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Gun Control Legislation

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CONGRESSIONAL RECORD — SENATE

S 10933

The PRESIDING OFFICER. The Senator from Montana is recognized for 5 minutes.

Mr. MANSFIELD. Mr. President, this post-convention session of Congress is full of uncertainties and difficulties. It confronts us with many delicate questions for consideration.

We not only have to consider the confirmation of Mr. Justice Fortas next week and the nuclear nonproliferation treaty, I hope, next month, but we also have a gun bill before us for disposal.

This is a most difficult issue. I do not care whether a Senator comes from a big Industrial State or a rural State like Montana. I have received my share of criticism on this particular issue, as well as my share of praise. However, I do want to say that the criticism has been in the majority and the praise has been limited and in the minority.

The issue is difficult, delicate, emotional, and practical.

Until the death of two young marines in Washington several months ago, I was against any kind of legislation. I come from a State which guns are almost added arms for all our people. It is a State in which the crime rate is low, extremely low, a State in which people know how to use guns responsibly, a State which has had guns as a way of life since the days that it was a territory, and even before then.

When a man becomes a Senator, he automatically wears two hats. He is a Senator of the United States. The problem which confronts us in this matter of gun legislation is not applicable to a State like Montana. But it is applicable to those parts of the country in which 80 percent of our people live. It is there that the great majority of the crimes take place. It is there, as population increases and becomes congested, that more and more violence results. And while there is more murder resulting from the use of hand-guns, that does not mean that there is not plenty of murder and attempted murder resulting from the use of long guns.

I was shocked at the assassination of President Kennedy. I was shocked at the assassination of Dr. Martin Luther King, Jr. I was shocked at the murder of our late, beloved colleague, Senator Robert P. Kennedy. But what happened to those men did not change my mind.

What happened to a young Marine lieutenant from Fishtail, Mont., did change my mind, because he was wantonly murdered here in the District of Columbia.

I have no apologies to make for the stand which I have adopted since that time, because in my conscience I feel I am doing the right thing. I know that the pending amendment and the bill are not cure-alls. But I do think it could dilute and decrease the number of crimes committed by the use of weapons, long gun or hand.

I have received some communications from my State which say, for example, "Guns don't kill; people do." Well, that statement oversimplifies the matter, because guns do not go off by themselves. They go off in the hands of people—sometimes under the stress of emotion and strain, and sometimes deliberately.

I received letters from people in my State saying: "This is the first step towards confiscation." I deny that without equivocation, because if I thought that the pending amendment or the bill even leaned in that direction, I would vote against both.

Some people write and say: "Register Communists, not guns."

For their information, in my early days in the Senate, I did join with several of my colleagues, including the late President John F. Kennedy, in voting for a bill in this Chamber which passed. That bill called for the registration of all Communists.

Some people seem to think this is an invasion of their rights. Perhaps they have a point there. But I would say that the pending bill, contrary to what has been said by some Senators on the floor today, is not aimed at the law-abiding citizen. On the contrary, it is aimed at those who violate or who potentially can violate the law.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. TYDINGS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Maryland has 5 minutes remaining.

Mr. TYDINGS. Mr. President, I yield an additional 2 minutes to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized for an additional 2 minutes.

Mr. MANSFIELD. Mr. President, I point out that in the explanation given by the distinguished Senator from Maryland, there is nothing confiscatory, implied, stated, or intended.

I point out that the purpose for the
registration of firearms is to help the police agencies in this country trace down crime.

I point out that the licensing of gun users is applicable not so much to the law-abiding citizens of this country, but to the people with criminal records who are drug addicts, alcoholics, mental incompetents, and who in this Nation today in most States can buy guns over the counter.

I point out that basically this is not a Federal registration and licensing law. This is a law which says to the States, “You do it, and we will abstain.” The States are given every opportunity, and the States have the initial responsibility.

There have been some statements made today about photographing registrants, and the like.

I would point out that, while those proposals are in the administration bill sent to the Senate—a bill which I oppose, because I believe it goes too far—in the administration bill are provisions which require fingerprints, photographs, police statement on record and identification, and a doctor’s certificate on mental incompetency, but no similar requirements are in the Tydings proposal.

Furthermore, the administration bill calls for mandatory Federal legislation, whereas in the Tydings proposal the States get a reasonable period of time in which to enact their own laws first.

In the administration bill is a proposal which permits the cutoff of Federal wildlife conservation funds in the event of noncompliance by a State. No such proposal is in this bill.

This is a reasonable bill. It does not mean the setting up of a bureaucracy. It takes care of the legitimate initial rights of the States. It is not aimed at the law abiding but, rather, at those who violate the law.

I believe this bill is worthy of the consideration of the people of this country and the Members of this body. I know, as much as anyone else in this Chamber, what voting on this bill means. But I believe that those of us who come from the rural West have an obligation to the rest of the country; that all of us, regardless of where we come from, have an obligation to cut down on crime. What is happening in the way of violence in this country today makes this country look pretty bad not only in the eyes of its own people but also in the eyes of the peoples of the world. What do we intend to do about it?

When the Members of the Senate think about this amendment, they should remember that all of us wear two hats—as Senators from the States from which we come and as Senators of the United States.

I sincerely hope that this most meritorious amendment, which protects every possible right I can think of, is approved by the Senate shortly.