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June 10, 1968

GUN CONTROL LEGISLATION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may proceed for 5 or 6 minutes.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the Senator from Montana is recognized.

Mr. MANSFIELD. Mr. President, there has been a great deal of pressure for the passing of anti-gun laws to prevent violence and to stop assassinations. I believe that 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.

I believe that most guns used in the execution of a felony are bootlegged, stolen, or guns bought under the counter. It is my further belief that the persons who would be most affected are those law-abiding citizens who possess firearms for the protection of their families, their homes, their possessions, and their recreation.

I would point out that the Senate, on its own initiative before the assassination of our late beloved and respected colleague, Senator Kennedy, completed action on the safe streets and crime control bill.

The Congress completed action on this bill which bans interstate mail order sales of handguns and permits over-the-counter sales of handguns within a State only to residents over 21. Incidentally, 44 percent of the murders in this country were committed with handguns and only 16 percent by other guns. Rifles and shotguns are not covered by the restrictions.

The bill also outlaw possession of any sort of firearms by persons convicted of a felony, mentally incompetent, veterans with anything less than an honorable discharge, Americans who have renounced their citizenship and aliens illegally in this country.

The action of the Senate, concurred in by the House, does not ban the mail-order sale of rifles or shotguns, nor does it fulfill many of the recommendations cited by the President's Commission on Law Enforcement and Administration of Justice. That Commission recommended:

First. The outlawing of private possession of such military-type firearms as bazookas, machineguns, mortars, and antitank guns.

Second. Prohibiting such persons as habitual drunkards, drug addicts, mentally incompetent, mentally disturbed, and ex-convicts from buying or possessing firearms. This has already been done by the Senate in the safe streets and crime control bill.

Third. Under-scored the need for State registration of all firearms, and State permits to possess or carry handguns.

These requirements will not stop the killing; they may help to discourage it, and personally I would favor them.

The President and the people of this country can be assured that the Chief Executive's plea to close the "brutal loopholes" in our gun laws will be given every consideration.

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 refused to assume theirs.

As far as handguns are concerned, it is my belief that they should not only be outlawed, as they are in the bill passed by the Senate, but that the most serious consideration should be given to restricting their use to law enforcement authorities or other persons qualified to use them in the line of duty.

Again I want to repeat, so that the issue can be set forth in perspective, that we can pass all the gun laws in the country and still not prevent people from getting shot. Gun laws no matter how stringent are not the answers and are not a cure-all, and we all had better face up to that fact. The answer lies in a sense of responsibility, parental control, more and better trained police, improvement of environmental conditions, obedience to the law, and less protection for the criminal and more protection for the innocent. There is too much lawlessness, disrespect, and irresponsibility today, and as far as guns are concerned every weapon in the country could be seized and confiscated, but we would still have the problem of June, of a crude type which could be manufactured at home, could be used with deadly accuracy, and they could kill.

It is impossible to give total protection to any public figure today, and while some States, such as California, Michigan, and New York, have tight gun control laws, yet in California a suspect possessing a gun illegally, carrying it illegally, and using it illegally, took the life of our late colleague.

Any proposal on gun legislation will, I hope, and I am sure, be given prompt consideration by the Judiciary Committee or by whatever committee it may be referred to.

Any bill that is reported will be taken up promptly by the Policy Committee and will be brought to the floor of the Senate after that committee has acted.

We ought to think not only of public persons—and their deaths are, indeed, tragic—but also of the ordinary people, such as the two marine lieutenants, one of them from Fishtail, Mont., who were shot in a little hamburger stand in Washington during the past week; of the bus-driver who was held up and murdered; of the high school boy from Wilson High School, who a week or 10 days ago was assaulted and murdered; and of the thousands of little people, who are likewise entitled to just as much protection as are public figures, although certain public figures, because of their particular circumstances, need a great deal more. I shall have more to say about that at a later time.

Mr. President, I conclude by stating again that it was the Senate that initiated a good bill for the control of handguns, and that the House also approved that bill. So far as I am concerned, I hope that the President will sign the safe streets and omnibus crime control bill, because I think it is not only needed, but is also long overdue.