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Gun Control Legislation

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June 17, 1968

CONGRESSIONAL RECORD — SENATE

S.723

FIREARMS CONTROL LEGISLATION

Mr. MANSFIELD. Mr. President, on June 10, in a speech before the Senate, I set forth my views on my position on firearms. I pointed to the potential dangers inherent in the practice of liberal firearms legislation. I stated at that time what I thought should be done and what I had consistently stood for. I asked unanimous consent that the remarks I made on June 10 be printed at this point in the Record.

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

GUN CONTROL LEGISLATION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may proceed for 6 or 8 minutes.

The President pro tempore. Is there objection to the extension of time? 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 antigun laws to prevent violence and to stop assassinations. I believe that it is imperative for the 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 are those law-abiding citizens who possess firearms for the protection of their families, their homes, their possessions, and themselves.

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 within a State only to residents over 21. Incidentally, 44 percent of the murders in this country were committed with handguns and only 10 percent by other guns.

Rifles and shotguns are not covered by the bill. Senator TAYLOR has already been done by the Senate in the safe streets and crime control bill.

I favor, and I have favored, the registration of all firearms, but I believe that it is a step in the vastly a better direction than the various States should accept this responsibility and not place it on 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 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. Today too much lawlessness, irresponsibility today, and as far as guns are concerned around this country could be seized and confiscated, but we would still have the problem of guns of a crude type which could be manufactured at home, could be used within the family, 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 a public figure.

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

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

We cannot think of only public persons—and their deaths are, indeed, tragic—but also of the ordinary people, such as the one of the two Negro boys who were shot at from a hamburger stand in Washington last week.

I would favor putting into law all firearms, including the outlawing of the private possession of such military-type firearms as bazookas, machine-guns, mortars, and anti-tank guns.

Second, prohibiting such persons as habitual drunks, drug addicts, mentally incompetent, veterans with anything less than an honorable discharge, and anyone who has removed his citizenship and aliens illegally in this country.

Third, 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. This Commission recommended:

First, the outlawing of private possession of such military-type firearms as bazookas, machine-guns, mortars, and anti-tank guns.

Second, prohibiting such persons as habitual drunks, drug addicts, mentally incompetent, mentally disturbed, and ex-con- victs from possessing firearms. This bill has already been done by the Senate in the safe streets and crime control bill.

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

Fourth, that we not stop the killing; they may help to discourage it, and personally I would favor them.

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.

Mr. MANSFIELD. On June 12, the distinguished junior Senator from Maryland [Mr. Tydings] introduced a firearms control bill, which I have said before, is an excellent vehicle for the course of that speech I engaged in a colloquy with him relating to its meaning and intent. I ask unanimous consent, Mr. President, to have that speech printed at this point in the Record.

There being no objection, the colloquy was ordered to be printed in the Record.

Mr. MANSFIELD. Mr. President, will the Senator from Maryland yield?

Mr. Tydings. I do not yield.

Mr. MANSFIELD. Following the distinguished Senator's line of thought, I should like to add that two judges on the Federal Court who had just been graduated from Quantico were shot in a hamburger shop in Washington last week. One of them, 2d Lt. Thaddeus Lempick, was from Huntsville, Al.

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 that these examples could be multiplied many times over.

If I may, I should like to ask a question of the distinguished Senator from Maryland.

Mr. Tydings. Certainly.

Mr. MANSFIELD. Do I correctly understand the Senator to say that he is not introducing today—I have not seen it; I am looking at some statements concerning it—I would not support 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 a Negro boy to have a .22 caliber rifle?

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 State of Maryland 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 that this nation had not 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-type firearms as bazookas, machine-guns, mortars, and anti-tank guns, prohibiting such persons as habitual drunks, drug addicts, mentally incompetent, mentally disturbed, and ex-con- victs 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 the recommendations of 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.

"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 legislation, 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 them.

Is that in accord with the Senator's proposal?

Mr. Mansfield. That is exactly the philosophy of the proposal. As a matter of fact, we had before us the Senator's speech and his recommendations were 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 same gun laws by State legislatures have been vehemently opposed by the Nation—In New Jersey—and therefore, we have refused to assume responsibility for the regulation of all firearms, but I believe that the Federal law which was enacted in 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 the guns they wanted—and drive back to New Jersey.

The entire thrust of this bill is really to provide Federal Government protection to the extent any act. This bill is complementary to the gun law which Congress enacted as title IV of the omnibus crime bill. The Tydings bill will require registration of all firearms, and a permit for the possession of any firearm.

Registration will provide a record of every gun. Requiring a permit for the possession or purchase of a firearm will at last give American public some assurance that criminals, addicts, and mental incompetents will not be able to own, or even possess a weapon. Indeed, unpermitted possession would be heavily punished.

This bill will not disarm any law-abiding citizen or unreasonably interfere with the right to own a gun. In fact, it will require permits to be issued for such meritorious reasons as protecting one's home or property or for sporting purposes, including hunting and target shooting. The bill will not preempt States right. It specifically provides that a State law of equal force or effect as the Federal law will control. Where a State does not act, the Federal law will apply simply to protect the public.

There is no person in this country whose conscience has not been deeply troubled by recent events; by the public tragedies covering the assassinations of our late beloved President, John F. Kennedy, of Dr. Martin Luther King, of Medgar Evers, and of our late beloved and highly respected colleague, Robert F. Kennedy. We have been troubled, too, by the other murders, assassinations and assaults—the private tragedies that have received little in the way of publicity but continue to serve as constant reminders of the depth of violence in our everyday lives. I speak of the murder of two young marine lieutenants earlier this month, one of them a young man from Fishtail, Montana, and the other too numerous to mention but all still alive in our memories.

I have been thinking of all of these people and what could be done, not as a cure-all which no one should believe is feasible or possible, but in alleviating crime, curbing irresponsibility and the lack of respect which has become so endemic in this Nation's history.

It is my belief that a sound gun law is a sane and rational approach; one that can be of great help in bringing about a reduction in the murders caused by long and short guns alike. I recognize, of course, as I have stated on many occasions, that there are legitimate, necessary, and compelling reasons for law-abiding citizens to possess guns. And the Tydings bill will protect such citizens just as car owners and others are protected through registration from misappropriation or theft.

The Tydings legislation will not disarm the right to own a gun. It will strengthen the hands of police officials in the tracing of murder weapons. It will prevent the petty criminal and the person of little reputation who cannot buy a gun over the counter from a licensed dealer from buying one through the mails.

I have also gone over the testimony of Mr. J. Edgar Hoover, the Director of the FBI, who states:

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

And also of Quinn Tamm who is, incidentally, a former Butte, Mont., man and is now the director of the International Association of Chiefs of Police, who says:

"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 ... . 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."

I have also gone over again the recommendations of the President's Commission on Law Enforcement and the Administration of Justice and have come to the conclusion, in line with my own conscience and on my own responsibility, that I will support the Tydings firearms control bill. It is in accord with the remarks which I made in the Senate on June 10. It will, in my opinion, help to reduce gun crimes, and it will have my full support.

I ask unanimous consent that I may be listed as a cosponsor of the Tydings firearms control bill.

Mr. Hollings (in the chair). Without objection, it is so ordered.