Gun Control and Obscene Literature

Mike Mansfield 1903-2001

Let us know how access to this document benefits you.
Follow this and additional works at: https://scholarworks.umt.edu/mansfield_speeches

Recommended Citation
https://scholarworks.umt.edu/mansfield_speeches/782

This Speech is brought to you for free and open access by the Mike Mansfield Papers at ScholarWorks at University of Montana. It has been accepted for inclusion in Mike Mansfield Speeches by an authorized administrator of ScholarWorks at University of Montana. For more information, please contact scholarworks@mso.umt.edu.
Mr. MANSFIELD. Mr. President, it would be my hope that the Committee on the Judiciary would immediately, after the Fourth of July recess is completed, start hearings on an amendment to the Gun Control Act of 1968 which I offered on February 4, 1969. The amendment offers an approach that says to the criminal in terms that are clear and simple that the use of a gun will be met with punishment that fits such an act of violence.

For a first offender the penalty would be a mandatory 1 to 10 years in prison. For a subsequent offense the penalty would be a mandatory 25 years in prison. Furthermore, under no circumstances can the sentence imposed against the criminal gun user be suspended or assessed concurrently with the sentence applied for the commission of the crime. In other words, the gun criminal will be compelled to serve additional time in prison solely for deciding to use a firearm.

It seems to me that no leeway or discretion is needed for a criminal gun user who employs this weapon in the committing of a crime. The ultimate application of this amendment, if approved, will be up to the criminal himself.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a statement which I made covering this amendment.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

S. 849—INTRODUCTION OF BILL—GUNS AND CRIMINALS

Mr. MANSFIELD. Mr. President, like so many others, I am alarmed with the increasing use of firearms by criminals in our society: I am appalled by the criminal’s quick resort to a gun when deciding to commit his insidious acts. In this respect, the Congress saw last fall to make it more difficult for the lawless and untrained to obtain weapons. It is my belief that in its implementation this law—the Gun Control Act of 1968—will serve more effectively as time passes to cut down on the inordinate flow of firearms into the hands of the criminal and the incompetent, the drug addict, and the alcoholic.

For the present, however, the ease with which any element of our society has been able to obtain weapons precludes the dramatic effects this legislation can expect to bring in the future.

But there remains another approach to curtailing gun crimes—an approach that says to the criminal in terms that are clear and simple that the use of a gun will be met with punishment that fits such an act of violence. This approach is contained in an amendment to the Gun Control Act of 1968 which would provide a mandatory additional prison sentence for criminals who choose to resort to firearms.

For a first offender the penalty would be 1 to 10 years in prison. For a subsequent offence—25 years. This proposal varies from the present law in two major respects. Under no circumstances can the sentence imposed against the criminal gun user be suspended or assessed concurrently with the sentence applied for the commission of the crime. In other words, the criminal will be compelled to serve additional time in prison solely for deciding to use a firearm. Second, under the provisions of this proposal, a subsequent offender will be compelled to serve 25 years for his choosing to use a gun. It seems...
to me no leeway or discretion is needed in the case of a criminal gun user who employs this weapon of violence a second time. I agree that in providing mandatory sentences on the congressional level, questions will be raised. But just as the case of gun accessibility by the lawless reached national proportions justifying congressional action with the 1968 gun law so does the penalty for the criminal use of guns warrant equally close attention and careful consideration by the Congress. To put it frankly, gun crimes have become a national disgrace.

It is in this light that I offer this proposal for a mandatory prison sentence against perpetrators of violent gun crimes. It will serve, I hope, as a focal point. For ultimately it is up to the criminal. In the first instance, it is he who decides to resort to a gun. If he finds the penalty so severe as to deter its use, only then can society be protected from the violence it produces.

**AMENDMENT OF GUN CONTROL ACT OF 1968**

Mr. President, I introduce, for appropriate reference, a bill to amend the Gun Control Act of 1968 and ask unanimous consent that its text be printed in the Record.

The **Vice President**. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 849) to strengthen the penalty provisions of the Gun Control Act of 1968, was received, read twice by the title, referred to the Committee on the Judiciary, and ordered to be printed in the Record, as follows:

"S. 849

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (c) of section 924 of title 18, United States Code, is amended to read as follows:

"'(a) Whoever—

"'(1) Uses a firearm to commit any felony which may be prosecuted in a court of the United States, or

"'(2) Carries a firearm unlawfully during the commission of any felony which may be prosecuted in a court of the United States, "shall, in addition to the punishment provided for the commission of such felony, be sentenced to a term of imprisonment for not less than one year nor more than 10 years. In the case of his second or subsequent conviction under this subsection, such person shall be sentenced to a term of imprisonment for not less than 25 years and, notwithstanding any other provision of law, the court shall not suspend the sentence of such person or give him a probationary sentence nor shall the term of imprisonment imposed under this subsection run concurrently with any term of imprisonment imposed for the commission of such felony."

Mr. MANSFIELD. Mr. President, the second piece of proposed legislation which I would urge the Judiciary Committee to face up to relates to unsolicited obscene and pornographic literature being sent through the U.S. mails. I have received numerous protests from my constituents in Montana, and I believe the situation has reached such a magnitude that it demands action on the part of the Federal Government.

First of all, it is important to protect children against this kind of traffic in smut. Furthermore, I see no reason why the average citizen should have to put up with this kind of unsolicited material sent through the mail. The responsibility for keeping this material out of the mail should be placed on the sender, not the unsuspecting boxholder as is now the case.

It would be my hope, Mr. President, that very shortly hearings on S. 2073 and S. 2074, introduced by the minority leader (Mr. DICKSEN) and other Senators, and S. 2057, introduced by the Senator from Indiana (Mr. BAYH) and other Senators, will be held, and the bills given the immediate and considerate judgment which they deserve.

I have written letters to the chairman of the Committee on the Judiciary, the distinguished Senator from Mississippi (Mr. EASTLAND), asking that these requests be given every consideration.