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Mike Mansfield 1903-2001
Statement of Senator Lee Metcalf of Montana on gun control legislation before the Senate Subcommittee to Investigate Juvenile Delinquency.
11 July 1967

Mr. Chairman:

I appreciate this opportunity once again to express my views on proposals relating to the interstate commerce in sporting firearms. I submitted a statement to this committee in 1965 when it was considering the subject at that time. On August 18th of last year, I inserted a statement in the Congressional Record concerning proposals under consideration at that time. I would like to add that statement to my testimony today. Senator Mansfield has gone over this statement and asked that it also be considered his.

My views on the misuse of firearms are based on my own understanding of the problem and the hundreds of suggestions I have received from Montanans for whom I speak. I am sure my experience in this matter is similar to that of other members of Congress who returned to their respective states after adjournment. I found Montanans vitally concerned with the kind of firearms legislation that may ultimately be enacted. As would be expected, their concern ranged over a broad front, extending from the individual right to possess and use firearms for legal purposes of all kinds, including defense of family, home, and property, to the continuance of the very substantial hunting and recreational service industry that the sporting use of firearms supports in Montana. There is concern, too, about the continuation of state wildlife management programs supported entirely by the license fees paid by hunters and by the federal excise taxes they pay on sporting arms and ammunition. In Montana, as in other states, hunters pay the bills for necessary wildlife management and restoration programs as well as maintain the food, transportation, equipment, and allied businesses that service their needs. Furthermore, Montanans want firearms restrictions to apply directly to criminals and the criminally inclined, rather than to the vastly greater number of law-abiding citizens.

I fully share the concerns of Montanans in this regard, Mr. Chairman. As they do, I support corrective amendments to the Federal Firearms Act and to the National Firearms Act that hold promise, with vigorous enforcement, of reducing the criminal misuse of sporting firearms and the so-called destructive devices. I question whether the existing Federal Firearms Act has been enforced with sufficient vigor, and I believe that many of the abuses the committee now hears about would not have taken place had this been done. Clearly, the Federal Government has been lax in discharging the responsibilities it assumed under that Act. Many of the complaints we hear can be attributed to this laxity. Nevertheless, it is clear, as experience has shown, that some additional amendments would help the states in preventing the interstate acquisition of firearms by persons in violation of state laws or regulations. It is this traffic, the record shows, that contributes largely to the criminal misuse of firearms. It is through this route that many criminals, alcoholics, addicts and juveniles circumvent state or local restrictions against their acquisition and possession of firearms.

The goal of any legislation that is considered should be to provide the utmost federal assistance to state and local government in curbing traffic in concealable weapons that is contrary to state and local law. These are the firearms that figure most prominently in crime. Because of their concealability and lack of bulk, handguns are the firearms favored by criminals and the criminally inclined. They are the firearms most used in premeditated crime. I believe that the flow of pistols and revolvers to certain individuals can be slowed by the enactment of appropriate legislation and by its subsequent vigorous enforcement. All interested persons should realize, however, that it would be unrealistic and inaccurate to assume that any legislation ever would end the misuse of firearms or, for that matter, of automobiles, narcotics, alcohol or kitchen knives.

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Certainly, it is reasonable to expect that any state or local unit of government, experiencing difficulty with the misuse of firearms, should have enacted or should enact laws pertaining to the possession of firearms to meet its own specific purposes. What these units of government need now, because local laws are being circumvented by the out-of-state purchase of firearms, is a relatively uncomplicated and straightforward act to close this loophole.

Senator Mansfield and I believe that this would be done by the enactment of legislation along the lines of that (S. 1853) introduced by the senior Senator from Nebraska (Mr. Hruska). We believe that this proposal closes the loopholes that have been causing the most trouble, makes certain other needed corrections in the Federal Firearms Act, properly establishes restrictions on interstate traffic in the problem handguns, while at the same time assuring the least inconvenience to the millions of citizens who own and use firearms for lawful purposes. The committee will find, I am sure, that legislation of this kind, does have the support of all of the major sporting and shooting organizations as well as of individual sportsmen across the country.

Contrary to some of the statements that have appeared in the press, I find that sportsmen do believe that improvements can be made in the Federal Firearms Act. They do believe that some improvements are necessary and that the amendments that would be made by S. 1853 are workable, realistic and hold promise of effectiveness. They hold the promise of helping the state and local governments to enforce laws and regulations that respond to conditions as they exist in various sections of the country. They do not seek to invoke a broad national ban on firearms. Rather, the recommended amendments recognize that conditions vary widely through the country and that a ban or prohibition that may be desirable in one state or local area may not be in the best interest of another.

Before concluding, Mr. Chairman, I want to comment on another legislative matter that has the strong endorsement of sporting groups throughout the country. This is the control of destructive devices, automatic weapons and others that can only be used for war materiel. From letters I have received and from copies of resolutions that have passed over my desk, there can be no misunderstanding about the desire of all Americans to bring crew-served weapons and other of the destructive devices under prompt control.

Unfortunately, some persons prefer to persist in thinking that sportsmen object to such control. Nothing could be further from the truth. Sportsmen want destructive devices controlled, but not to be accomplished by an amendment to the National Firearms Act, the so-called Machine Gun Act, rather than through the Federal Firearms Act, which applies solely to sporting firearms. There is a clear distinction between machine guns and weapons of that kind and sporting firearms. Machine guns, hand grenades, and the heavy ordnance of war have a use and a purpose separate and apart from sporting firearms. That is why we have a Federal and a National Firearms Act.

Personally, I doubt if we ever will see the day when sportsmen will agree to lumping sporting firearms and destructive devices into the same basic law. I am confident that a destructive device amendment to the National Firearms Act could have been enacted by now had it not been for the ill-advised persistence of some persons to link such weaponry with sporting firearms. Under an agreement discussed 24 May on the Senate floor, S. 1854, a bill to amend the National Firearms Act, has been referred to this committee. This is the first time that the committee has had an opportunity to consider the two facets of this problem together in this manner. Again, Senator Mansfield and I urge that this proposal receive prompt consideration and that destructive devices be included under the National Firearms Act.

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I have sought in these brief remarks to show that there is positive support for certain corrective firearms legislation in Montana and throughout the Nation, Mr. Chairman. This support is based on the belief that Federal legislation should assist, rather than usurp, state and local authority to deal with the firearms problem as it may exist. There is no justification, in my opinion, in attempting to blanket the entire country with restrictive legislation when the criminal misuse of firearms is largely a local or regional problem.

Maximum, but realistic, effort should be made to restrict the interstate traffic in concealable weapons, the kind of firearms that are used most prevalently in the commission of armed crime. Much of the difficulty that has been encountered, especially in the centers of population where armed crime is most prevalent, would be overcome by more vigorous law enforcement and by greater attention in the courts. The failure to provide such enforcement and the laxity of some courts have contributed to the current problem.

Corrective legislation along the lines that I have discussed, plus better enforcement all the way from the streets to the courts, will do much to solve the problem with which all law-abiding persons are concerned.

Mr. Chairman, I ask unanimous consent that my statement of last August 18th, and a resolution, adopted by the Disabled American Veterans, Department of Montana, at the convention in May of this year, be included at this point in the record.

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