency, law enforcement officials testified that foreign imports accounted for a significant percentage of the total number of firearms coming into their possession as a result of having been used in the commission of crimes. The figures ranged from a low of 13 percent in Washington, D.C., to a high of 80 percent in Atlanta, Ga.

The limited statutory framework within which the State Department must operate prevents any effective control over the importation of firearms. If the import in question does not involve machineguns, sawed-off shotguns, or the other weapons covered by the 1934 National Firearms Act, each transaction is approved routinely, as long as the dealer is a bona fide businessman engaged in a bona fide business transaction.

PUBLIC OPINION ABOUT FIREARM CONTROL

Public opinion on the subject of firearms control has been sampled several times in the last few years by the Gallup Poll. According to the 1963 poll, a substantial majority of persons interviewed—67 percent—said they favored “a law which would require a person to obtain a police permit before he or she could buy a gun.” Even when the same question was put to firearms owners, a majority—56 percent—indicated that they favored police permits to purchase guns.

A second question asked by the Gallup Poll was directed to the problem of guns and juveniles. “Which of these three plans would you prefer for the use of guns by persons under the age of 18—(1) forbid their use completely; (2) put strict regulations on their use; or (3) continue as at present with few regulations?” In response, 27 percent of those questioned and 17 percent of firearms owners said they favored completely forbidding the use of guns by persons under 18; 55 percent of all persons and 59 percent of gun owners said they favored strict regulation; and 15 percent of all persons and 22 percent of the gun owners wanted to continue as at present.

On the question of outlawing all handguns except for police use (a question last asked in 1959) 59 percent of the sample were in favor and 35 percent were opposed.

THE CONTROVERSY ABOUT FIREARMS CONTROL

While the majority of the public favors reasonable firearms control, the National Rifle Association and other citizen groups have provided an effective legislative lobby to represent those hunters, gun collectors, and other persons who oppose additional regulation. Many arguments are offered by this opposition.

The most emotional position—one this Commission must reject outright—is that licensing and registration provisions for handguns, rifles, and shotguns would disarm the public and thus render it easy prey for violent criminals, or an invading or subversive enemy. In fact, all proposals for regulation would permit householders and shopkeepers to continue to possess firearms. Licensing and registration for the legitimate firearms owner would merely add a small measure of inconvenience to the presently largely unregulated mail-order and over-the-counter sales of firearms. It is this inconvenience that appears to be the underlying reason for the opposition to more firearms control. Opponents suggest that laws calling for registration would penalize the law-abiding citizen, who would comply—while not touching criminals who would not comply. They thus conclude that such laws do not address themselves to the real problem of firearms misuse.

Those supporting stricter control of firearms agree that many potential criminal offenders will obtain firearms even with additional laws. But they point to the conclusion of the Senate Subcommittee on Juvenile Delinquency, which found that criminals, for the most part, purchase their firearms through the mails or in retail stores, rather than stealing them. One police chief from a large western city told an FBI survey that, after permissive State legislation had preempted local controls, there were “several instances of homicide committed within 30 minutes of the time a short firearm was purchased by a person who would not have been granted a permit to purchase one under the former legislation.”

During the first year's operation of a Philadelphia ordinance requiring a permit to obtain a firearm, 73 convicted persons were prohibited from purchasing firearms in the city. Federal Bureau of Investigation statistics demonstrate that a higher proportion of homicides are committed with firearms in those areas where firearms regulations are lax, than in those areas where

there are more stringent controls. In Dallas, Tex., and Phoenix, Ariz., firearms regulations are fairly weak. In Dallas in 1963, 72 percent of homicides were committed with firearms; in Phoenix 65.9 percent were committed with firearms. In Chicago, where regulations are more strict, 46.4 percent of the homicides were committed with firearms. In New York City, with the most stringent gun controls of any major city in the United States, only about 25 percent of the homicides are committed with firearms.

Opponents of additional controls contend that firearms are dangerous only if misused and that the appropriate legal remedy is to punish illegal use of firearms—not to hamper ownership. Supporters of control argue that it is not enough to rely on the deterrent effect of punishing the wrongdoer after the act to prevent others from misusing guns. They maintain that firearms should be kept out of the hands of those who intend to use them wrongfully.

Opponents of firearms control legislation also rely upon the Second Amendment's guarantee of “the right to bear arms.” The Second Amendment, in its entirety, states:

“A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.”

The U.S. Supreme Court and lower Federal courts have consistently interpreted this Amendment only as a prohibition against Federal interference with State militia and not as a guarantee of an individual's right to keep or carry firearms. The argument that the Second Amendment prohibits State or Federal regulation of citizens ownership of firearms has no validity whatsoever.

COMMISSION RECOMMENDATIONS

Since laws, as they now stand, do not accomplish the purposes of firearms control, the Commission believes that all States and the Federal Government should act to strengthen them. Any legislative scheme should maximize the possibility of keeping firearms out of the hands of potential criminal offenders, while at the same time affording citizens ample opportunity to purchase such weapons for legitimate purposes.

It is appropriate to ban absolutely the sale of those weapons no citizen has a justifiable reason for owning.

The Commission recommends: Federal and State Governments should enact legislation outlawing transportation and private possession of military-type firearms such as bazookas, machine guns, mortars, and anti-tank guns.

In addition, dangerous or potentially dangerous persons should be prohibited from purchasing firearms.

The Commission recommends: States should enact laws prohibiting certain categories of persons, such as habitual drunkards, drug addicts, mental incompetents, persons with a history of mental disturbance, and persons convicted of certain offenses, from buying, owning, or possessing firearms.

Prevention of crime and apprehension of criminals would be enhanced if each firearm were registered with a governmental jurisdiction. A record of ownership would aid the police in tracing and locating those who have committed or who threaten to commit violent crime. Law enforcement officers should know where each gun is and who owns it.

The Commission recommends: Each State should require the registration of all handguns, rifles, and shotguns. If, after 5 years, some States still have not enacted such laws, Congress should pass a Federal firearms registration act applicable to those States.

Government regulation to prevent those with criminal purposes from purchasing firearms cannot be effective as long as mail-order sales and retail sales to persons living outside the seller's State are not controlled. It is essential, also, to reduce and to regulate

the importation into the United States of large numbers of cheap firearms. Since sporting weapons such as rifles and shotguns apparently present less danger of criminal use than do handguns, control over the latter should be more stringent. A truly effective system of regulation requires a meshing of State and Federal action.

The Commission recommends: Each State should require a person to obtain a permit before he can either possess or carry a handgun. Through licensing provisions, Federal law should prohibit mail-order and other interstate sales of handguns and should regulate such sales of rifles and shotguns.

Federal legislation to implement these goals should prohibit the interstate shipment of handguns except between federally licensed importers, manufacturers, and dealers. A Federal licensee should also be prohibited from selling handguns to an individual not living in the State of the seller. The interstate shipment of shotguns and rifles should be delayed a sufficient time for law enforcement authorities in the buyer's hometown to examine his sworn statement concerning age and other factors affecting his eligibility to purchase such a weapon, and the consent of these authorities should be required before the weapon may be shipped. Antique dealers could continue to operate under reasonable regulations. States may also want to prohibit firearms sales to persons under a certain age, such as 18 or 21, or require parental approval for firearms registration in a minor's name.

Mr. TYDINGS. Mr. President, there are those who would call this proposal too tough. But it is not really too tough. It is, in fact, a very moderate bill. It will not deprive any law-abiding citizen of the right to own or use a gun—whether for home protection, hunting, target shooting, collection, or any other legitimate purpose.

It does not outlaw private ownership of firearms, as Japan does. It does not outlaw ownership of handguns, as some have proposed. It would not require citizens to keep their guns in certified gun clubs, as others propose. It would not require a showing of professional need, as advocated by some.

In fact, Mr. President, the bill does not subject firearms even to the stringent regulation to which we subject automobiles and drugs.

Nevertheless, I think that those of us who support rational gun laws must gird ourselves for the campaign of misrepresentation which will certainly begin today. The gun lobby in this Nation—led by their paid hierarchy, the National Rifle Association here in Washington—has, without the slightest apparent twinge of conscience, opposed with a vicious disregard of fact every effective piece of firearms legislation introduced since I have been in the Senate and, I am informed, since long before I arrived here.

We can expect the NRA and its satellites to continue their opposition. But we do not intend to remain passive. I have today demanded that the Internal Revenue Service tell me, as a Senator of the State of Maryland, why an organization with an annual budget of \$5.7 million—which spends a large percentage of that budget lobbying against firearms legislation throughout the United States at the Federal, State, county, and city levels—remains untaxed.

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I have demanded that the IRS investigate how this organization has urged its members to oppose firearms control legislation, and, whether its agents have spoken to Senators, Congressmen, State legislators, and other Government officials to influence their behavior, and if it has ever mobilized a campaign to oppose gun control, why the Internal Revenue Service has given it such kid glove treatment and a specific tax exemption.

Further, as a member of the Juvenile Delinquency Subcommittee, I intend to press for an immediate investigation of the entire gun lobby—the NRA and other extremist organizations, including the Minutemen, and gun manufacturers and large dealers, importers, and others who support these lobbying efforts.

If this campaign of misrepresentation and disregard of the public interest continues, the public is entitled, at the very least, to know its origins, its motivations, and where the money comes from.

We who support strong gun control legislation do not maintain that regulation will stop crime. It will not prevent all murders. But the statistics are unassailable that good gun laws do reduce gun crimes. We believe that a society which regulates automobiles, of which death is only a byproduct, should regulate guns, of which death is a primary purpose.

The Federal Bureau of Investigation published in its Law Enforcement Bulletin of October 1966, a list of murder percentages by guns, by States, for the 4-year period 1962–65. It is interesting to note that, generally speaking, States have effective or even minimal gun control legislation have the lowest gun murder rates, and that States having little or no protection from guns have the highest gun murder rates.

We who support reasonable firearms control believe that a government which can protect borrowers from unscrupulous money lenders, housewives from deceptive packaging, children from color television radiation, sick people from ineffective drugs, can also protect people from maiming and murder guaranteed by the promiscuous ownership of firearms.

The tragic death of the Senator from New York, Robert F. Kennedy, was indeed a national calamity. It will focus attention on the problem. But we are not talking merely about one isolated instance tragic as it was. Innocent, hard-working busdrivers in my own city of Baltimore and in Washington have been shot down by hoodlums with guns or pistols purchased for a few dollars. Innocent persons on the campus of the University of Texas were slaughtered by a man who bought some guns, went to the top of a tower, and opened fire on the people below.

Mr. MANSFIELD. Mr. President, will the Senator from Maryland yield?

Mr. TYDINGS. I am glad to yield.

Mr. MANSFIELD. Following the distinguished Senator's line of thought, I should like to add the fact that two marine lieutenants who had just been graduated from Quantico were shot in a hamburger shop in Washington last week. One of them, 2d Lt. Thaddeus Lesnick, was from Fishtail, Mont.

A Negro boy, a graduate of Wilson High School, also was shot and killed. He, likewise, should be considered along with the others.

I am glad that the Senator from Maryland is emphasizing that this is a problem which is not only confined to great men or great personalities, but includes also the little people, who cannot generate the type of support the others can, but whose needs and considerations are just as great. I feel, and I know certain, that these examples could be multiplied many times over.

If I may, I should like to ask a question of the distinguished Senator.

Mr. TYDINGS. Certainly.

Mr. MANSFIELD. Do I correctly understand the Senator to say that the bill which he is introducing today—I have not seen it; I am looking at some statements concerning it—would provide for the registration of all firearms in the United States?

Mr. TYDINGS. The Senator is correct.

Mr. MANSFIELD. Is it the Senator's contention that that would encourage—

Mr. TYDINGS. This bill would in no way require the turning in of weapons—I hope I correctly judge the import of the Senator's question—

Mr. MANSFIELD. Yes, indeed. Would it also encourage States to provide for such registration, among other things?

Mr. TYDINGS. That is correct. It would be my hope that the States would enact their own registration laws. My bill provides that if a State did act its law will automatically preempt. If a State does not act, the Federal law would apply.

Mr. MANSFIELD. Very well. That is what I was trying to understand.

The Senator may or may not recall that on Monday last I made a speech on the floor of the Senate in which I stated that a number of proposals had been made by the President's Commission on Law Enforcement and Administration of Justice, including the outlawing of the private possession of such military types of firearms as bazookas, machineguns, mortars, and antitank guns; second, prohibiting such persons as habitual drunkards, drug addicts, mentally incompetents, mentally disturbed, and ex-convicts from buying or possessing firearms.

In my opinion, this has already been done in title IV of the safe streets and crime control bill in the section relating to handguns.

Mr. TYDINGS. One part of the National Crime Commission's recommendations was embodied in title IV. The Senator from Montana brings up a very good point. That is why I included the entirety of the National Crime Commission's recommendations in my own remarks, because my bill is really patterned after and based on the recommendations which the Senator has read and which the Senator has quoted.

Mr. MANSFIELD. The third recommendation underscored the need for State registration of all firearms and for State permits to possess or carry handguns. My remarks follow:

These requirements will not stop killing; they may help to discourage it, and personally I would favor them.

Further, I stated:

I favor, and I have favored, the registration of all firearms, but I believe that it is basically a State function, and that the various States should accept this responsibility and not place it on the shoulders of the Federal Government. If the States will not act, then I think it will be the duty of the Federal Government to assume that responsibility, as it has all too often when the States have refused to assume theirs.

Is that in accord with the Senator's proposal?

Mr. TYDINGS. That is exactly the philosophy of the proposal. As a matter of fact, we had before us the Senator's speech and his recommendations while we were drafting the proposed legislation. Unfortunately, in the past 30 years the only one gun control law which was able to pass any State legislature—in New Jersey—and that was a far weaker law than we propose, and that was in New Jersey. During that period, all attempts to enact sane gun laws by State legislatures have been vehemently opposed by the National Rifle Association and the gun lobby. So we provide that our bill would take effect only if the State failed to act. The State could act and would thus preempt the field at any time.

Mr. MANSFIELD. I suppose the Senator has in mind California, Michigan, New York, and New Jersey as States which have good gun control laws at present.

Mr. TYDINGS. Yes. So far as registration is concerned, I think they accomplish what we seek.

My bill also requires that an individual must obtain a license in order to possess, purchase, or transfer a firearm. Under the bill, each State will set up its own licensing procedure. But if the State does not do that, then the Federal law will apply. Under this bill, a license will automatically be given to an individual who states truthfully, that he is not a convicted felon, is not under indictment for a felony, has not been convicted of a misdemeanor involving violence, has never been institutionalized, under court order, for alcoholism, drug addiction, or mental incompetency, is over 18 years of age, and is a U.S. citizen.

In addition, fingerprints and a photograph would be required, unless the Governor of a State indicates to the Secretary of the Treasury that obtaining fingerprints or a photograph would not be practicable for residents in his State. For example, if a State is sparsely populated or long distances must be traveled to find people qualified to take fingerprints or to develop photographs, then the Governor could get an exemption for his State from this requirement.

If a license application is submitted containing all this information, and if the information is truthful, then automatically the firearms license would be issued. The Secretary of the Treasury would have no discretion to withhold the license.

Hopefully, the States would move to set up machinery for firearms licensing and for registration. If a State did act, then the Federal law would not apply in that State.

Mr. MANSFIELD. I appreciate the remarks of the distinguished Senator. I as-

sure him that I have followed his statements with great interest.

Mr. TYDINGS. I thank the distinguished majority leader. I hope he will agree that my proposed legislation is basically within the philosophy and meets the objectives set out in the remarks which he made earlier this week.

I should like to re-emphasize the point made by the majority leader, that this is not a problem involving only public officials. This is a problem involving the people of the United States.

After the riots in Detroit, rioters were arrested and guns were confiscated. It was found that a substantial majority—as many as 9 out of ten guns—confiscated could not have had firearms which they could not have purchased under Michigan law. All they did was slip over the State line into Toledo, Ohio, and pick up those "Saturday night specials" for a few dollars and drive back to Detroit.

Last summer, at our hearings on gun control the Governor of New Jersey, after the riots in Newark, pointed out that people who were ineligible to buy a firearm in New Jersey because of a criminal record would hop into their automobiles and drive into other States and purchase all the guns they wanted—indeed, even carloads of them—and drive back to New Jersey.

The entire thrust of this bill is really to protect the average citizen.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. TYDINGS. I am delighted to yield to the distinguished Senator from Florida.

Mr. HOLLAND. I have checked only briefly the résumé which the Senator from Maryland has had placed on the desk of each Senator. I have found no reference to what would be done in the case of weapons owned by public bodies and furnished to their police forces, and also weapons owned by the State governments or the Federal Government and made available to their uniformed military bodies. Will the Senator explain for the Record what this bill provides in those regards?

Mr. TYDINGS. I certainly will. It is a very important question, Mr. President.

Section 806 of my proposed bill read as follows:

SEC. 806. EXEMPTIONS.—The provisions of this Act shall not apply to the sale, other transfer, ownership or possession of any firearm or ammunition to or by (A) the United States or any department, independent establishment or agency thereof, (B) any State or any department, independent establishment, agency or any political subdivision thereof, (C) any duly commissioned officer or agent of the United States, a State or any political subdivision thereof, in his official capacity, or (D) any manufacturer licensed after the enactment of this Act under the provisions of the Federal Firearms Act.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. HOLLAND. Do I correctly understand from that recital, which is very informative, that all of the necessarily public ownerships, acquisitions, transfers, and the like, by all public units, whether for military service or for other use, are exempted under the terms of this bill?

Mr. TYDINGS. That is correct. That is the proper interpretation, as we intended it in the bill.

Mr. HOLLAND. I thank the Senator.

Mr. TYDINGS. Mr. President, I ask unanimous consent that the text of the bill be printed in full at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. TYDINGS. I ask unanimous consent that the bill lie on the desk for the remainder of the day so that Senators who wish to cosponsor it may add their names.

The PRESIDING OFFICER. Without objection, the bill will lie on the desk, as requested by the Senator from Maryland.

Mr. TYDINGS. Mr. President, I now introduce on behalf of myself, the senior Senator from Maryland [Mr. BREWSTER], the Senator from Wisconsin [Mr. PROXMIRE], the Senator from New York [Mr. JAVRS], the Senator from West Virginia [Mr. RANDOLPH], the Senator from Ohio [Mr. YOUNG], and the Senator from Rhode Island [Mr. FEEL], the Gun Crime Prevention Act of 1968 and ask that it be printed at the close of these remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3634) to disarm lawless persons and assist State and Federal enforcement agencies in preventing and solving gun crimes by requiring registration of all firearms and licenses for purchase and possession of firearms and ammunition; and to encourage responsible State firearms laws, and for other purposes, introduced by Mr. TYDINGS (for himself and other Senators), was received, read twice by its title, and referred to the Committee on the Judiciary.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. HOLLAND. The Senator will recall, of course, that the Senate recently passed title IV of the omnibus crime bill, which applies only to handguns, as I recall—primarily to pistols. What is the difference between the provisions of title IV of the omnibus crime bill, as applied to handguns, and the provisions of the bill which the Senator just introduced, as applied to that same class of weapons?

Mr. TYDINGS. Mr. President, title IV, as enacted by the Senate, forbids the sale of a handgun to anyone not a resident of the State of sale. It also forbids the mail-order purchase or sale of a handgun. It deals only with sale of handguns. My proposal is complementary to it. My proposal would require, first, the registration of all firearms—handguns as well as long guns—in the United States, indicating the type of weapon, its serial number and caliber, and other information as I have described in my remarks.

Second, it would require that any person who wished to possess a firearm would obtain a license by stating that he was not a convicted criminal, was not institutionalized for drug addiction, alcoholism, mental incompetency, was over 18, and was a U.S. citizen. There could

be no sale or transfer of a firearm except to a person with a license.

In other words, my bill provides for the registration of all firearms and licensing for purchase or possession, whereas title IV, of the Safe Streets Act, which was passed by the Senate several weeks ago, deals only with the mail-order or interstate sale of handguns. The President's bill is a sales bill. The Gun Crime Prevention Act is basically a possession-and-use bill.

Mr. HOLLAND. I thank the Senator. I understand the Senator to say that, added to the provisions applicable to the sale of handguns included in title IV, the bill now offered by the Senator and his associates would add other restrictions having to do with the registration and the sale by individuals after they had registered a handgun.

Mr. TYDINGS. That is correct. The President's bill is intended to make State gun laws enforceable by preventing their subversion through interstate commerce. The Gun Crime Prevention Act will provide United States citizens protection from gun crimes if the States do not fulfill their responsibilities.

Mr. HOLLAND. In those two particulars, at least, his bill would be supplemental to or would add to, as he stated, the requirements already included in title IV.

Mr. TYDINGS. The Senator is correct.

Mr. HOLLAND. The Senator from Florida is particularly interested in that field, because he believes that there is a much stronger case to be made with reference to handguns than with reference to the long guns. Every State with which I am familiar has some type of legislation with reference to carrying a concealed weapon, which, by the very nature of the possibility of concealment, applies largely to handguns.

The Senator from Florida knows, from the figures already given by the distinguished Senator from Maryland, that of the homicides attributable to gunfire over the years mentioned in his data, approximately 70 percent have been accomplished through the use of handguns and approximately 30 percent through the use of long guns.

The Senator from Florida has no real figures upon which he can rely, but he is familiar with the fact that literally millions of long guns, perhaps hundreds of millions, would represent the numbers of shotguns and rifles and other weapons that would be regarded as long guns which are distributed throughout the country—most of them owned by sportsmen, many of them owned by dwellers in remote spots, many of them a perfectly understandable means of protecting a person or protecting property, or for lawful use in the field of sporting activities.

I have not yet seen a bill—and I hope the Senator has such a bill—that contains reasonable provisions as to those literally hundreds of millions of long guns; because I have not felt that I was safe in relying upon measures simply offered from the floor as substitutes or as amendments, but not approved by committees after long and responsible

research, such as was title IV of the omnibus crime bill.

I hope that the Senator's bill, and I am inclined to think it would from having heard it described, may much more adequately deal with this subject matter than has been the case with reference to prior efforts. I hope, and I express the hope here, that such may be the case. However, I recognize there are tremendous difficulties applicable to the field of control of long guns that are not found in the case of the control of short guns. I express the hope that the Senator is effectively dealing with that subject which has great bearing on the whole protection of our people.

Mr. TYDINGS. Mr. President, I believe the point raised by the distinguished Senator from Florida is a very important point. We have been holding hearings in the Subcommittee on Juvenile Delinquency now for 3 years on the question of gun control legislation. We have had, I believe, weeks of hearings, and we have heard scores of witnesses. They have recommended many types of gun legislation.

The point which the Senator makes is that to the farmer, or the sportsman, or the person in rural America, in the West and the South, rifles, shotguns, and the shooting of rabbits, quail, ducks, and other game, is a way of life, and that those persons should not be unnecessarily inconvenienced or deprived of that way of life which harms no one and which is part of their tradition.

In the interests of these law-abiding citizens, I have drafted this legislation so that anyone can comply with the registration and license requirements for firearms with ease, without delay and with great certainty.

I have made sure that no Federal official would have any discretion to deny anyone a firearms license. I have made sure that the entire registration and licensing required by this act can be done by mail when necessary.

The Treasury Department would have no right to arbitrarily deny a license. It would be automatically granted unless the applicant had been convicted of a felony, or a misdemeanor involving violence, or has been institutionalized for alcoholism, drug addiction, mental incompetency, or if he is an alien, or under the age of 18 years. There are issues which are clear-cut, and subject to objective proof. There are no subjective standards—no directions which can be exercised to deny any person a firearms license.

We have tried to make the measure very simple and clear-cut and without any possibility for abuse. I, having grown up on a farm, and still living there, am very concerned with the point the Senator has raised.

Mr. HOLLAND. Mr. President, I again express the hope that the Senator has offered an effective bill.

I wish to say that in the part of the country from which I come, and in particular, in the small town—and the Senator from Florida happens to live in a small county seat town—it is the custom for this kind of procedure to apply. When a boy reaches the age of

10 to 12 years, he becomes the proud owner of a little .22 rifle. Perhaps he is first supplied with only BB's or caps, and later with more effective ammunition. Later he may become the proud possessor of a .410 single-barreled shotgun. Then, a little further along he possesses something a little larger in the field of shotguns. I am sure the Senator is familiar with this tradition because he comes from a relatively small town in his State, and I am sure he knows this is the situation found in literally millions of American homes.

I would not want to see anything done here by way of passage of a law which would make it completely impossible for normal development of acquaintance with handling of arms by our boys and, as they grow older, our young men, because I think that would be in the nature of a tragedy to our country. It is in the interest of our country for boys and young men to become familiar, in a safe way, with the use of firearms in the progressive method I have indicated.

I hope that the distinguished Senator has a bill which in its original form or by reasonable modification can be adjusted to these reasonable habits of families throughout our Nation from one border to the other.

I simply express again the hope that the distinguished Senator is finally pointing us to a course which can be used effectively so far as crime prevention is concerned and accident prevention is concerned, but at the same time will not disturb too greatly the practices of our Nation which have developed throughout all the years of our national existence.

Mr. TYDINGS. Mr. President, again, the point which the Senator has raised is one to which I have personally given consideration, because I was given a shotgun at a relatively early age and learned to shoot.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator may proceed for an additional 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TYDINGS. This legislation was drafted with the problem in mind which the Senator has raised. Under the bill, a license for gun ownership could not be given to the son of the family until he reaches the age of 18. This is similar to State laws regarding to age at which a boy may obtain a license to drive a car. But, under the bill, a boy would be able to shoot, his parents would be able to let him shoot at home and on hunting trips, he would be able to learn to shoot and to develop marksmanship skills. But he simply would not be able to own firearms until he had reached the age of 18. We drafted the definition the term "transfer" in title II of the bill with this point in mind.

Mr. BREWSTER. Mr. President, will the Senator yield?

Mr. TYDINGS. I am delighted to yield to my colleague from Maryland.

Mr. BREWSTER. Mr. President, I wish to commend my colleague from Mary-

land on the brilliant leadership, fine presentation, and careful research he has personally done in the field of control of crime and the use of firearms. I am happy to associate myself with his remarks and add my name as a sponsor to the measure he has introduced.

I wish to ask several questions of the distinguished Senator.

The Senator, as a member of the Committee on the Judiciary, and as a brilliant lawyer in his own right, has a thorough knowledge of the Constitution of the United States. I would, therefore, like to ask whether, in his opinion, there is any portion of this bill that in any way contravenes the Bill of Rights of the Constitution.

Mr. TYDINGS. My answer is no. The second amendment to the Constitution relates to the right of the State militia—not individual citizens—to bear arms. The power of Federal and State Governments to require registration of firearms and licensing has been upheld many times by the courts. There is no contravention of the Bill of Rights in these proposals.

Mr. BREWSTER. The Senator and I, as do many other people in our State of Maryland, enjoy the hunting available there. Therefore, I wish to ask: Is there any portion of this bill that would prevent citizens of our State from hunting, from owning firearms, from using firearms in accordance with law, or that would make it impossible or greatly inconvenient for law-abiding citizens to use and enjoy the proper use of firearms?

Mr. TYDINGS. The answer is "No." The registration procedure and the licensing procedure are extremely simple. There would be no inconvenience. The procedure would be much less difficult than obtaining a driver's license under State law or obtaining certain drug prescriptions. We considered many possible variations of legislation, and we decided to make it very simple, very direct, and very clear cut in order to avoid just such a problem as the Senator raises.

Mr. BREWSTER. Does the proposal set up any new, large, expensive, Federal bureaucracy, or does the provision that allows each State to pass its own laws that then take effect, in lieu of the provisions of the Federal statute, encourage the States to take over responsibility in this area?

Mr. TYDINGS. The Senator's question, in effect, answers itself. The entire thrust of the legislation is based on the remarks made by our distinguished floor leader, the Senator from Montana [Mr. MANSFIELD], last week, when he pointed out that the Crime Commission had recommended that the States should act. This legislation has been devised to encourage the States to adopt their own registration and licensing laws and to supplant the Federal law. Even should the Federal Government have to administer this act in many States, however, the simplicity of the system the act establishes will hold the cost to a minimum.

Unfortunately, for the past 30 years, with the exception of the State of New Jersey, no State has ever adopted strong firearms legislation which the gun lobby

or the NRA has opposed. Therefore, I am afraid that the only way we will be able to galvanize State legislatures into action is with such legislation as this, which provides for Federal registration and licensing standards which will apply unless the States act.

Mr. BREWSTER. One last question. Other than the prohibited licensing of aliens, anyone convicted of a felony or a misdemeanor involving violence, or anyone institutionalized because of alcoholism, narcotics addiction, or mental incompetence, is there any discretion allowed to the agent of the Secretary of the Treasury under this measure, or must he license everyone who properly applies?

Mr. TYDINGS. There is no discretion. Licensing is mandatory. There is no discretion.

However, of course, if the Secretary finds a false affidavit, that the applicant was in fact, a felon, was convicted of a misdemeanor involving violence, or was institutionalized because of alcoholism, or narcotics addiction, or is a juvenile or an alien then, of course, the applicant will not be licensed.

Mr. BREWSTER. My distinguished colleague is a former U.S. attorney, and he has had a great deal of experience in prosecuting criminals. If this bill is enacted into law, will it not make it easier for all law-enforcement officers to apprehend a criminal where a firearm has been used in committing a crime?

Mr. TYDINGS. There is no question that the Senator is absolutely right. This legislation will be a tremendously effective tool for investigation and, of course, even more important, it will keep guns out of the hands of those who should not have them. Hopefully, because of the purchasing provision, many guns will be turned in and destroyed. Thus, some of the unwanted guns floating around this land of ours today will go out of circulation and not fall into the wrong hands.

Mr. BREWSTER. Again, I congratulate my distinguished colleague.

Mr. TYDINGS. I thank my distinguished colleague from Maryland.

Mr. PELL. Mr. President, will the Senator from Maryland yield?

Mr. TYDINGS. I yield.

Mr. PELL. I rise merely to congratulate the junior Senator from Maryland on the leadership he has shown in gun control legislation, the leadership he showed before it was as popular as it is at this moment, the leadership he has shown when he was defeated in some of the amendments he earlier offered and supported, and the leadership he has shown when many letters of criticism were coming in against those of us who supported more restrictive amendments, and very few letters of support were being received.

Now we find that the situation is somewhat changed. I am glad that it looks as if the Senator will meet with success.

I have one technical question. I speak as a director of the Fort Ticonderoga Museum, which houses many old guns and firearms. Is there a cutoff date in the bill with regard to the age of weapons?

Mr. TYDINGS. There is no cutoff date. All firearms would have to be registered.

Mr. PELL. I should like to suggest, thinking of the example of Fort Ticonderoga, which has the largest collection of 17th and 18th century cannon in the Western Hemisphere as well as a large collection of equally old shoulder and handguns, that there be, perhaps, a 100-year cutoff date on something of that sort, because I am sure the Senator did not mean to apply his legislation to museum pieces, such as breech-loading guns and things of that sort.

Mr. TYDINGS. I think the Senator's point is well made. It is a point which the sponsors of the bill will definitely receive with sympathy.

Mr. PELL. I thank the Senator. I congratulate him on his perseverance. He was leading in this field when it was not chic. I wish him luck now that he has more popular support and would hope that we would get the bill through to prompt enactment.

Mr. TYDINGS. I thank the distinguished Senator from Rhode Island for his courtesy, and also for his own leadership and help in this vital area.

Mr. President, I ask unanimous consent that a series of articles and editorials published in yesterday's Los Angeles Times, be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

EXHIBIT 1

S. 3634—THE GUN CRIME PREVENTION ACT

An act to disarm lawless persons and assist State and Federal enforcement agencies in preventing and solving gun crimes by requiring registration of all firearms and licenses for purchase and possession of firearms and ammunition; and to encourage responsible State firearms laws, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled: That this Act may be cited as the "Gun Crime Prevention Act of 1968".

TITLE I: FINDINGS AND DECLARATIONS

SECTION 101. The Congress hereby finds and declares—

(a) That crimes committed with guns threaten the peace and domestic tranquility of the citizens of the United States, and threaten the security and general welfare of this nation, and its people; and

(b) That the unregistered and unregulated circulation of firearms in the United States increases the number of crimes committed with firearms; and

(c) That firearms crimes—which amounted to more than 6500 murders, 43,500 firearms assaults, and 60,000 firearms robberies in 1966 alone—have created a substantial burden on interstate commerce; and

(d) That fear of firearms crimes discourages citizens from travelling between the states to conduct business or to visit national shrines and monuments, including the nation's capital; and

(e) That, in view of the ease with which firearms may be concealed and transported across state lines, individual state action to regulate firearms is made ineffective by lax regulation in other states and, accordingly, national legislation establishing minimum standards for the registration and regulation of firearms is necessary to permit effective state action.

(f) That crimes committed with guns have disrupted our national political processes, and threaten the republican form of government within the states as guaranteed by Article IV of the Constitution;

(g) that officials of the government of the United States, including four Presidents of the United States, and candidates for national public office have been assassinated by use of firearms, and that the lives of national officials of the Legislative, Executive and Judicial branches, are increasingly threatened by the unregistered and unregulated circulation of firearms in the United States.

TITLE II: DEFINITIONS

Sec. 201. As used in this Act—

(1) The term "person" includes any individual, corporation, company, association, firm, partnership, society, or joint stock company.

(2) The term "interstate commerce" includes commerce between any State or possession (not including the Canal Zone) and any place outside thereof; or between points within the same State or possession (not including the Canal Zone), but through any place outside thereof; or within any possession or the District of Columbia.

(3) The term "firearm" means any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; or any firearm muffler or firearm silencer.

(4) The term "indictment" includes an indictment or an information in any court under which a crime punishable by imprisonment for a term exceeding one year may be prosecuted.

(5) The term "ammunition" means any projectile or other device designed to be expelled by any firearm.

(6) The term "Secretary" means the Secretary of the Treasury or his delegate.

(7) The term "United States" includes the several States, the Commonwealth of Puerto Rico, the District of Columbia, Guam, the Virgin Islands, the Canal Zone, and American Samoa.

(8) The term "State" includes each of the several States, the Commonwealth of Puerto Rico, the District of Columbia, Guam, the Virgin Islands, the Canal Zone, and American Samoa.

(9) The term "felony" means any crime punishable, under the laws of the United States, a State, or any political subdivision thereof, for a term of imprisonment of one year or more.

(10) The term "misdemeanor" means any crime punishable, under the laws of the United States, a State or any political subdivision thereof, for a term of imprisonment of less than one year.

(11) The term "Owner" means any person who claims lawful title to a firearm.

(12) The term "to transfer" and its forms means to sell, assign, pledge, lease, loan, give away, or otherwise cause the lawful title or rightful possession of a firearm to vest in another. The term "transferor" shall mean a person who transfers, and the term "transferee" shall mean a person in whom the lawful title or rightful possession of a firearm vests when a transferor transfers a firearm, except that neither the term "transferor" nor "transferee" shall apply to a person who claims lawful title or rightful possession of a firearm as (a) a common carrier licensed pursuant to the law of any state or of the United States engaged in the lawful transportation of such firearm, or (b) a transferee whose possession of such firearm is for a lawful purpose and is occasional, brief, and subject to immediate termination upon the demand of a person who claims legal title or rightful possession.

TITLE III: REGISTRATION

Sec. 201. *Registration of firearms.*—Every firearm shall be registered as prescribed by section 202 or 203 of this Act.

Sec. 202. *Registration of existing or imported firearms.*—Every person owning a firearm in existence in the United States upon

the effective date of this Act and every person importing a firearm into the United States subsequent to the effective date of this Act, at the time of importation, shall submit in person or by mail to the Secretary of the Treasury or his designee a certificate which shall include:

(A) the name, age, address, and social security number, if any, of the person owning or importing, as the case may be, such firearm; and

(B) the name of the manufacturer, the caliber or gage, as appropriate, the model and the type, and the serial number identification, if any, of the firearm;

Except that registration of firearms existing in the United States upon the effective date of this Act shall be accomplished within one year of such date.

SEC. 303. *Registration of firearms transfers.*—Every transfer of any firearm in the United States shall be registered by submission within five days from the date of such transfer by both the transferor and transferee of certificates in person or by mail to the Secretary of the Treasury or his designee, which shall each include the following information:

(A) the name, age, address, and social security number, if any, of both the transferor and transferee of such firearm.

(B) the name of the manufacturer, the caliber or gage, as appropriate, the model and the type, and the serial number identification, if any, of the firearm.

SEC. 304. *Reporting lost or stolen firearms.*—The loss or theft of any firearm shall be reported by the person from whose possession it was lost or stolen, within 30 days after such loss or theft is discovered, to the Secretary of the Treasury or his designee. Such report shall include such information as the Secretary by regulation shall prescribe, including without limitation the date and place of the theft or loss.

TITLE IV: LICENSES

SEC. 401. *Firearms and ammunition possession.*—One year from the effective date of this Act, no person shall possess any firearms or ammunition unless he shall have a firearms license issued by the Secretary of the Treasury, or, pursuant to Title VI of this Act, by the official designated by law of the state of which he is a resident.

SEC. 402. *Firearms and ammunition transfers.*—On or after the effective date of this Act, no person shall be transferor or transferee of any firearms or ammunition unless the transferee has and displays in person or by mail, to the transferor a firearms license issued by the Secretary of the Treasury or, pursuant to Title VI of this Act, by the official designated by law of the state of which the transferor is a resident.

SEC. 403. *Application and issuance.*—

(a) The firearms license referred to in sections 401 and 402 of this title shall be issued to an applicant by the Secretary only upon receipt of written application which contains each statement, all information and materials, and otherwise complies with subsection (b) of this section.

(b) Such application shall:

(1) state that—

(i) the applicant is at least 18 years of age

(ii) he has not been convicted of any felony nor at the time of the application is he under indictment for commission of any felony in a court of the United States or in a court of any state or political subdivision thereof.

(iii) he has not been convicted of any misdemeanor involving actual or attempted physical harm to himself or to another by a court of the United States or a court of any state or political subdivision thereof.

(iv) he has never been committed to an institution by a court of the United States or a court of any state or political subdivision thereof on the ground that he was an

alcoholic, a narcotics addict, or mentally incompetent.

(v) he is a citizen of the United States.

(2) be signed by the applicant who shall swear or attest to the truth of all statements, information and material provided therein.

(3) include by a photograph and fingerprints of the applicant. Such photograph and fingerprints shall be obtained in such manner as the Secretary shall by regulation prescribe.

(4) contain such additional information, regarding the applicant, including without limitation, birth date and place, sex, height, weight, eye and hair color, and present and previous residences, as the Secretary shall by regulation prescribe.

SEC. 404. *Return of firearms license.*—Whenever a person has obtained a firearms license under this title and is convicted of any felony or any misdemeanor involving actual or attempted physical harm to himself or to another, or committed to an institution on the ground that he was an alcoholic, a narcotics addict, or mentally incompetent, in or by a court of the United States or in or by a court of any state or political subdivision thereof, or is no longer a citizen of the United States, such person shall return the firearm license to the Secretary; willful failure to do so shall be punishable by a fine of not more than \$10,000 or imprisonment for not more than ten years or both. The firearms license of such person may be reclaimed by the Secretary.

SEC. 405. *Wrongful use of firearms license.*—No person shall willfully convey or otherwise furnish to another person any firearms license which may have been issued to himself, or to a third person, as provided in this title, in order to evade or obstruct the provisions of this Act. Violation of this section shall be punishable by a fine of not more than \$10,000 or imprisonment for not more than ten years, or both.

TITLE V: ILLEGAL AND UNWANTED FIREARMS

SEC. 501. *Illegal firearms.*—Every firearm, importation of a firearm or transfer of a firearm not registered in accordance with provisions of this Act shall be deemed to be contraband and shall be subject to seizure and forfeiture. All provisions of the Internal Revenue Code of 1954 relating to the seizure, forfeiture and disposal of firearms, as defined in this act shall, as far as applicable, extend to seizures and forfeitures under this act.

SEC. 502. *Unwanted firearms.*—(a) Any person who owns a firearm required to be registered under the provisions of this Act and who

(1) elects, within a year from the effective date of this Act, not to register the firearm in accordance with Title III of this Act, or

(2) does not obtain a firearms license as provided in Title IV of this Act, or

(3) otherwise desires to dispose of such a firearm may dispose of the firearm at such place as may be designated by the Secretary of the Treasury and receive therefor a reasonable value.

(b) All firearms acquired by the Secretary pursuant to this section shall be destroyed, except that such firearms as are determined by the Secretary to have unique historic or technological value may be preserved for appropriate public purposes.

TITLE VI: STATES RIGHT OF PREEMPTION AND EXEMPTIONS

SEC. 601. *State laws not preempted.*—No provision of this chapter shall be construed as indicating an intent on the part of the Congress to occupy the field in which such provision operates to the exclusion of the law of any state or possession on the same subject matter, unless there is a direct and positive conflict between such provision and the law of the state or possession so that the two cannot be reconciled or consistently stand together.

SEC. 602. *States may preempt Federal law—*

(a) The provisions of Title III of this Act shall not apply to a resident of any state which enacts legislation requiring registration, including at least the information required by that title, of firearms in the possession of such resident; and provides the same penalties as are provided by this Act for violation of that title.

(b) The provisions of Title IV of this Act shall not apply to a resident of any state which enacts legislation requiring licenses as prerequisite to the possession by such resident of firearms or ammunition, provided that such legislation requires at least the same statements, materials and information from any license applicants as are specified by that title, and provides the same penalties as are provided by this Act for violation of that title.

SEC. 603. *Partial exemption for a State.*—The Governor of a State may certify to the Secretary that application of section 403 (b) (3) of this Act to residents of that State, or some part thereof, is not practicable and, upon receipt of such certification, the Secretary may grant to such residents exemption from the application of such provision.

TITLE VII: PENALTIES

SEC. 701. (a) Whoever knowingly and willfully makes a false statement on any registration certificate or firearms license application submitted under this Act shall be deemed to have violated the provisions of section 1001 of title 18 of the United States Code.

(b) Whoever possesses, transfers or receives any firearm or ammunition in violation of the provisions of this Act shall be fined not more than \$10,000 or imprisoned not more than ten years or both.

(c) Whoever intentionally obliterates, or otherwise defaces or alters the serial number identification of any firearm shall be fined not more than \$10,000 or imprisoned not more than ten years or both.

(d) Any firearm or ammunition involved in, or used or intended to be used in, any violation of the provisions of this Act, or a rule or regulation promulgated thereunder, or violation of any other criminal law of the United States, shall be subject to seizure and forfeiture and all provisions of the Internal Revenue Code of 1954 relating to the seizure, forfeiture, and disposition of firearms, as defined in this Act, shall, so far as applicable, extend to seizures and forfeitures under the provisions of this Act.

TITLE VIII: MISCELLANEOUS

SEC. 801. *Records.*—The Secretary shall establish and maintain records of the information submitted pursuant to this Act.

SEC. 802. *Secretary to cooperate.*—The Secretary shall cooperate with the state and local law enforcement officers in making available to them under appropriate safeguards information gathered as a result of the registration and licensing provisions of this Act and shall undertake to establish reciprocal channels of information with the states to carry out the purposes of this Act.

SEC. 803. *Rules and regulations.*—The Secretary may prescribe such rules and regulations as he deems reasonably necessary to carry out the provisions of this Act. The Secretary shall give reasonable public notice, and afford to interested parties opportunity for hearing, prior to prescribing such rules and regulations.

SEC. 804. *Fees.*—The Secretary may prescribe reasonable fees to be paid by registrants under Title III and applicants for licenses under Title IV of this Act to meet the expenses of carrying out the provisions of this Act.

SEC. 805. *Effective date.*—This Act shall be effective 180 days after the date of its enactment.

SEC. 806. *Exemptions.*—The provisions of this Act shall not apply to the sale, other transfer, ownership or possession of any firearm or ammunition to or by (A) the United

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States or any department, independent establishment or agency thereof, (B) any State or any department, independent establishment, agency or any political subdivision thereof, (C) any duly commissioned officer or agent of the United States, a State or any political subdivision thereof, in his official capacity, or (D) any manufacturer licensed after the enactment of this Act under the provisions of the Federal Firearms Act.

Sec. 807. Appropriations.—There are hereby authorized to be appropriated from the Treasury of the United States such sums, not otherwise appropriated, as may be necessary in addition to the fees collected under Section 804 of this Act to implement this Act.

Sec. 808. Assistance to secretary.—When requested by the Secretary, Federal Departments and agencies, unless such authority is revoked by the President, shall assist the Secretary in the administration of this Act.

Sec. 809. Separability.—If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of the chapter and the application of such provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

Sec. 810. Administration.—The administration and enforcement of this Act shall be vested in the Secretary of the Treasury.

Sec. 811. Construction.—Nothing in this Act shall be construed as modifying or affecting any provision of—

- (1) the National Firearms Act (chapter 53 of the Internal Revenue Code of 1954); or
- (2) section 414 of the Mutual Security Act of 1954 (22 U.S.C. 1934), as amended, relating to munitions control; or
- (3) section 1715 of title 18, United States Code, relating to nonmailable firearms.
- (4) the Federal Firearms Act (Chapter 44 of title 18, United States Code)

EXHIBIT 2

[From the Los Angeles Times, June 11, 1968]
THE RIGHT TO CONTROL ARMS

Out of their shock and sorrow at the shooting down of yet another national leader, the American people are demanding strict gun control laws as never before.

No member of Congress, no state legislator dare ignore public outrage at the incredible ease with which instruments of violence are obtained and used. Latest opinion polls again show that the people are far ahead of their leaders in favoring strong controls.

The Times calls on President Johnson to veto the woefully inadequate firearms restrictions recently voted by a timid Congress. He should take the lead in a fight for restraints far tougher than any previously introduced.

Surely the tragic assassination of Sen. Robert F. Kennedy will now exert a greater influence upon the Senate and House than even the relentless pressure of the gun lobby.

Or will the National Rifle Assn. and its assorted comrades-in-arms again prevail, as they did after the murders of President Kennedy and Dr. Martin Luther King?

The Times believes that Congress, as a beginning, must do no less than require the registration of every gun in the United States and prohibit all interstate sale of firearms.

Laxness of U.S. gun controls is a national disgrace. The rest of the world can only wonder how a civilized society can tolerate so obvious a threat to its safety.

On the page opposite, the highly restrictive gun regulations imposed in Britain, France and Japan are detailed by Times correspondents. And Canada's much more rational approach is described in a letter in the adjoining column.

The result in all these countries is that the rate of gun-caused deaths is far less than in the United States. So effective are the French restrictions that during all the

weeks of recent rioting not a single gun was fired. In Japan no one at all may possess a handgun, except police and military personnel.

It would probably take a generation to achieve anything similar in this country. But we can start now with gun registration, reinforced by prison sentences and heavy fines for those who do not comply. Nothing indeed should prevent any citizen from immediately registering or surrendering a gun to local authorities.

If automobiles, and even bicycles, can be registered, so can firearms. And those who choose to keep arms should pay necessary fees for their registration.

In addition to increasingly frequent assassinations, more than 5,000 Americans are murdered by gunfire every year. That toll will continue unless Congress acts to protect the public.

The people must make certain that their concern is heeded. Effective gun control action should be demanded of their representatives in the Senate and House as well as in state legislatures.

An aroused public can always outshout the gun lobby.

RECREATIONAL HUNTING IN CANADA IS NOT HAMPERED BY STRICT GUN CONTROL

We believe that you would be performing a useful service in bringing to the attention of your readers the nature of the regulations governing the ownership and use of firearms in Canada, and by advocating similar legislation for the United States.

While there are differences in cultural and historical background, visitors from the United States will be much more impressed by the great similarities in social attitudes between the two peoples... Canadians find no difficulty in getting along quite well without handguns. In Canada all firearms must be registered and, apart from law enforcement, the military, and the confines of licensed revolver clubs, it is almost impossible to own a handgun or a concealable firearm.

In order to obtain legal possession of a handgun in Canada a permit must be issued and this is not easy to come by, only for cause and on authority of the chief of police of the municipality. The applicant's background is first checked for a criminal record.

In spite of this, the proportion of time, in relation to population, spent by Canadians in recreational hunting probably far exceeds that spent by citizens of the United States in this country. Moreover, a great many U.S. citizens participate in game hunting in Canada. There is absolutely no reason to believe that firearms legislation similar to that of Canada would endanger hunting as a sport.

As geologists, several of whom have worked frequently in central and northern Canada as well as Alaska and elsewhere, we can attest that the occasional need for a gun in very remote areas for physical protection, and the rather common need for one as a source of food, is enormously greater in Canada than in most parts of conterminous United States.

The control of guns does not eliminate armed crimes in Canada, but it could simplify law enforcement, and it could reduce tragic crimes of passion, of accident and of stupidity, or by the mentally incompetent.

Signed by: Donald Carlisle, W. A. Dollase, C. A. Hall, L. S. Hollister, George C. Kennedy, N. G. Lane, C. A. Nelson, G. Oertel, J. L. Rosenfeld, W. W. Aubey, K. D. Watson and G. W. Wetherill, all professors of geology at UCLA.

THE INMATES HAVE FINALLY TAKEN OVER THE ASYLUM

(By Art Buchwald)

To the rest of the world the United States must look like a giant insane asylum where

the inmates have taken over. The guards are gone, the doors are open and everyone thinks the other person is sick.

Except for the charity wards where the people are all shoved together on top of each other, the rest of the asylum couldn't look prettier. The buildings are all new and shiny, the equipment is the most modern in the world, the grounds are green and decorated with flowers. To look at it from the outside, you would think it is the ideal spot on the globe.

But inside, the patients are running amuck and no one seems to know what to do about it. Every time a doctor is called in to suggest a remedy for the chaos, the residents of the hospital shout him down. Besides, they believe anyone who is trying to come up with new cures for their sickness must be crazy himself.

The United States is a very special type of insane asylum in that all the inmates are permitted to have guns. These guns are sold right in the hospital or can be ordered by mail because when the hospital was built in 1775 the founders wrote it into the rules. Every time someone wants to change the rules, the gun-loving inmates cry that they only want the guns to kill animals during their recreation periods.

The people who live on the Hill and represent the inmates are afraid to do anything to offend the armed inmates, so they ignore the problem until there's a killing in the hospital, at which time they all express horror that the inmates should be allowed to walk around with guns.

Then they forget about it until the next tragedy comes along.

Despite its beauty and size there have been many injustices committed in the asylum against the patients. For 100 years, the black patients were kept in isolation wards and only permitted out to scrub the floors. They got no treatment from the white doctors until recently when they became violent and insisted that if they were patients in the asylum they wanted the same rights as the other inmates.

The administrators of the asylum have belatedly sought to improve the lot of the black patients, but there has been a reluctance amongst the other inmates to pay the bill, particularly since the asylum is supporting so many other insane asylums around the world.

Up until recently the hospital was a model for all other hospitals. But in the '60s people everywhere have been watching it with horror and despair.

The more affluent the hospital becomes the sicker the patients behave. The remedies prescribed for the illnesses are always given too little and too late. And as in all insane asylums, every person thinks the other patient is the one who should get the treatment.

Nobody knows how many more doctors the patients will shoot, nor how long the asylum will survive before the inmates destroy it once and for all.

FIREARMS CONTROL STRICTER ABROAD

(NOTE.—The United States has the world's most lax gun control laws. It also has more deaths by firearms than any other nation. To illustrate the contrast between our regulations and the tough restraints in other countries, Times correspondents Robert Toth, Don Cook and Don Shannon have filed reports on gun laws in Britain, France and Japan.)

GREAT BRITAIN

Britain has a long history of firearms control—and an enviably small number of deaths by shooting. Only 45 murders involving guns were recorded in Britain and Wales last year as compared to the more than 5,000 such slayings in the United States.

Even its constables don't carry guns. Despite the killing of three unarmed policemen

in August 1966 in London, the Police Federation voted against being armed.

On the decision of local chief constables, guns are issued to combat criminals known to be dangerously armed. But police have agreed such decisions are taken only in "most exceptional circumstances," says the Home Office.

Weapon controls for civilians are similarly strict. Restrictions are in three categories:

1—Guns which fire in bursts, i.e., sub-machine guns, may be possessed only with certificate of approval from the Ministry of Defense. Even police must have such certificates for holding weapons of this kind.

2—Other weapons, including handguns and rifles but not shotguns, are covered by the Firearms Act of 1937, which consolidated bits and pieces of earlier law.

It is an offense to possess such weapons without a certificate issued by the chief constable of one's locality. An applicant must show "good reason" for possession. "Self defense is most unlikely to be considered a good reason," says the Home Office.

Usually an applicant must show he is a member of an established rifle club with known facilities, or has an estate for hunting, or is a farmer who shoots rats and predatory beasts, or a shopkeeper.

Penalty for unauthorized possession is maximum of three years in jail or 200 pounds (\$480) fine or both.

In 1965 a total of 220,000 certificates (permits) had been issued for all England and Wales, population about 50 million. There is no reason to expect that the number has increased since then; if anything, there are fewer permits now than before, according to the Home Office.

3—Shotguns were not controlled until the 1967 Criminal Justice Act clause came into force May 1 this year. Although a certificate from a chief constable is needed, the constable must have reason for not giving a permit. The penalty for illegal possession is six months and 200 pounds or both.

Controls on shotguns followed a rise in indictable offenses involving firearms in England and Wales in recent years, increasing from 552 in 1961 to 2,337 in 1967.

Prior to the shotgun law coming into force, a three-month amnesty was held for returning guns that had no certificate. A total of 25,038 were turned in, including 3,847 revolvers and automatics, 4,340 rifles and 9,493 shotguns, whose owners apparently didn't want to apply for permit. Most weapons were usable. There have been three other amnesties since World War II—1946 when 76,000 turned in, 1961 when 70,000 were turned in, and 1965 when 41,000 were returned.

FRANCE

The French style of controlling firearms is devastatingly simple and strict.

Tough weapons laws are the reasons for the rather remarkable phenomenon in the last few weeks of continuing violence without one shot being fired (except grenade launchers by the police).

As far as is known, not a gun was found on any of the several thousand who were rounded up by the police during this period. The only homicide in Paris during the demonstrations and fighting was a death from stabbing.

Personal arms, such as pistols or revolvers (apart from hunting weapons), can be purchased in France only on a police permit.

Two kinds of permits are issued. One is for possession of personal weapons at home or office, if there is a special security problem and the police agree that this kind of added protection is reasonable or desirable.

The other is a permit to carry a weapon—and this is almost impossible to obtain. Such permits are issued only on the final authority of the Minister of the Interior himself, and would apply only in very special cases of private citizens needing personal bodyguards.

Anybody found in possession of a weapon without one of the other of these permits is automatically arrested in France. He is subject to varying degrees of jail sentence depending on the circumstances and/or explanations.

For example, if a gun is found during a road-check of car papers, the motorist would immediately be arrested.

An individual cannot walk into a shop and buy a revolver without first obtaining a police permit. If he should then sell or transfer the weapon to somebody without a permit he would be in violation of the law. Serial numbers and full identity of the weapons is, of course, part of the police files.

Hunting weapons are easier to obtain. But they also are purchasable only with a hunting license, and can be transported only if such a license is in the possession of the person carrying the gun.

JAPAN

Possession of pistols, carbines and other small guns is absolutely prohibited in Japan for anybody except police and military personnel.

Possession of such a small arm carries a maximum penalty of five years imprisonment or 200,000 yen (\$555).

National police headquarters claim there are never more than 50 pistols in circulation illegally in Japan because of the vigilant watch kept on this score. Biggest source seems to be U.S. servicemen from Vietnam trying to finance their rest and recreation here.

Rifles and shotguns for hunting or target practice must be licensed with the following requirements placed on the license holder: minimum age of 20 years, mental health certified by a doctor (this requirement was briefly imposed on driver's license applications but dropped because doctors made only a cursory examination and collected their fee); reasonable grounds for possession; if ever imprisoned, at least three years must have elapsed since finishing prison term.

About 800,000 shotguns are licensed in Japan and only 30,000 rifles. Shotgun licenses are issued by chiefs of police stations; rifle licenses by chief of police of a prefecture, a jurisdiction corresponding to a U.S. county.

Shotguns and rifles are licensed only for use in hunting and target shooting areas. Someone who used his weapon to shoot tin cans on the beach or in some other area not authorized for shooting would be subject to a two year sentence or a 50,000 yen (\$139) fine.

Nobody in Japan is allowed to possess a knife or sword longer than 15 centimeters (7 inches) unless it is an antique certified by the Cultural Properties Protection Commission. Switch blades longer than six centimeters (three inches) with a switch angle larger than 45 degrees are also banned.

Mr. MANSFIELD. Mr. President, will the Senator from Maryland yield?

Mr. TYDINGS. I yield.

Mr. MANSFIELD. Mr. President, I want to commend the distinguished Senator from Maryland for making the speech he has just completed and showing the interest which he has demonstrated time and time again in this particular field.

It is my belief that he has done a great deal to remove some of the cobwebs attached to the problem of gun control legislation. He has set forth his views clearly, succinctly, and understandably.

I express the hope that the bill which he has introduced, the others which have been introduced, as well as those which are yet to be introduced, will be taken up in the Committee of the Judiciary as

expeditiously as possible, to the end that a bill can be reported, brought to the floor of the Senate, considered, debated, and resolved in this body.

Again, I wish to commend the distinguished Senator from Maryland.

Mr. TYDINGS. I thank the distinguished majority leader.

LONG GUN CONTROL LEGISLATION

Mr. SYMINGTON. Mr. President, we must act now, and with firmness, to insure that other tragedies do not follow in the wake of the present one that has our country deep in sorrow.

We have acted to protect our fellow citizens from the indiscriminate sale of handguns. But that is only a halfway measure; because it is known that criminals and other irresponsible people are resorting more and more to the use of rifles and shotguns to kill and maim. From their standpoint, this is logical because the latter can be used more safely at a long distance.

It is a fact that rifles and shotguns are used in 30 percent of the homicides committed with firearms. Should we be content, therefore, to protect only two-thirds of the people killed every year with firearms? Are we willing to sacrifice the lives of the other 30 percent?

Twenty-five percent of our law enforcement officers who are slain every year are killed with long guns. Can we afford to waste those lives?

Is it not tragic irony that it was the distinguished Senator from Massachusetts, the brother of our late colleague, who commented but a few weeks ago that the measure proposed went only part way along the path of a solution to the problem; and who stated:

Indeed, it amazes me that we continue to tolerate a system of laws which make it so outrageously easy for any criminal, insane person, drug addict or child to obtain lethal firearms which can be used to rain violence and death on innocent people.

Let us unite now to do that which should have been done long ago: pass the bill to provide effective controls over long guns and ammunition as well as over handguns.

I have been much impressed by the address on this subject delivered this morning by the able Senator from Maryland [Mr. TYDINGS].

ROBERT KENNEDY

Mr. HOLLINGS. Mr. President, Robert Kennedy, dedicated to change, died in transit. When I met him in 1964, he was shy and groping for problems to solve. At death, he groped for solutions. Earlier he challenged labor racketeering, and then, with his brother, developed the New Frontier. Working for civil rights, he acted responsibly—but was chastised for being too fast and too slow. The President's assassination sped civil rights to reality and, still shy, Robert tried not to become a candidate. The crowds, the amenities, the tolerance of bias, and the indulgence of incompetence necessary to politics was his last desire. Perhaps a Kennedy Foundation was the answer. But no, this would only scratch the sur-

I. INTRODUCTION

In 1964 the American Bar Foundation undertook a preliminary inquiry into the criminal use of firearms and of legislation designed to control access to firearms. The aims of this inquiry were to explore the desirability of more extensive work on the subject and to suggest productive patterns for further research.

To accomplish these aims information was sought on the following topics:

- a) A description of the problem itself—the use of firearms in the commission of crime
- b) Existing laws regulating firearms
- c) The effectiveness of existing laws and problems in their enforcement
- d) Suggestions for changes in existing laws and in their administration

Information has been gathered by two methods. First, a review of the relevant provisions of the federal and state constitutions and statutes was made by standard library techniques. Because most gun regulation is state law, our inquiry focused there. The search concerned legislation regulating the acquisition, possession, and use of firearms of different types and extended to legislation through July 1, 1966. This material has been prepared in chart form and appears in Appendix B. Certain commonly encountered statutory provisions will be discussed in the text. A similar search was performed on state constitutions; the pertinent sections are set out in Appendix A and also discussed in the text.

Second, information of a factual nature was obtained through personal interview and mail questionnaire from 47 police officials and 29 public prosecutors. We sought their opinions on how to deal with the problem, the incidence of firearm use in perpetrating crimes, the effect of easy access upon the use of firearms in committing crimes, the effectiveness of existing regulations, and the prospects for success of proposed firearm legislation. In addition, more detailed information about one phase of the incidence of criminal use of firearms in large cities was received

from a small group of social workers (10) directly concerned with juvenile gangs.

The results of the inquiry are set forth in the balance of this report. However, the report has certain limitations that should be emphasized. While the comparative study of statutes and state constitutions is complete and current, the information about relevant facts and estimates of the effectiveness of existing laws is fragmentary and to an important extent conjectural. No attempt was made to carry out the kind of systematic field research that is necessary for making more reliable estimates of regulatory effectiveness. How such information might be obtained is set forth in the section "Suggestions for Further Research." We should emphasize that the results of our inquiries do not constitute scientific sampling and do not represent a consensus. They do, however, present a spectrum of opinion from those concerned with the present situation and with proposed solutions. As such, they are useful in the framing of questions for more intensive consideration of the problem.

Because many questions pertinent to intelligent firearms legislation remain unanswered, the Foundation has not undertaken to draft a model firearms law or laws or even to suggest the general form such legislation might take. Our study does, however, lead us to the tentative conclusion that regulation short of the intensive controls involved, for example, in liquor legislation is likely to be little more than formality. Of course, it is for a legislature or lobbyist, not a research foundation, to make the value judgments inherent in the regulation of firearms. Nevertheless, it does seem clear that no really effective legislation is possible without major alteration in present social and political priorities. For example, to be effective, regulation of firearms would necessarily entail a substantial degree of inconvenience to hunters, sportsmen, and other legitimate users of firearms. No one contests the existence of such inconvenience; opponents of control contend it is unendurable, while proponents of control argue that it must be tolerated as a necessary concomitant of effective regulation.

II. THE NATURE OF THE PROBLEM

A. FREQUENCY OF USE OF FIREARMS IN CRIMES

There are no comparable and reliable national, state, or municipal statistics on the number of crimes in which firearms are utilized. Such figures as are available indicate that 25 to 50 per cent of the willful homicides are committed with firearms.¹ Similar percentages appear to be applicable for other crimes that are customarily committed with the aid of weapons. It must be stressed, however, that the sparsity of relevant record keeping practices makes it impossible to state with confidence the frequency of criminal use of firearms as distinguished from the use of other deadly weapons such as knives and blunt instruments.

In terms of quantity, the use of firearms in criminal activities is chiefly an urban problem. Police and prosecutors from cities expressed much more concern with the problem than those from rural areas. It is probable that this difference results from the much greater volume and frequency of crimes of all types experienced by enforcement officials in urban areas rather than from a difference in frequency of criminal use of firearms in the city compared with the country.

B. TYPES OF FIREARMS USED IN CRIME

It has been generally argued by the proponents of a gun regulation that the handgun is the type of firearm most often used by the criminal and therefore constitutes the most serious problem for law enforcement. No dispositive evidence has been discovered on this point, but our responses from prosecuting attorneys tend to confirm it. Urban prosecutors were unanimous in the view that handguns constitute the most serious problem in terms of frequency of use. Most of the rural prosecutors were unable to say which type of firearms was more often used (they reported low frequencies of crime with any weapon), but some suggested shoulder weapons were used more frequently than handguns in crimes in the rural areas. Because most crimes are committed in metropolitan areas, the view of enforcement officials in the cities that handguns represent the greatest danger would seem to be the "national" view. Hence, truly reliable information could be generated only by original—and expensive—field studies.

Like the frequency of criminal use of all firearms, this is a question that could be resolved by careful field research. Unfortunately, our inquiry shows that police records do not disclose the type of firearm used

¹ New York City Police Department Press Releases, No. 17, Feb. 25, 1963; No. 18, Feb. 29, 1964. California Bureau of Criminal Statistics, *Criminal Homicide in 1960*. Also studies in Baltimore for the year 1960 show that firearms were used in 36% of the homicide cases.

or that the data, if recorded, are accessible only by a document-by-document search.

C. NUMBER OF GUNS IN CIRCULATION

How many guns are being talked about in the proposals for control of firearms? Nobody knows. In fact, it is doubtful if anyone can even make a reasonably close estimate. The best that can be done is to draw inferences from certain relevant but inconclusive data on the periphery of the question.

1. *Registrations.* In some of the nation's largest cities, ordinances require registration of firearms. Leonard P. Reisman, Deputy Commissioner of the New York City Police Department, told the Senate Commerce Committee (January 30, 1964) that in 1963 New York City's gun register included 17,000 pistols. Statistical reports from the Detroit Police Department show about 3000 licenses to purchase firearms issued annually in recent years. In Chicago, registration of firearms totaled 4658 in 1964.

2. *Confiscations.* In New York City, Reisman informed the Senate, 5461 pistols were received by the property clerk in 1963; most of these were unregistered. In Chicago the confiscation rate is approximately 100 a week.

When the number of confiscations is compared with the number of registrations, the inference is inescapable that the fraction of total firearms represented by registered weapons is quite small. Notwithstanding their formally strict registration ordinances, the Chicago police are able to confiscate in a year more illegal weapons than are registered; the New York police confiscate pistols at a rate that would exhaust the number registered in, if the figures are taken at face value, something like three years. And it seems almost certain that the police find in any given time interval only a fraction of the total unregistered weapons in circulation in the community.

Although it seems indisputable that the registered firearms constitute only a fraction of the guns actually in circulation in any community no matter how restrictive the regulatory legislation, the unanswered question is how big a fraction. We have seen nothing on which to base even an educated guess. Testimony and opinion from knowledgeable people usually takes the form of such non-quantitative expressions as "huge," "enormous," and "staggering." These evaluations are suggestive though not very informative.

3. *Sales.* Another clue to the magnitude of the problem is sales. Here again, records are unavailable or inadequate—containing only shreds of information. For example, former Attorney General Katzenbach reported to the Senate Subcommittee on Juvenile Delinquency (May 19, 1965) that one million

dangerous weapons were sold by mail order alone in 1963. How many were sold across the counter and in private sales between individuals is not known. In addition, large numbers of imported weapons enter the country every year.

4. *Significance of the Large Number of Firearms in Circulation.* The large but indeterminate number of firearms in circulation produces two reactions among those considering an extension of regulation. Some say that the number of guns to be registered, if a restrictive law were diligently enforced, would be so large that the administrative burden on police departments would disable the program. For example, requests for gun permits already exceed 100 a week in most major cities, a total that would be greatly enlarged if resources permitted a program of strict enforcement. Screening of requests for permits, if it were done seriously, would require an enormous step-up from present regulatory effort.

In Detroit, for example, only one in 75 requests for gun permits presently is denied. It seems clear that either the screening is perfunctory, or undesirables are not registering weapons, or both. Would the benefits of real efforts to compel registration and to screen registrants be worth the price? In the view of many law enforcement officers, the price is not too high. They believe that even modest additional efforts to control weapons would be worth the effort because of their impact on crime.

D. CAUSAL RELATION OF GUNS AND CRIME

A fundamental assumption of those who support the drive for stricter regulation of firearms is the belief that easily available weapons are a stimulus to crime and that absence of the weapons would significantly reduce criminal activity. This assumption is much debated at conferences of law enforcement officials, in legislative halls, and in the professional journals. In our own inquiry we have discovered no convincing evidence on the question. However, the opinions of knowledgeable people suggest that considerable caution be used in hypothesizing a close causal relation between firearms and the commission of crimes. In the published materials and in our interviews, there is a respectable body of opinion that legal restraints on weapons have little effect on crime and criminals.

Particularly interesting on this point were the replies to our questions of social workers dealing with juvenile gangs. Juvenile gang members, although not representative of the juvenile population, are among the groups at whom restrictive gun legislation is directed. However, replies from the social workers indicate that firearms are not a particularly serious prob-

lem with their gangs. Guns are sometimes used, primarily in planned gang fights. In the much more frequently encountered instances of spontaneous violence, the weapon at hand is the weapon used. Most often, it is not guns that are used but rocks, chains, knives, or other sharp instruments. Some social workers expressed the belief that it is not the weapon which incites violence but the reverse: a felt need for violent activity produces the stimulus to acquire a weapon. In the experience of those questioned, regulation of firearms, insofar as it regulates the juveniles, would be of little significant effect. When they do use guns, the gang members don't buy weapons—they "borrow" them, mostly from members of their families. Unless society is prepared to limit severely the availability of firearms to the population generally, we cannot look for any significant improvement in whatever the firearm problem may be among juvenile gangs. Informed opinion indicates that juvenile gang violence and crime is caused primarily by factors other than easy access to guns.

It does not follow, however, that because firearms may not cause crimes that their widespread availability does not aggravate criminal conduct when it occurs. If many or most assaultive crimes, including homicide, are committed with the "weapon at hand," then general ready accessibility of guns increases the likelihood that guns rather than other weapons will be used. And it seems hardly disputable that guns produce more effective injuries than other weapons—as the equipment of modern armies attests. If firearms regulation is seen as a device for crime *control*—reduction in the seriousness of crime—rather than simply a device for crime *prevention*, the case for regulation is clearly a strong one. In this perspective, it seems irrelevant that firearms control may not have the effect of reducing the number of crimes, if it contributes to reduction in their seriousness.

III. EXISTING LAWS ON FIREARMS

A. THE UNITED STATES CONSTITUTION

The Second Amendment to the United States Constitution protects from infringement the right to bear arms. "A well regulated Militia, being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed." This constitutional guaranty only invites and does not resolve the essential questions concerning the validity of federal legislation restricting access to firearms. On the very surface, there are these issues:

Is the right dependent upon some connection with a militia?

Does the Second Amendment limit the power of the states?

How much regulation may be exerted before infringement occurs?

What kinds of weapons are contemplated by the term "arms" in the final clause?

In addition to questions raised by the Second Amendment itself, constitutional objections could be raised to federal regulation of firearms as an interference with the police powers reserved to the states. Federal intervention extending beyond the regulation of interstate shipment of firearms may be contested on this ground.

It is not the aim of this report to analyze and interpret the federal Constitution on these questions. There is an ample if not consistently rewarding body of literature on the question.²

- ² Literature on the Second Amendment, regulation of firearms as interference with the police powers of the state: "Right to Keep and Bear Arms: A Necessary Constitutional Guarantee or an Outmoded Provision of the Bill of Rights?" 31 *Albany L. Rev.* 74 (Jan. 1967).
C. Bakal, *The Right To Bear Arms* (McGraw-Hill, 1966).
A. T. Mason, "Supreme Court and Federalism," 44 *Tex. L. Rev.* 1187 (July 1966).
N. G. Rudman, "Incorporation Under the 14th Amendment—The Other Side of the Coin," 3 *L. in Trans. Q.* 141 (Summer 1966).
R. J. Rohner, "Right To Bear Arms: A Phenomenon of Constitutional History," 16 *Catholic U. L. Rev.* 53 (Summer 1966).
P. B. Feller and K. L. Gotling, "Second Amendment: A Second Look," 61 *Nw. U. L. Rev.* 46 (March-April 1966).
California Legislature Assembly and Interim Committee on Criminal Procedure and Regulation and Control of Firearms, Sacramento, 1965.
"Firearms—A Comparative Analysis of Proposed Federal Controls," 15 *DePaul L. Rev.* 164 (Autumn-Winter 1965).
"Firearms Legislation," 18 *Vand. L. Rev.* 1362 (June 1965).
J. G. Fletcher, "Corresponding Duty to the Right of Bearing Arms," 39 *Fla. B. J.* 167 (March 1965).
F. Frankfurter, "Memorandum on 'Incorporation' of the Bill of Rights into the Due Process Clause of the 14th Amendment," 78 *Harv. L. Rev.* 746 (Feb. 1965).
W. J. Brennan, Jr., "Some Aspects of Federalism," 39 *N.Y.U. L. Rev.* 780 (Summer 1964).
"Federal Regulation of Firearms Sales," 31 *U. Chi. L. Rev.* 780 (Summer 1964).
"Constitutional Law—Was It Intended That the 14th Amendment Incorporate the Bill of Rights?" 42 *N.C. L. Rev.* 925 (June 1964).
W. O. Douglas, "Bill of Rights and the Free Society: An Individual View," 13 *Buffalo L. Rev.* 1 (Fall 1963).
W. O. Douglas, "Bill of Rights Is Not Enough," 38 *N.Y.U. L. Rev.* 207 (April 1963).
N.Y. State Legislative, Joint Committee on Firearms and Ammunition, *Report*, Albany, 1962.
"Law Year Symposium on the Bill of Rights," 48 *Women L.J.* 8 (Winter 1962).
"Bill of Rights: A Limitation on the Several States or the Federal Government?" 2 *W.&M. L. Rev.* 437 (1960).

B. STATE CONSTITUTIONAL PROVISIONS

The constitutions of 35 states guarantee the right to bear arms (see Appendix A). Three states exactly reproduce the terms of the Second Amendment; two others repeat its words with additions. (The Second Amendment protects a right to "keep and bear arms"—a greater right than that of merely "bearing arms.") Including those five states that closely or completely follow the federal provision, there are seventeen states that guarantee the right to "keep and bear arms."

While the state constitutional provisions are broadly similar to that of the Second Amendment, there are significant variations. The right to bear arms is stated as adhering to "the people" or "the citizens" in 22 states and only in 13 instances to the individual (including Kentucky, which uses the phrase "all men"). In no state is the right formulated as one attaching unqualifiedly to individuals; all the guarantee provisions refer in one way or another to the concept of defense of self and the state, or the maintenance of a militia. Rhode Island has what is probably the broadest provision—"The right of the people to keep and bear arms shall not be infringed." Nevertheless, since the word "people" is used, it may be that the right accrues only to citizens acting in concert.

The right to bear arms is associated with concepts of self-defense or defense of the state in 28 constitutions. Four of the states use the phrase "common defense," presumably indicating that the right of individual self-defense is not what is contemplated. In the 12 states the individual right to bear arms is expressly linked to the individual right of self-defense as well as to the right of defending the state. Two state constitutions expressly declare that the right to bear arms shall not justify the organization of bodies of armed men.

The experience of Kentucky illustrates the reason why some state constitutions reserve the right of the legislature to regulate the carrying of weapons. The supreme court of that state struck down a law to prevent the carrying of concealed weapons as violating the constitutional provision that "the right of the citizens to bear arms in defense of themselves and the state shall not be questioned."³ The Kentucky constitution was subsequently amended by the addition of these words, "but the general assembly may pass laws

"Right To Bear Arms—A Study in Judicial Misinterpretation," 2 *W.&M. L. Rev.* 381 (1960).

P. B. Kurland, "Supreme Court and the Attrition of State Power," 10 *Stan. L. Rev.* 274 (March 1958).

Illinois Legislative Council, "State Regulation of Firearms," report pursuant to proposal 444, sponsored by Senator William J. Connors, Springfield, 1956.

³ Ky. Const. art 10, § 23 (1799). *Bliss v. Commonwealth* 2 Litt. 90, Ky. 90 (1822).

to prevent persons from carrying concealed arms."⁴

At present, eight states reserve to their legislatures the right to prevent the carrying of concealed weapons, and seven reserve the broader right to regulate the manner of carrying or bearing arms. In the other states laws regulating the carrying of certain kinds of firearms or carrying them under certain circumstances have been held valid.⁵ Some courts have held, even in the absence of a specific power reserved by the state constitution, that legislatures can subject the right to bear arms to reasonable regulation.⁶ Others have held that "arms" does not include the type of weapon the questioned enactment seeks to regulate.⁷

C. ACTS OF CONGRESS

The National Firearms Act of 1934, administered by the Alcohol and Tobacco Tax Division of the Internal Revenue Service, imposes federal regulation on firearms under the taxing power.⁸ A prohibitive tax is placed on the manufacture and transfer of automatic firearms, rifles with barrel length less than 16 inches,

⁴ Ky. Const. Bill of Rights § 1.

⁵ States where right to prevent carrying concealed weapons reserved to the legislature: *Colorado*: Colo. Const. art 2, § 13. *Kentucky*: Ky. Const. Bill of Rights § 1. *Louisiana*: La. Const. art 7, § 8. *Mississippi*: Miss. Const. art 3, § 12. *Missouri*: Mo. Const. art 1, § 23. *Montana*: Mont. Const. art 3, § 13. *New Mexico*: N.M. Const. art 2, § 6. *North Carolina*: N.C. Const. art 1, § 24.

States which reserve right to regulate the manner of carrying or bearing guns to the legislature: *Florida*: Fla. Const. Declaration of Rights, § 20. *Georgia*: Ga. Const. art 1, § 2-122. *Idaho*: Idaho Const. art 1, § 11. *Oklahoma*: Okla. Const. art 2, § 26. *Tennessee*: Tenn. art 1, § 26. *Texas*: Texas Const. art 1, § 23. *Utah*: Utah Const. art 1, § 6.

⁶ States where reasonable regulation of right to bear arms held valid in absence of constitutional authority: *Alabama*: *Jackson v. State*, 37 Ala. App. 335, 68 So. 2d. 850 (1953). *Arkansas*: *Wilson v. State*, 33 Ark. 557, 34 Am. R. 52 (1878). *California*: *People v. Ferguson*, 129 C.A. 300, 18 P.2d. 741 (1933). *Indiana*: *State v. Mitchell*, 3 Black. 229 (1833); *MacIntyre v. State*, 170 Ind. 163, 83 N.E. 1005 (1908); *Mathews v. State*, 237 Ind. 677, 148 N.E. 2d. 334 (1958). *Kansas*: *City of Salina v. Blaksley*, 72 Kan. 230, 83 P. 619 (1905). *Michigan*: *People v. Zerillo*, 219 Mich. 635, 189 N.W. 927 (1922); *People v. Brown*, 253 Mich. 537, 235 N.W. 245 (1931). *Ohio*: *State v. Nieto*, 101 O.S. 409, 130 N.E. 663 (1920); *Akron v. Williams*, 113 App. 293, 177 N.E. 2d. 802 (1960). *Oregon*: *State v. Robinson*, 217 Ore. 612, 343 P.2d. 886 (1959). *Pennsylvania*: *Commonwealth v. Kreps*, 25 Dauph. 335 (1922); *Wright v. Commonwealth*, 77 Pa. 470 (1875). *Washington*: *State v. Krantz*, 24 Wash. 2d. 350, 164 P.2d. 453 (1945); *State v. Tully*, 198 Wash. 605, 89 P. 2d. 517 (1939).

⁷ States where "arms" held not to include certain regulated weapons: *Arkansas*: *Fife v. State*, 31 Ark. 455, 25 Am. R. 556 (1876). *Pennsylvania*: *Commonwealth v. Kreps*, 25 Dauph. 335 (1922).

⁸ 26 USCA §§ 5801, 5802, 5811-5814 (1955) (Supp. 1966). June 26, 1934, c. 757, 48 Stat. 1236.

shotguns with barrel length less than 18 inches, sawed-off shotguns, handguns with shoulder stocks, and silencers or mufflers.

The commerce power has also been the source of federal control over firearms. The Federal Firearms Act of 1938 requires licenses (easily and inexpensively obtainable) for firearms manufacturers, importers, and dealers. It also prohibits shipment in interstate commerce of firearms which are sent to or from convicted felons or fugitives from justice, firearms which have been stolen, and firearms which have had the serial numbers obliterated.⁹

Postal laws prohibiting the mailing of concealable weapons constitute another source of federal control.

D. STATE LEGISLATION

A review of state legislation, through July 1, 1966, has been completed and its major provisions are charted in Appendix B. It will be noted that state restrictions on firearms take the forms of positive control on one hand and prohibitions on the other. For example, 30 jurisdictions require a license to carry a handgun on or about the person; 18 states require a permit to carry a handgun in a vehicle; 22 states require a license to sell handguns at retail; 9 require a waiting period between purchase and delivery; 19 require sales to be reported to law enforcement officials; New York requires a permit for simple possession of a handgun, and Hawaii requires registration of handguns and all other firearms regardless of type. Twenty-one jurisdictions have laws that prohibit the carrying of a handgun on the person; South Carolina completely prohibits the manufacture or sale of handguns. In addition, specified classes of persons, described in 43 of the statutes, are prohibited from possessing firearms, e.g., aliens, felons, minors, drug addicts, mental incompetents.

Considerable variations in the pattern and degree of control are found in the state legislation. The agency exercising the control also varies: permits and licenses are administered by a city or county police official or sheriff, by a state office of public safety, by a judge, a county clerk, a mayor, or a city or county licensing office. A similar variety is found in respect to type of weapon regulated. Among the definitions of firearms found in the statutes are: "firearms with barrel less than eighteen inches" (or other length), "pistol or revolver," "handgun," "concealable weapon," and "deadly firearms."

While this lack of uniformity in state legislation presents an obvious problem in maintaining a strict control in any single state, the variety itself suggests

⁹ 15 USCA §§ 901-909 (1963). June 30, 1938, c. 850, 52 Stat. 1250.

different views among the states of the seriousness of the firearms problems. Three uniform acts have been proposed by the National Conference of Commissioners on Uniform State Laws, with very little response from state legislatures.¹⁰ The likelihood of the adoption of strict uniform state legislation appears highly doubtful.

IV. ANALYSIS OF THE FIREARMS PROBLEM AND APPROACHES TO CONTROL

A. GOALS OF FIREARM CONTROL

The reasons advanced for firearms control are usually (1) prevention of crime and (2) detection of criminals.

Two major types of crime require separate attention when considering the effectiveness of firearm legislation in preventing crime: premeditated crime and the "heat of passion" crime. ("Premeditated" is used here not in its strict legal sense, which includes an almost instantaneously formed intention of criminal consequences, but in the popular understanding of a deliberately planned and executed crime.) Markedly different courses of behavior are involved in these classes of behavior, and different patterns of gun control statutes would seem necessary.

If gun control pursues the objective of prevention of premeditated crimes, the legislation must keep guns out of the hands of both the professional criminal and the occasional, determined amateur. The foregone conclusion that 100 per cent effectiveness is impossible does not warrant abandonment of the objective, but it does require a realistic appraisal of the prospective degree of success and an evaluation of the methods that might be employed to achieve given levels of effectiveness. Doubtless, severe restrictions on the open market sale of firearms would tend to achieve the desired goal. It would also cause an underworld market to develop. It is possible, however, that a program of strict enforcement could make the cost so high and risk so great as to have some deterrent effect. It must be remembered, however, that the tight administration and enforcement of such a law would be very expensive. It might create a drain on available

resources that would make other activities, such as crime detection, less effective.

In the case of professionals, the objective would be to make it difficult for a person having known proclivity to crime to obtain firearms. His past activities serve as a warning signal that a weapon in his hands is a danger to the community. With the amateur, no such warning is available, making ineffective any licensing system designed to deter premeditated crime. However, neither the professional nor the amateur is likely to seek to obtain weapons in a way sanctioned by law if it requires bringing himself to the attention of a licensing authority. Both would probably seek out illegitimate sources. In that case, the law would have the greatest preventive effect upon the amateur: the professional would probably have the contacts to find an illegitimate source; the amateur probably would not.

In addition to keeping guns out of the hands of the man who has already decided upon his course of crime, advocates of restrictive gun legislation believe that reducing the availability of weapons will remove one cause of crime. They hypothesize that the presence of guns induces the commission of premeditated crimes by persons who would lack courage without a firearm. To be effective, assuming there is validity to the hypothesis, legislation designed to diminish this danger would have to restrict severely the general availability of weapons. Since it is not presently possible to anticipate what types of persons might be so induced to commit crimes, it would be necessary to so restrict access to weapons as to severely reduce non-criminal uses of firearms.

Also to be considered is the likelihood that, if access to guns is eliminated, some persons will utilize other weapons to carry out premeditated crimes. What may be the net result on frequency of premeditated crimes?

In the passionate crimes, we picture an individual who, overcome by rage, seizes a firearm ready at hand and shoots his victim. In many areas of the United States, guns are almost instantly available in homes, at hardware stores, sporting goods shops, or gunsmiths. It is quite possible that a seething rage would sustain some people through the minimal difficulty of acquiring a weapon under these conditions. It is quite probable that waiting periods or the red tape of getting a permit would discourage these people from acquiring guns. It does not necessarily follow that the crimes would not be committed. We do not know how likely it is that such persons would turn to another weapon when a gun is not available. Also we do not know how many crimes of passion are committed by people who would have had a weapon under any reasonable laws restricting sale and possession.

¹⁰ The Uniform Firearms Act (1930) was enacted in Alabama, District of Columbia, Pennsylvania, South Dakota, and Washington, and with modifications in California, Hawaii, Indiana, New Hampshire, North Dakota, and Rhode Island, and superseded in 1940 by the Uniform Pistol Act. The Uniform Machine Gun Act (1932) was enacted in Arkansas, Connecticut, Maryland, Montana, Ohio, South Carolina, South Dakota, Virginia, and Wisconsin and withdrawn as obsolete in 1954. The Uniform Pistol Act (1940) was enacted in New Hampshire and North Dakota and withdrawn as obsolete in 1959.

It may be possible to devise very restrictive legislation that would have a significant preventive effect on both types of crime, but it would be extremely difficult to do so while also accommodating the views of those who wish to protect the convenience of legitimate gun users.

If detection in criminal cases can be materially aided by strict gun registration, the question of the cost of such improved detection must be considered. Assuming that a gun has been used in a crime, detection might be aided by the following gun control practices:

- a) If a gun register is maintained, it could be searched to determine whether any of the suspects own a gun of the type used.
- b) If the weapon is found, gun sales records could identify the owner.
- c) If ballistics records are kept on every gun manufactured, identification from the bullet could identify the gun and then the owner.

Two questions immediately arise. Do we presently have the scientific and managerial know-how to implement such programs? And is there enough criminal activity in which this sort of detection would be valuable to warrant the very large expenditure of money and time necessary to create and maintain the detection machinery? An affirmative answer can confidently be given to the first question, but further information would be required in order to make a worthwhile judgment on the second.

Assuming that only a law uniform among the states can be effective, can variations in pattern that may occur throughout the country be eliminated without an undue burden on the legitimate user or on the law enforcement officials? For example, it is widely asserted that handguns are the most serious problem. This appears to be the view of knowledgeable people in urban areas at least, although shoulder weapons may be the more serious problem in less densely populated areas. Suppose that the vast majority of rifles and shotguns in New York City are owned and used by sportsmen: is it desirable to impose strict regulations there for the sake of uniformity with the rural areas of Wisconsin, where rifles and shotguns may have accounted for more crime than pistols? Evaluation must be made not only in terms of inconvenience to the non-criminal user but also in terms of the administrative burden imposed on the law enforcement agencies.

It is apparent that no state or city can now attain security from the dangers of easily accessible weapons by requiring its citizens to get permits for the purchase of firearms. Seven states presently require a permit to purchase firearms and all of them border on states without such requirements. The only factor which uniformly disqualifies a person from obtaining

a firearm is nonage, and this varies from 12 years to 21.² Thus, legal restrictions in effect at place of residence are easily overcome. In the light of the growing mobility of our population, the percentage of unregistered firearms may grow.

Uniformity would make the job of effective enforcement easier in any given jurisdiction, but unless the uniform legislation meets the requirements of the most restrictive system now in effect, some areas will continue to experience circumvention. It does not appear possible that all states would adopt a composite of the most stringent systems now in effect. Neither does it appear likely that those states or cities that have stringent laws will relax them in the interest of uniformity. Although uniformity may not be attainable, consideration should be given to the development of a set of minimum requirements for recommendation to all the states.

B. AN ANALYSIS OF VALUES TO BE CONSIDERED

The reasonably expected results of a particular program of gun control must be balanced against the inconvenience to legitimate users of firearms and against limitation of the principles behind the constitutional safeguard of the right to bear arms.

Similar considerations arise on the questions of administration. Benefits of uniform legislation must be balanced against potential needs for variation because of local conditions. A comparable value judgment must be made on the question of whether state or federal control is preferable.

In this connection, the attitudes of certain prosecutors toward a federal gun law may be of interest. We received the views of 29 prosecuting attorneys on the desirability of a federal law aimed at further restricting interstate traffic in firearms (Table 1). Opposition was quite strong.

As we might expect, among prosecutors support for federal legislation appears to be stronger in urban areas than in rural areas, and support for federal intervention is directly correlated with the local extent of

TABLE 1
OPINIONS OF PROSECUTORS ON FEDERAL RESTRICTION
OF INTERSTATE TRAFFIC IN FIREARMS

JURISDICTION OF PROSECUTOR	NO. OF PROSECUTORS	FEDERAL LAW	
		Desired	Opposed
Rural	9	1	8
Rural-urban .	9	3	6
Urban	11	5	6
TOTAL . . .	29	9	20

crimes involving firearms. But does the opinion of this group of prosecutors help to chart a course for or against federal gun control? The answer depends upon the value choices discussed above. If uniformity is considered essential and desirable, if the interest of society in controlling weapons is held to tip the balance against inconvenience to legitimate users, the results of our inquiry suggest that those with the most experience would predict that the resulting legislation would have some beneficial effect on law enforcement.

V. PROPOSED RESPONSES TO THE PROBLEMS OF FIREARMS REGULATION

A. FEDERAL ACTION

In 1965 there was a bill before Congress designed to further regulate interstate traffic in firearms and to curb importation. At that time, Attorney General Katzenbach¹¹ stated that the purpose of the legislation was "merely, to help the states protect themselves against the unchecked flood of mail-order weapons to residents whose purposes might not be responsible or even lawful."

That bill died in committee and in January 1967 another bill was introduced, and is still pending. The provisions of the present bill:

1. Requires licensing of interstate importers, manufacturers and dealers; illegal to ship to other than aforesaid except return of a firearm to sender or replace same, or send firearms to any officer, employee, agent, or watchman coming under 18 U.S.C. 1715.
2. Does not apply to shotguns or rifles (other than short-barreled) suitable for sporting use and not military surplus, where the person to whom it was mailed has submitted a sworn and notarized statement in duplicate that he is 18 or over, and not prohibited from receiving by the act; that no local law is violated by the shipment; and giving title, name, and address of principal local law enforcement agent.
3. Shipper must forward by registered letter to the local officer the statement of the recipient and information on the gun, not including serial number, and receive return receipt of letter or letter itself which has been refused and returned.
4. Shipper must retain copies of statement and letter.
5. Governor may designate state official to receive local notice, or request discontinuance of local notice.
6. Makes unlawful a false statement by sender.
7. It is unlawful for a person to transport into or receive in any state a firearm acquired outside the state of his residence where it would have been illegal for him to acquire such firearm.
8. Any licensed importer, manufacturer, or dealer may not dispose of any firearm to any person without ascertaining identity, date of birth, and place of residence.
9. Cannot sell to anyone under 21, except rifle or shotgun, then under 18.
10. Cannot sell to out-of-state residents, except shotguns and rifles.
11. Cannot sell where violative of state law.
12. Provisions 9, 10, 11 do not apply between licensed persons, or to cases covered by shipping requirements.
13. Cannot sell to persons under indictment or convicted of crime requiring 1 year or more, or to fugitive from justice. Such person can not ship, transport, or cause to be shipped or transported any firearms. Such persons cannot receive firearms in interstate commerce.
14. Requires notice on packages.
15. Shipper knowing or having reason to know of above type violations may not deliver to one who does not have license.
16. Prohibits traffic in stolen firearms.
17. Prohibits traffic in firearms without a serial number.

The proposed federal law does not reach the question of who should be permitted to buy a weapon except as to minors. It works primarily to lend local officials support in whatever methods they may undertake for controlling accessibility of firearms within the locality. If federal legislation remains restricted to this role, effectiveness still remains primarily a local matter.

What are the prospects for effective regulation at the state and local levels? We asked our list of selected police officials if they believed a requirement of permits to purchase or possess firearms would be effective in preventing undesirables from obtaining guns. Twenty-two said yes. Twenty-two said no. When asked if such requirements would aid in criminal detection, 26 said yes and 19 said no. We also asked what measures the police felt were necessary for firearms control (see Table 2).

If this variation in the views of the police officials who responded to our questions is an accurate reflection of views throughout the country (something we do not know), we probably cannot look for significant changes in the patterns of state and local law. The net effect of the proposed federal law would be

¹¹ Statement by Attorney General Nicholas deB. Katzenbach before the Subcommittee on Juvenile Delinquency of the Senate Committee on the Judiciary, May 19, 1965.

to require those who cannot now obtain weapons in their own communities to expend a little more effort to acquire them elsewhere; with mail-order guns no longer available, some travel would be required to circumvent the laws. The resident in a city where permits are required would have to go to the suburbs. The resident of a state where permits were required would have to resort to private purchases from citizens of other states. Federal limitations on interstate shipment would reduce accessibility to some degree, but to what degree? Certainly, they would not deter the professional criminal but would probably deter the amateur criminal to some extent. Such provisions probably would have some limiting effect on the number of heat-of-passion criminals but much less on the premeditating criminal. The deterrent effect on

TABLE 2
OPINIONS OF SELECTED POLICE OFFICIALS ON THE
ESSENTIAL ELEMENTS OF EFFECTIVE FIREARMS
REGULATION

Control Element	Number Mentioning
Requirement of permit, license of examination to purchase firearm	12
Uniform state or federal law. .	8
Registration.	9
More severe penalties	6
Restriction on mail-order sales	3
Waiting period between purchase and delivery.	2

the amateur criminal and the perpetrator of a passionate crime would result from a reduction of the number of weapons in the hands of non-criminals and all potential criminals.

B. PROPOSALS AFFECTING ENFORCEMENT

Another approach that directly reaches the criminal and potential criminal has been suggested by many police officials and others familiar with the problems of criminal law and law enforcement. They assert that, since restrictive firearm legislation has not been and is not likely to be effective, police should be allowed to stop and search suspects and their possessions on the chance of illegal possession of firearms although there is no "probable cause" for arrest.

The American Bar Foundation's empirical studies of criminal justice administration show that it is, in fact, common practice now for the metropolitan police to detain suspects, without probable cause, to

question them and to frisk them.¹² Such a practice by the police, in the absence of probable cause for arrest, is presently illegal in most states. The practice continues but results in confiscation of weapons rather than conviction of those who illegally possess them. Legislation allowing search upon reasonable grounds for suspicion, the so-called "stop, question, and frisk" laws, has been adopted in several states.¹³ There is some doubt about their constitutionality; they have not been tested in the U.S. Supreme Court. Power of the police to stop and search a person on reasonable suspicion that he is in illegal possession of a weapon and, when they find such weapon, to present it as evidence in court might well provide a significant deterrent to possession if possession itself were made illegal.

Alternatively, the exclusionary rule that prevents the introduction of evidence obtained by illegal search could be relaxed as to illegal firearms, making possible a conviction for illegal possession. This has been done in Michigan by amendment of the state constitution, though the validity of this provision is in doubt since the U.S. Supreme Court decision in *Mapp v. Ohio*, 367 U.S. 643 (1961). In the light of *Mapp*, an exception to the exclusionary rule which would permit introduction into evidence of illegally seized firearms would probably require congressional legislation and conceivably amendment of the federal Constitution.

Adoption of either of these proposed methods aimed at convictions for illegal possession of firearms would substantially avoid problems of inconvenience to non-criminal users and limitation of the right to bear arms in defense of home and society. Existing restrictions on possession and use of firearms would probably not have to be materially enlarged in order to make such a program of enforcement compatible with legitimate uses. In fact, the prohibition against

¹² W. LaFave, *Arrest: The Decision To Take a Suspect into Custody* (Little, Brown & Co., 1965).

¹³ Several states have enacted "stop, question, and frisk" laws: New York, Code of Criminal Procedure, § 180 (a) and the six states that have adopted the Uniform Arrest Act—Alabama A.157.1 (1967) (not yet codified); Col. Rev. Stat. Ann. 40.11.1 (1963); Del. Code Ann. tit. 11 §§ 462, 1902-1903 (1953); N.H. Rev. Stat. Ann. 594.2.3 (1955); R.I. Gen. Laws Ann. § 12.7.2 (1956); Utah H.150.1 (1967) (not yet codified). Court decisions in California and a few other states indicate a recognition of this power in the police without statutes. See F. Remington, "The Law Relating to 'On the Street' Detention, Questioning and Frisking of Suspected Persons and Police Arrest Privileges in General," 51 *J.Crim. L., C. & P.S.* 386 (1960); See also Note, 78 *Harv. L. Rev.* 473 (1964); W. LaFave, "Detention for Investigation by Police: An Analysis of Current Practices," 1962 *Wash. U.L.Q.* 331 (1962); Note, 39 *N.Y.U.L. Rev.* 1093 (1964).

carrying concealed weapons might be the only limitation required. However, these measures to help police enforcement would and do raise their own set of problems. The individual's protected right against unwarranted searches or interference with his personal property and privacy must be balanced against the desirability of increasing society's facilities for self-protection. A new and possibly more complicated value judgment must be arrived at.

VI. RECOMMENDATIONS FOR FURTHER RESEARCH

The American Bar Foundation finds the available evidence insufficient to warrant taking a position on the effectiveness of existing and proposed firearm legislation. It should be emphasized that this finding is made in the light of our activities as an organization devoted to legal research and empirical research in particular. It is not to say that there are not sufficient considerations to justify a legislative body in attempting changes on the basis of its responsibility to experiment with social reform for the benefit of the community.

At first glance it would appear that the usefulness of a particular gun control statute could be readily determined by empirical research. The presence of a variety of constitutional and statutory patterns among the states would seem to create almost a laboratory model for testing the effect of different regulations. It would seem, for example, that comparison could be made between the incidence of the use of firearms in crimes in jurisdictions with tight control laws and those which do little to restrict access to guns.

However, two factors seriously restrict this prospective success of such a comparative study. The first, and most important, factor is the presence of a number of variables which affect the rate of violent crimes apart from ease of access to guns. Other factors almost certainly outweigh the presence of firearms as a cause of crime: for example, New York has much stricter gun control laws and a much higher crime rate than neighboring Vermont. Among the variables which must be considered are population size and density, economic conditions, degree of social, racial and religious homogeneity, and com-

munity attitudes toward crime in general and guns in particular.

Even if it proved possible to devise comparisons that controlled some of these variables and reduced the number of factors extraneous to firearms, such a study would meet with a practical obstacle—the absence of comparable records. At present, police department reports do not, with rare exceptions, detail the number and kind of offenses in which firearms are used, nor do they distinguish among the various kinds of firearms. Lack of uniformity in criminal statistics and in police and court record keeping has been and continues to be a roadblock to useful research on crime and the administration of criminal law. The American Bar Foundation has encountered this obstacle in a number of its studies: *Narcotics and the Law*,¹⁴ *Defense of the Poor*,¹⁵ and *The Administration of Criminal Justice in the United States*.¹⁶ Other researchers have had similar experiences.

In the absence of comparable records, the necessary information on distribution and use of firearms could be gathered only by the very expensive and less reliable techniques of the field survey: questionnaires, interviews, and case by case search of records. It seems doubtful that the information obtained would be worth the cost.

Our conclusion is that high priority should be given to the development of model forms for the use of police departments and courts in reporting information about crime and criminal prosecution in order to introduce a degree of uniformity which would make more feasible the use of the potential wealth of comparative information provided by our federal system. Furthermore, we believe that when comparable data become available it would be more profitable to encourage efforts to increase knowledge about the causes and incidence of all types of crime, including in such studies an examination of the use of firearms, as one among many factors, than to try to focus exclusively on the criminal use of firearms.

¹⁴ W. B. Eldridge, *Narcotics and the Law* 127–131 (American Bar Foundation, 1962).

¹⁵ L. Silverstein, *Defense of the Poor in Criminal Cases in American State Courts: Volume I, National Report* 151, 175 (American Bar Foundation, 1965).

¹⁶ A. Sherry, *The Administration of Criminal Justice in the United States: Plan for a Survey* 15 (American Bar Foundation, 1955).

APPENDIX A

PROVISIONS OF STATE CONSTITUTIONS GUARANTEEING THE RIGHT TO BEAR ARMS

STATE	Right To Keep & Bear Arms	RIGHT GRANTED TO			Provision the Same as 2d Amendment	RIGHT LINKED TO			RIGHT OF LEGISLATURE EXPRESSLY RESERVED		No Sanction for Bodies of Armed Men
		Indi-vidual	"The People"	"The Citizens"		Defense of Self and State	Mainte-nance of Militia	The "Common Defense"	To Regulate Carrying of Arms	To Prevent Carrying of Concealed Weapons	
Alabama	-	X	-	-	-	X	-	-	-	-	-
Alaska	X	-	X	-	X	-	X	-	-	-	X
Arizona	-	X	-	-	-	X	-	-	-	-	-
Arkansas	X	-	-	X	-	-	-	X	-	-	-
Colorado	X	X	-	-	-	X	-	X	-	X	-
Connecticut	-	X	-	-	-	X	-	-	-	-	-
Florida	-	-	X	-	-	X	-	-	X	-	-
Georgia	X	-	X	-	-	-	-	-	X	-	-
Hawaii	X	-	X	-	X	-	X	-	-	-	-
Idaho	-	-	X	-	-	X	-	-	X	-	-
Indiana	-	-	X	-	-	X	-	-	-	-	-
Kansas	-	-	X	-	-	X	-	-	-	-	-
Kentucky	-	X	-	-	-	-	-	-	-	X	-
Louisiana	X	-	X	-	-	-	X	-	-	X	-
Maine	X	X	-	-	-	-	-	X	-	-	-
Massachu- setts	X	-	X	-	-	-	-	X	-	-	-
Michigan	-	X	-	-	-	X	-	-	-	-	-
Mississippi	X	X	-	-	-	X	-	-	-	X	-
Missouri	X	X	-	-	-	X	-	-	-	X	-
Montana	X	X	-	-	-	X	-	-	-	X	-
New Mexico	-	-	X	-	-	X	-	-	-	X	-
North Caro- lina	X	-	X	-	-	-	X	-	-	X	-
Ohio	-	-	X	-	-	X	-	-	-	-	-
Oklahoma	X	X	-	-	-	X	-	-	X	-	-
Oregon	-	-	X	-	-	X	-	-	-	-	-
Pennsylvania	-	-	-	X	-	X	-	-	-	-	-
Rhode Island	X	-	X	-	-	-	-	-	-	-	-
South Caro- lina	X	-	X	-	X	-	X	-	-	-	-
South Dakota	-	-	-	X	-	X	-	-	-	-	-
Tennessee	X	-	-	-	-	-	-	X	X	-	-
Texas	X	X	-	-	-	X	-	-	X	-	-
Utah	-	-	X	-	-	X	-	-	-	-	-
Vermont	-	-	X	-	-	X	-	-	-	-	X
Washington	-	X	-	-	-	X	-	-	-	-	-
Wyoming	-	-	-	X	-	X	-	-	-	-	-

APPENDIX B

STATE LAWS REGULATING FIREARMS (AS OF JUNE 30, 1966)

The table on the following pages is intended to show the general coverage of the law in a state or states. It is not intended to give the precise requirements of the law in a particular jurisdiction. Some minor laws relevant to firearms control have been

omitted. Also, exceptions to the laws commonly made for hunters, shooting club members, and travelers have not been noted in all cases.

The numbers in parentheses refer to the notes listed below.

NOTES TO APPENDIX B

1. Applies to antiques also.
2. There is also a provision requiring a permit to carry any "dangerous weapon" inside any city or borough.
3. Applies only to pistols and repeating rifles.
4. Pistols and sawed-off shotguns or rifles.
5. Applies to pistols only.
6. Except licensed adult hunters and hunters over 16 while accompanied by an adult.
7. Applies to deadly or dangerous weapons.
8. Applies to rifles with barrels less than 16 inches, shotguns with barrels less than 20 inches, or any other concealable firearms except pistols or revolvers or antiques.
9. Applies to all firearms.
10. Antiques excepted.
11. Applies to any firearm with an overall length less than 26 inches or a rifle with a barrel less than 16 inches or a shotgun with a barrel less than 18 inches.
12. Applies to concealable firearms.

	ALABAMA	ALASKA	ARIZONA	ARKANSAS	CALIFORNIA	COLORADO
Definition of firearms covered by law	Any firearm with barrel less than 12" except antiques	Firearms capable of concealment	Pistol or other firearm	Pistol	Firearms capable of concealment, except antiques	Firearm with barrel less than 12", except antiques
Carrying concealed prohibited		Yes	Yes			
Permit to carry concealed must be obtained from	Sheriff (1)				Police	Police, sheriff, or mayor
Carrying prohibited			With intent to assault	"As a weapon," except on journey or on own premises		With intent to assault
Permit to carry must be obtained from						
Permit to possess required						
Permit to purchase required						
Waiting period between purchase & delivery	48 hours				3 days	
Dealer licensed	Yes				Yes	
Dealer required to keep record of sale	Yes, sent to police chief & public safety director				Yes, sent to police & Bureau of Criminal Investigation	
Persons to whom handguns may not be transferred	Persons convicted of crimes of violence, habitual drunkards, drug addicts, minors under 18, & persons of unsound mind		Minors under 18 without parental consent		Non-citizens, drug addicts, convicted felons, minors under 18	
Persons forbidden to possess a handgun	Persons convicted of crimes of violence, habitual drunkards, & drug addicts	Persons under influence of drugs or alcohol; persons convicted of violent crimes	Persons convicted of crimes of violence		Non-citizens, drug addicts, convicted felons	Convicted felons
Persons forbidden to possess any firearm						

	CONNECTICUT	DELAWARE	FLORIDA	GEORGIA	HAWAII	IDAHO
Definition of firearms covered by law	Firearm with barrel less than 12"	Pistol or other deadly weapon	Any arms	Firearm with barrel less than 15", pistol	All firearms with barrel less than 18"	Concealable weapons
Carrying concealed prohibited			Yes	Yes (5)		
Permit to carry concealed must be obtained from	Police chief or commissioner of state police (2)	County superintendent			County police chief (5)	County sheriff
Carrying prohibited					Yes (6)	With intent to assault (7)
Permit to carry must be obtained from	Police chief or commissioner of state police (2)		County commissioner (3)	Local ordinary, \$100 bond, & sureties (5)		
Permit to possess required					Issued by county police chief	
Permit to purchase required					Issued by county police chief	
Waiting period between purchase & delivery	Yes					
Dealer licensed	Yes	Yes		Yes	Yes	
Dealer required to keep record of sale	Yes, forwarded to police	Yes			Registration system	
Persons to whom handguns may not be transferred	Aliens, minors under 18	Minors, intoxicated persons	Minors under 18 without parental consent, persons of unsound mind	Minors under 18 (5)	Minors under 20	Minors under 16 without parental consent (7)
Persons forbidden to possess a handgun	Aliens & convicted felons					
Persons forbidden to possess any firearm	Tramps	Tramps, minors	Convicted felons (4)		Persons convicted of violent crimes, addicts; aliens, minors, fugitives (6)	Intoxicated persons (7)

	ILLINOIS	INDIANA	IOWA	KANSAS	KENTUCKY	LOUISIANA
Definition of firearms covered by law	Firearms capable of being concealed	Concealable weapons except antiques	Concealable weapons, pistol, revolver	Pistol, revolver	Concealable weapons	Any firearm
Carrying concealed prohibited	Yes	Yes		Yes	Yes	Yes
Permit to carry concealed must be obtained from			Sheriff			
Carrying prohibited	Shotgun less than 18"	With intent to or avowed purpose to injure others	With intent to use unlawfully (9)			
Permit to carry must be obtained from		Police chief or county sheriff (5)				
Permit to possess required						Rifles with barrel less than 16", concealable firearms except pistol, revolver, antiques
Permit to purchase required						
Waiting period between purchase & delivery		48 hours (5)				
Dealer licensed		Yes (5)	Yes			Yes (8)
Dealer required to keep record of sale	Yes, on concealable firearms	Yes, copy sent to police (5)	Must report sales to county recorder			Yes (8)
Persons to whom handguns may not be transferred	Minors under 18, drug addicts, & certain felons	Minors under 18, persons convicted of crimes of violence, persons of unsound mind, habitual drunkards, & addicts	Minors under 21	Minors, incapacitated persons	Minors	Mental institution patients
Persons forbidden to possess a handgun				Drug addicts, habitual drunkards, certain felons, minors		
Persons forbidden to possess any firearm					Citizens of countries with which the U.S.A. is at war	Enemy aliens

	MAINE	MARYLAND	MASSACHUSETTS	MICHIGAN	MINNESOTA	MISSISSIPPI
Definition of firearms covered by law	Concealable weapons	Pistol, revolver, except antiques	Anything with a barrel less than 18"	Firearm with barrel less than 30"	All firearms except collectors' items	Pistol, concealable weapon, rifle with barrel less than 16", shotgun with barrel less than 18"
Carrying concealed prohibited		Yes (9)				Yes, except when traveling, or fearing for safety
Permit to carry concealed must be obtained from	Police chief or city marshall		Police or commissioner of public safety	County concealed-weapon licensing board		
Carrying prohibited		With intent to injure (9)	Sawed-off shotgun	If intent to use unlawfully (9)	With intent to use unlawfully	
Permit to carry must be obtained from		By minors at night in certain counties (9)	Police or commissioner of public safety			
Permit to possess required						
Permit to purchase required		Yes	Yes	Issued by police chief (10)		
Waiting period between purchase & delivery		7 days				
Dealer licensed		Yes	Yes			
Dealer required to keep record of sale	Yes	Yes, forwarded to police	Yes, forwarded to Department of Public Safety	Yes, sent to police commissioner		Yes (5)
Persons to whom handguns may not be transferred	Minors under 16 without parental consent	Unsound mind, minors under 21, persons convicted of crimes of violence, fugitives, habitual drunkards, drug addicts	Felons convicted as possessors or users of drugs, aliens, minors	Minors under 21, persons residing less than 6 months in state, felons, & persons of unsound mind	Minors under 18 without parental consent	Drunks, minors
Persons forbidden to possess a handgun	Felons	Persons convicted of crimes of violence, fugitives from justice, habitual drunkards, drug addicts	Aliens, minors under 18 without parental approval, felons, those convicted as narcotic users or possessors			
Persons forbidden to possess any firearm	Vagrants		Tramps	Persons under influence of alcohol or drugs		Tramps, college students on campus

	MISSOURI	MONTANA	NEBRASKA	NEVADA	NEW HAMPSHIRE	NEW JERSEY
Definition of firearms covered by law	Concealable fire-arms	Handgun	Concealable fire-arms	Concealable weapons with less than 12" barrel	Firearms less than 12" except antiques	All firearms
Carrying concealed prohibited	Yes		Yes			
Permit to carry concealed must be obtained from		District court judge		Sheriff		
Carrying prohibited		With intent to assault				With intent to assault
Permit to carry must be obtained from					Mayor or police chief	Judge & police chief must approve (11)
Permit to possess required						
Permit to purchase required	Issued by county clerk				For aliens & convicted felons	Issued by police
Waiting period between purchase & delivery						7 days (11)
Dealer licensed					Yes	Yes
Dealer required to keep record of sale	All concealable weapons				Yes, police must be informed of all sales	Yes
Persons to whom handguns may not be transferred	Minors without parental consent	Minors under 14 without parental or instructor supervision		Minors under 18 without parental consent or adult supervision	Aliens or convicted felons without special permit; minors without parental consent	Persons convicted of any crime, narcotic addicts, minors under 18, alcoholics, mental patients
Persons forbidden to possess a handgun	Persons under influence of alcohol	Prisoners	Minors under 18 without parental or instructor supervision, felons, fugitives from justice	Minors under 14 without parental supervision, aliens, felons	Aliens or convicted felons without special permit	
Persons forbidden to possess any firearm					Tramps	Any person ever committed to a mental institution without certificate, persons convicted of crimes of violence, minors under 18, narcotics violators, addicts

	NEW MEXICO	NEW YORK	NORTH CAROLINA	NORTH DAKOTA	OHIO	OKLAHOMA
Definition of firearms covered by law	Deadly firearms	Concealable firearms	Concealable firearms	Pistols, except antiques	Pistol or revolver	Pistols
Carrying concealed prohibited	Only if loaded		Yes		Yes	Yes
Permit to carry concealed must be obtained from		City & county licensing offices				
Carrying prohibited		Only if loaded or with ammunition				Yes
Permit to carry must be obtained from		City & county licensing offices		Judge, sheriff, or police chief		
Permit to possess required		Issued by licensing board				
Permit to purchase required			Issued by sheriff			
Waiting period between purchase & delivery						
Dealer licensed		Yes	Yes	City option		
Dealer required to keep record of sale		Yes	Yes	Yes, must be forwarded to local police		
Persons to whom handguns may not be transferred		Prisoners	Minors, prisoners	Minors under 17, drug addicts, habitual drunkards, persons not bona fide residents, persons without permits to carry	Minors under 17	Minors
Persons forbidden to possess a handgun		Minors under 16, aliens		Minors under 17, drug addicts, habitual drunks, criminal offenders	Tramps	
Persons forbidden to possess any firearm	Prisoners	Criminal offenders, persons of unsound mind, tramps, rioters	Tramps			

	OREGON	PENNSYLVANIA	RHODE ISLAND	SOUTH CAROLINA	SOUTH DAKOTA
Definition of firearms covered by law	Concealable firearm with barrel less than 12" except antiques	Rifle barrel less than 15", pistol with barrel less than 12", shotgun with barrel less than 24"	Firearm with barrel less than 26" except antiques	Firearms less than 12"	Firearms with barrel less than 12" except antiques
Carrying concealed prohibited		With intent to do injury to another			
Permit to carry concealed must be obtained from	Sheriff, police chief, or marshal	Police, sheriff	Police		Judge, police chief, or sheriff
Carrying prohibited				Yes, except at home	
Permit to carry must be obtained from			Police		
Permit to possess required			Application for out-of-state purchase (12)		
Permit to purchase required					
Waiting period between purchase & delivery	Next day	48 hours	72 hours		48 hours
Dealer licensed	Yes	Yes	Yes	Yes	Yes
Dealer required to keep record of sale	Yes, must be forwarded to police	Yes, forwarded to local & state police	Yes, must be forwarded to police	Yes	Yes, forwarded to police
Persons to whom handguns may not be transferred	Felons, aliens, minors under 18	Persons convicted of crimes of violence, minors under 18, drug addicts, habitual drunkards, persons of unsound mind	Fugitives from justice, persons convicted of crimes of violence, minors, mental incompetents, drug addicts, drunkards, aliens	Persons convicted of crimes of violence, minors under 21, subversives	Minors under 18, persons convicted of crimes of violence, addicts, drunks, persons of unsound mind
Persons forbidden to possess a handgun	Felons, aliens, prisoners	Persons convicted of crimes of violence	Aliens	Persons convicted of crimes of violence, minors under 21, subversives	Minors under 15 within 1 mile of a city, persons convicted of crimes of violence
Persons forbidden to possess any firearm		Aliens	Tramps, persons convicted of crimes of violence, fugitives from justice, drunks, addicts, incompetents, minors under 15 without special permit		

	TENNESSEE	TEXAS	UTAH	VERMONT	VIRGINIA
Definition of firearm covered by law	Pistols, revolvers	Concealable weapons with barrel less than 12" except antiques	Concealable weapons	Revolvers, pistols	Pistol
Carrying concealed prohibited	With intent to go armed, except Army or Navy, pistol carried openly in hand				
Permit to carry concealed must be obtained from			Peace officer		Court
Carrying prohibited		Yes, except at place of business or premises	With intent to assault	Only if intent to do injury (9)	
Permit to carry must be obtained from					
Permit to possess required					
Permit to purchase required		Obtained from county or district judge			Yes, except in counties with less than 1000 pop. /sq. mile
Waiting period between purchase & delivery	15 days				
Dealer licensed	Yes	County controlled			County option
Dealer required to keep record of sale	Yes, must be forwarded to police	Yes		Yes	County option, records sent to circuit court
Persons to whom handguns may not be transferred	Minors, fugitives, aliens, persons convicted of crimes of violence, drunks, addicts, persons of unsound mind, persons convicted of illegal sale of alcoholic beverages	Minors without parental consent, felons, persons in the heat of passion	Minors under 14	Minors under 16 except by instructors in firearms courses	Minors under 18
Persons forbidden to possess a handgun		Felons		Minors under 16 without parental consent	
Persons forbidden to possess any firearm			Aliens, minors under 14 without parental supervision	Vagrants	

	WASHINGTON	WEST VIRGINIA	WISCONSIN	WYOMING	DISTRICT OF COLUMBIA
Definition of firearms covered by law	Firearms with barrel less than 12" except antiques	Pistol, revolver	Concealable firearms	Concealable weapons	Firearms with barrel less than 12" except antiques
Carrying concealed prohibited			Yes		
Permit to carry concealed must be obtained from	Judge, police chief, or sheriff			Sheriff	
Carrying prohibited				Unlawful to possess with intent to do harm	
Permit to carry must be obtained from		County circuit court			Police superintendent
Permit to possess required					
Permit to purchase required					
Waiting period between purchase & delivery					48 hours
Dealer licensed	Yes	Yes			Yes
Dealer required to keep record of sale	Yes, forwarded to police	Yes, forwarded to Department of Public Safety		Yes (9)	Yes, must be sent to police
Persons to whom handguns may not be transferred	Persons convicted of crimes of violence, drug addicts, drunks, persons of unsound mind, minors under 21, prisoners	Aliens	Minors	Minors under 21	Felons, drug addicts, persons of unsound mind, minors under 21
Persons forbidden to possess a handgun	Persons convicted of crimes of violence, aliens without license, prisoners, minors under 14 without parental supervision		Minors		Felons, drug addicts
Persons forbidden to possess any firearm		Aliens	Intoxicated persons	Aliens	

Congress Leaders Call Stricter Gun Law Unlikely

By JOHN W. FINNEY

Special to The New York Times

WASHINGTON, June 7—Preliminary soundings of Congressional leaders indicated today that, despite intense lobbying by the White House, Congress was not prepared to heed President Johnson's urgent plea yesterday for legislation extending gun controls to include a ban on mail order sales of rifles and shotguns.

The crime control bill sent yesterday to the White House bans only mail order sales of hand guns—a prohibition inserted into the bill by the Senate and accepted by the House.

In pushing for additional controls, the Administration is seeking to capitalize on the emotional reaction to the assassination of Senator Robert F. Kennedy and what it regards as rising public sentiment for stricter controls over gun sales.

If it moves quickly enough, the White House believes, it can generate enough political pressure to push a stronger bill through a reluctant Senate.

But the Senate majority leader, Mike Mansfield, Democrat of Montana, expressed doubt in an interview that the Senate, which has already rejected the Administration proposal, would reverse itself.

Senator Mansfield is a key figure in the Administration maneuvering being directed personally by the President. The Administration's only hope of obtaining its bill is to swing

Mr. Mansfield and some other Western liberals and moderates around to its ideas.

But the Senator made clear that he remained opposed to controls over interstate sales of rifles and shotguns. The Senate, he said, "made a good start" in enacting controls over hand guns, and what is needed now, he continued, is "more control at state and local levels."

He expressed some resentment at the President's apparent implication that opponents of stronger gun control legislation were responding to lobbying of the National Rifle Association and other gun groups. The President, in a statement yesterday, said that "the voices of the few must no longer prevail over the interests of the many."

Senator Mansfield emphasized that "I have had no con-

tacts with the National Rifle Association, and I don't even know who its officers are."

In Congressional circles there is a belief that the White House and others tend to exaggerate the influence of the "gun lobby." The National Rifle Association, it is acknowledged, is well organized and has its spokesmen in Congress. But the Western and Southern Senators, who form the coalition against gun control legislation, also are reflecting views of their rural constituencies, it is pointed out.

Politically, the critical time for passing the Administration's gun control measure was in mid-May, when the Senate was debating the gun control section of the crime bill. But at that point, according to Congressional sources, the Administration was not lifting an ef-

fective hand to defend its proposal, which was defeated 53 to 29.

Rather, the White House and the Justice Department were concentrating their lobbying on defeating a Republican proposal to allocate the bill's Federal assistance to police forces through bloc grants to states. Eventually the Administration lost on the bloc grant issue, and in the process it failed to strengthen the gun control provision or to bar controversial sections in the bill overturning Supreme Court decisions and authorizing large-scale wiretapping.

(The bill as passed includes sections designed to reverse Court decisions on the admissibility of confessions and police line-up identifications in Federal trials and the rapid arraignment of Federal suspects.)

Support Stronger Gun Controls

Johnson Statement on Strong Gun Law

18-1
Following is a transcript of a statement President Johnson sent to Congress yesterday on the gun control bill. Mr. Johnson read the statement at the White House and it was recorded by The New York Times.

Today the nation cries out to the conscience of the Congress. Criminal violence from the muzzle of a gun has once again brought heartbreak to America. Surely this must be clear beyond question: The hour has come for the Congress to enact a strong and effective gun control law governing the full range of lethal weapons.

I have sought and I have fought for such a law through all the days of my Presidency. On many occasions before, I have spoken of the terrible toll inflicted on our people by firearms—750,000 Americans dead since the turn of the century.

This is far more than have died at the hands of all of our enemies in all of the wars that we have fought—sorrow and suffering that just cannot be counted and fear that can never be measured.

Each year in this country, guns are involved in more than 6,500 murders. This compares with 30 in England, 99 in Canada, 68 in West Germany and 37 in Japan.

Forty-four thousand aggravated assaults are committed with guns in America each year. Fifty thousand robberies are committed with guns in America each year.

I have told the Congress and I have told the nation of the brutal loophole in our

nation's laws. Two million guns were sold in the United States last year. Far too many of those guns were bought by the demented and the deranged, the hardened criminal and the convict, the addict and the alcoholic.

And we cannot expect these irresponsible people to be prudent in their protection of us. But we can and we have a right to expect the Congress of the United States to protect us from them.

Weapons of destruction can be purchased by mail as easily as baskets of fruit or cartons of cigarettes.

We must eliminate the dangers of mail-order murder in this country.

The Congress has finally begun to take some action. The Senate has passed a watered-down version of the gun control law I sent to the Congress some time ago with my recommendations.

The House has taken action on the Senate bill. But this halfway measure is not near enough. It covers adequately only transactions involving hand guns. It leaves the deadly commerce in lethal shotguns and rifles without effective control 55 long months after the mail-order murder of President John F. Kennedy.

So today I call upon the Congress in the name of sanity. I call upon the Congress in the name of safety and in the name of an aroused citizenship to give America the gun control law that American citizens need.

I urge the Congress to make it unlawful to sell rifles and shotguns as well as hand

guns by mail order. I urge the Congress to make it unlawful to sell rifles and shotguns as well as hand guns to persons who are too young to bear the terrible responsibility that is placed in the hands of a gun owner.

I urge the Congress and plead with it to make it unlawful to sell rifles and shotguns as well as hand guns in one state to the residents of another state.

This will not prevent legitimate hunters or sportsmen from purchasing firearms, but with this reinforced law we can then give the states the proper incentive to shape their own gun control legislation and the country can at long last have a network of systematic safeguards for all of our citizens.

And today I am asking each of the Governors of the 50 states to immediately and to comprehensively review their gun laws and to amend them where necessary and rewrite them in order to fully protect the citizens of the states that they serve, protect them from the deadly weapons that are now in dangerous hands.

The voices of the few must no longer prevail over the interest of the many. When I last appealed to the Congress on this subject again—and that was only a month ago—I asked this question: What in the name of conscience will it take to pass a truly effective gun control law in the Congress.

And now in this new hour of tragedy that question should at last be answered.

So let us now spell out our grief in constructive action.

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New Gun Law Killing Sales

New York City's new gun law, which went into effect Feb. 13, has virtually stopped the sale of firearms in the city.

Even dealers in Westchester and Nassau, not covered by the city law, report their sales have taken a nosedive.

"The gun business has had it," said Agramonte, owner of Agramonte's Antique and Modern Gun Shop, 41 Riverdale Av., Yonkers, who reported his gun sales had dipped from ten a day to three or four daily.

And in the City . . .

Agramonte is doing well, however, compared to dealers in the city. A spokesman for Solomon Sporting Goods, Inc., 79 Chambers St., said he had sold only two guns in the two weeks the law has been in effect. Normal sales, the spokesman said,

would have been 50 to 100.

The new law requires owners of rifles and shotguns to register the weapons and obtain a license from the Firearms Control Board. License applicants must be fingerprinted. A \$3 permit covers three years. Hand guns still come under the city's strict old "Sullivan" law.

A Court Challenge

A suit seeking to void the new law has been filed in State Supreme Court by the New York Sporting Arms Assn., the Lawyers Gun Club and several individuals. A hearing is scheduled for March 8 before Justice Markowitz.

"This is the worst drafted piece of legislation in 1967," charged Mark K. Benenson, spokesman for the association. The suit argues that gun con-

trol legislation is a state (not city) matter and that the city law contradicts both existing state and federal laws.

Dealers said most prospective gun buyers objected to the time and paperwork involved in buying a weapon.

"It's just not worth the aggravation," said Bob Gilman, manager of Paragon Sporting Goods Co., 861 Broadway.

Ryan's Club Backs McCarthy

Rep. Ryan's "home" club, the Riverside Democratic Reform Club, voted last night, 52-19 to support the candidacy of Sen. Eugene McCarthy for the Presidency.

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