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Letter to Montanan re: Gun Control

Mike Mansfield 1903-2001

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Dear [Name],

Thank you so much for your letter of March 29. I am glad to have the news about the retired rails and was only too happy to recommend the Leverson twins.

As for the gun issue, I might say that in the first place, I supported the 1968 measure seeking merely to update the gun laws enacted back in 1934 and 1938. Probably the principal difference in the 1968 law is that it substituted mailorder curbs for some of the recording and registration features of the earlier laws and emphasized action at the state and local levels.

Contrary to what some people have been led to believe, the 1968 measure assures the right to own and carry a gun, to shoot and to hunt and to protect one's self and others, and to defend one's property and the property of others. In all, 71 Senators representing 40 other states supported the Gun Control Act of 1968. Only seventeen Senators voted against.

In making my decision, I reviewed the entire hearing record compiled by the Senate Judiciary Committee; I read the testimony of witnesses on all sides, and I considered the favorable recommendations of both the Federal Bureau of Investigation and the National Association of Chiefs of Police. In the end, I made my decision knowing full well that to some people in the State of Montana, the whole notion of gun legislation is repugnant in any shape or form. I understand and appreciate such a view completely.

We in Montana rarely experience the use of weapons by the irresponsible. We assume that the proper use of a weapon is taught to each person before access is afforded; that training and supervision precede the acquisition of a gun. That is not the case elsewhere in the land. In Chicago, and Detroit, in New York, Toledo, the District of Columbia and Los Angeles, countless
acts of gun violence are committed daily and these are places visited by people from across the Nation. It was here in Washington, for example, that young Thad Lesnick, a Marine from Fishtail, Montana, was shot to death while eating at a restaurant counter. It was here in Washington, as well that Harry Gelsing, a medical researcher from Helena, was dragged into an alley and shot point-blank by a group of thugs.

Doing nothing in the face of incidents such as these was simply no answer. So in addition to joining almost three-fourths of the Senate in supporting the 1968 law, I also submitted a bill that, if enacted, will impose mandatory prison sentences against those who commit crimes using a gun. This mandatory sentence would be imposed separately and solely against the criminal for his choice to use a gun. I am happy to note that my bill, S. 849, has already passed the Senate.

It has been pointed out that the firearm is a mere piece of metal that can neither think, read nor breathe. Guns cannot think. But the people who use them can. And unfortunately, some people in some parts of this Nation simply do not have the training and supervision -- so commonplace in Montana -- that enable them to think prudently when given a gun. It was the easy access afforded to these unthinking and untrained people that was sought to be limited with gun legislation in 1968. Crime weapon identification was of secondary importance.

The gun law that passed the Congress does attempt to meet this problem of easy access and does so, I think, with generally little sacrifice on the part of the responsible gun owner: no more say than what is asked of the responsible automobile driver. Certainly there have been features of this law that in my opinion have imposed -- either through misinterpretation or wrongful application -- an excessive burden on the lawful gun owner. For example, in its application of the so-called ammunition provision, the Treasury Department called for the collection of a great deal of specific data concerning each sale of ammunition. This form of registration was neither intended nor suggested by Congress. As a result, the law-abiding gun-owning public was burdened immensely in efforts to purchase ammunition. There was little or no corresponding benefit.
I therefore, joined with Senator Bennett to repeal this ammunition section. As for long guns and shotguns, the section has been repealed. I was happy to sponsor this amendment and would respond similarly whenever I feel that the intent of Congress is not being served or when the law appears not to meet the objectives sought. In this connection, I feel it is at best premature to judge the overall effect of this law; a law that has been on the books for a little more than a year.

On the whole, the law contains responsible restrictions on the interstate sale and transportation of guns. It inhibits gun access by the lawless and untrained, the incompetent and the addict. Most significantly, it complements existing State and local laws that bar gun sales to mental incompetents, hoodlums and the like who heretofore could merely drive to the State adjoining and pick up a Saturday night special to carry out any wanton act of violence. And while it is true that mailorder sales are out, dealers and manufacturers are preserved their rights to ship weapons into every State.

In closing, let me apologize for the length of this letter. But I did want to present the picture as I see it. I would only add again that I felt that the response of no legislation was and is simply inadequate in the face of gun violence that contributes so much to our spiraling crime rate. In 1968, the Congress passed a gun law that I feel strikes a proper balance between those who want no legislation and those who would urge confiscation. I think the law represents a reasonable approach and one that all the sportsmen in Montana and throughout the Nation can accept.

As for the question of what can be done to get this message across, I frankly do not know. As you know, John, I personally answer every one in the state who writes. I explain my views and my reasons in detail -- just as I have to you. Beyond that, I know that this is a most sensitive issue and that some groups and organizations are quick to exploit it. I do have a great deal of faith in Montanans, however. I am confident that they will recognize it when a few (many from outside the state) attempt to spread fear and apprehension with distortions and misrepresentations. I think that has happened on this issue. In the end, I think all reasonable people will reject such tactics.
Again, John, thank you for writing. Thank you as well for your loyalty and most of all for all of your help.

Sincerely,

Mike Mansfield